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HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

24° VICTORIÆ, 1861.

VOL. CLXII.

COMPRISING THE PERIOD FROM

THE NINETEENTH DAY OF MARCH, 1861,

TO

THE SEVENTEENTH DAY OF MAY, 1861.

Second Volume of the Session.

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Wednesday, April 17.

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Friday, April 19.

Marylebone.—John Harvey Lewis, Esq., *v.* Edwin James, Esq., Manor of Northstead.

Wednesday, April 24.

Southwark.—John Locke, Esq. Re-elected.

Monday, April 29.

Tynemouth.—Richard Hodgson, Esq., *v.* Hugh Taylor, Esq., Manor of Hempholme.

Friday, May 3.

Banffshire.—Robert William Duff Abercrombie, Esq., *v.* Major Lachlan Duff Gordon Duff, Chiltern Hundreds.

Monday, May 6.

Montgomery Borough.—Captain John Samuel Willes Johnson, *v.* David Pugh, Esq., deceased.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*
APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED
TILL FEBRUARY 5, 1861, IN THE TWENTY-FOURTH YEAR OF THE
REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, March 19, 1861.

MINUTES.] PUBLIC BILLS.—1ª Consolidated Fund (£4,000,000); Bills of Exchange and Promissory Notes (Ireland).

QUALIFICATION FOR OFFICES ABOLITION BILL.—SECOND READING.

ORDER of the Day for the Second Reading read.

LORD TAUNTON moved that the Bill be now read the second time. Last Session a similar Bill had come up from the other House, but their Lordships had refused to pass it into a law. He hoped it would now find greater acceptance at their Lordships' hands. The measure did not involve considerations of first-rate importance, but there were some considerations connected with it which would make him regret exceedingly a refusal on their Lordships' part to read it a second time. The object of the Bill was to abolish the declaration which was imposed on those who accepted offices of trust and profit under the Crown; and which was to the following effect:—

> I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, on the true faith of a Christian, that I will never exercise any power, authority, or influence, which I may possess by virtue of my office of [ ] to injure or weaken the Protestant Church, as it is by law established in England, or to disturb the said Church, or the Bishops and Clergy of the said Church, in the possession of any rights or privileges to which the said Church or the Bishops and Clergy of the said Church are or may be by law entitled."

This was not a mere technical declaration, but one most seriously made in the presence of Almighty God, and one, therefore, that ought not to be taken in a light or irreverent manner. The oath was intended to be taken by every person accepting a place of trust under Her Majesty. Persons holding high official positions might be supposed to be enabled to molest the Church of England in case they were so disposed; yet he ventured to say that the instances were very rare in which this declaration was taken by them. He very much questioned whether the noble and learned Lord opposite (Lord Chelmsford), though he had dispensed the enormous ecclesiastical patronage connected with the office of Lord Chancellor, had ever taken the declaration to which he referred.

LORD CHELMSFORD: I did.

LORD TAUNTON: Then his noble and learned Friend was a conspicuous and honourable exception to the rule. But he greatly doubted whether the noble Earl beside him had done so, though he had discharged the responsible duties of First Minister of the Crown.

THE EARL OF DERBY: Yes; I did.

LORD TAUNTON said, he had been unfortunate in his selections. He had himself held various offices under the Crown, and had never taken it. A Bill of Indemnity was, in fact, passed every Session to relieve those who had not made the declaration from the consequences of their neglect. It was not seemly that a declaration which was so notoriously disregarded that a Bill was annually passed to relieve persons from the consequences of so disregarding it should remain on the statute book. It was difficult to say in what way a mayor or councilman could now-a-days *virtute officii* injure the Church by law established. Formerly there was the shadow of a pretext for such a declaration, because ecclesiastical patronage was entrusted to town councils, but the Municipal Reform Act took all such patronage away from town councils. The mere fact of making the declaration was calculated to produce uneasiness in the minds of some persons by making them fancy it meant more than it really did; and many persons who were admitted to office in municipal corporations were annoyed by being required to make such a declaration; they objected to invoking the name of God in declaring that they would not do a thing which by no possibility they could do. He would appeal to the right rev. Prelates in the House and ask them whether an enactment which produced no security to the Church, but which was felt by scrupulous men throughout the country to be useless and unwise, ought not to be repealed? He hoped the right rev. Prelates would lend their high sanction to its repeal. It was said by those who opposed its repeal that it was part of a kind of compact made at the time when the Test and Corporation Acts were repealed, and that it was then deemed essential to the security of the Church. He recollected the circumstances under which the Test Acts were repealed, and could understand how the repeal of the declaration in question might have been objected to if it had been proposed some two or three years after it had been enacted; but now circumstances were different. The Church had clearly been strengthened and not weakened by the repeal of the Test and Corporation Acts, and needed no such declaration to maintain it. He recollected to have heard with great pain a noble and learned Lord (Lord Chelmsford) say that the object of the late Sir Robert Peel in asking for such a declaration was to obtain from every Dissenter an acknowledgment of the pre-eminence of the Established Church. It would be most unwise to the friends of the Church to rest their opposition to the repeal on such a ground. He believed the Church had never been so secure or so strong as it was at present. That security, he believed, arose in the first instance from the attachment of that large portion of the community which professed the doctrines of the Church. He rejoiced to think that the security rested on another ground, which he regarded as of the utmost consequence to the country—he meant the general respect and good will entertained for the Church even by those who did not belong to it. He believed the Church had gained strength by Catholic Emancipation and by the repeal of the Test and Corporation Acts; and believing that the repeal of this declaration was desirable both with regard to the Church as well as to the feelings of those who regarded the declaration as irreverent and useless, he hoped their Lordships would read the Bill a second time.

Moved, That the Bill be now read 2ª.

LORD CHELMSFORD: Your Lordships will remember that in the course of last Session a Bill similar in its provisions to the present was brought up from the House of Commons, which after a short discussion on the second reading was rejected. The present measure has the advantage of the advocacy of my noble Friend; but, notwithstanding his powerful aid, I hope its rejection upon the present occasion will be as decisive as it was upon the last. Your Lordships will, perhaps, allow me to state the circumstances under which this declaration was adopted. At the time when the repeal of the Test and Corporation Acts was proposed to Parliament a general apprehension was excited throughout the country that by the admission of

Dissenters to office the Established Church would be endangered. Many of the warmest advocates for the Bill were opposed to an unconditional repeal; and to allay the alarm and conciliate the feelings of the people a declaration was proposed in a Committee of the Whole House, by which persons who were admitted to offices should be required to make this declaration. The proposition was adopted by Sir Robert Peel, and by him moulded into the shape of an Act of Parliament. The noble Lord has said that I was slightly in error when I stated that Sir Robert Peel declared that the object of the declaration was to obtain a recognition of the predominance of the Established Church. I have now before me the exact words of that distinguished statesman, and they are as follows:—

> "The wisest and best course, he was convinced, would be to come to such a final arrangement as, while it should not affect the fair and conscientious scruples of the Dissenters, would give a reasonable proof to the Church of England that in the repeal of these long-established tests, which were considered as a much-valued security, the Legislator thought fit to require that a recorded opinion should be given, in the form of a declaration, for the security of the predominancy of the Established Church."—[2 *Hansard*, xviii. 1193.]

I think that justifies the remark which I made upon a former occasion. The declaration was the subject of anxious and careful consideration, and after the lapse of six days the noble Mover of the second reading of the Bill (Lord John Russell) went down to the House of Commons, and accepted the declaration in these terms—

> "After deeply considering the declaration proposed, I feel bound to say that I do not find it imposes any restraint on the religious liberty of individuals. It merely restrains them from exercising any influence which they may obtain, by virtue of any office to which they may be appointed, to weaken the Established Church, or to subvert its legal rights and privileges. I, therefore, am of opinion that it would be extremely inadvisable in me to propound or maintain any objection to the declaration which has been proposed. On the contrary, it would be extremely wrong in me not to admit it into the Bill as a very essential means of pacifying the country on this most important subject."—[2 *Hansard*, xviii. 1330.]

Any one who attended the debates upon that occasion can remember the excitement throughout the country, and will be ready to admit that it is highly probable that the Bill would never have passed if it had not been for the cordial admission of the declaration; therefore I think that it is not unfair to urge upon the Dissenters that, having obtained a benefit upon certain conditions, they now seek to reject the conditions and to retain the benefit. It may be objected that the changes of times and circumstances have made that which was essential at the time of passing the Bill no longer necessary, and that a burden which has been lightly felt by the Dissenters for thirty years has now become intolerable. I would venture to suggest that the discovery of these objections is somewhat singular, but at the same time I will deal candidly and justly by them. The Dissenters may be divided into two classes—those who wish no harm to the Establishment, and those who conscientiously conceive that it is their duty to take every opportunity to destroy the Church. Those who have no desire to see the Church injured may, it is said, still conscientiously object to make this declaration. My noble Friend says it is profaning the name of God on light and trivial occasions. Surely it is no light and trivial thing to declare that a person has no desire to use the influence of his office to injure or weaken the Church; and if there is any real objection by conscientious persons who have no desire to injure the Church, I say at once that I have no sympathy with such weak and sickly consciences, and am not disposed to sacrifice this declaration to their unreasonable scruples. But I will take the other class who believe it their duty to do everything in their power to overthrow the Establishment. Do they find this declaration an impediment? If they do not, of course no grievance arises from it; and if they do, then, I say, suffer those who are attached to the Church to retain this bridle on the consciences of their opponents. My noble Friend has also adverted to the objection to the continuance of this declaration founded upon the fact of the annual dispensation which is given in the shape of an Indemnity Bill; but that argument has no reference whatever to corporate or municipal officers, because they are required to make the declaration a month before their admission. With regard to the other class my noble Friend says the Indemnity Act furnishes a complete answer to the arguments put forth in favour of the continuance of the declaration. But the very same argument would have applied to prevent the declaration being originally imposed. Before the Act of 1858 there was a sacramental test required, notwithstanding which an Indemnity Act was passed from year to year. In fact the Indemnity Act furnishes a complete answer to the greatest portion of my noble Friend's case, because it relieves Dissenters from any grievance, as they may accept office in the full anticipation that they will be protected by the Indemnity Act if they do not make the declaration. My noble Friend says, how is it possible that persons holding corporate and municipal offices can possess the slightest power or influence which will enable them to injure or weaken the Established Church? That question might have been put triumphantly enough a short time ago; but I have very recently been favoured with the means of giving an answer to it by the Dissenters themselves, in the proceedings of an association called the Liberation Society, whose avowed object is to procure the separation of Church and State, whose agents extend throughout the whole country, who have issued manuals of instruction, by which persons are taught how to proceed to accomplish the destruction of the Church. Under those circumstances will it be contended that a member of this society holding a high municipal office would not be enabled through the influence of his office to promote the objects of that association. I must confess that I am astonished at some of the remarks which my noble Friend has made with respect to the little danger in which the Church is placed by the proceedings of Dissenters. My noble Friend can scarcely have witnessed what has gone on within the last few months, and yet feel no alarm at the threatened agressions of the Dissenters. On a former occasion my noble Friend at the head of the Colonial Office (the Duke of Newcastle) made some remarks which showed how entirely insensible he was to the danger. He said—

> "At the time the Test and Corporation Acts were repealed there was great apprehension that the introduction of Dissenters would be very injurious to the Established Church, but those fears have been entirely dissipated, and the experience of thirty-two years proved that, apart from the declaration, no such danger existed."—[3 *Hansard*, clvii., 1012-13.]

I very much regret that the political experience and sagacity of my noble Friend is at fault on this matter, because he always speaks with authority, and his words are much quoted, and I think that if he is at all aware of the events which have occurred since he uttered those words he would alter his opinion. I will call the noble Duke's attention to the sentiments which have fallen from members of the Liberation Society, which will abundantly convince him of what their real intention is. On the 2nd May, 1860, Mr. Miall said—

> "They had taken up the subject of church rates, not on account of its intrinsic importance, but simply for the furtherance of the great object which they all professed to have in view when they instituted that association."

And in a book called *The Nonconformist's Sketch Book* he writes—

> "The resumption for civil purposes of all funds now devoted by the State to the maintenance of the Church, the abolition of all privileges connected with the profession of the authorized creed, and the repeal of all statutes empowering the magistrate to interpose in religious affairs, is what we mean by the separation of Church and State."

Mr. Morley, another Member of the Liberation Society, thus quotes the opinions of Mr. Binney—

> "It is with me, I must confess, a matter o deep and serious religious conviction that the Established Church is a great national evil—that it is an obstruction to the progress of truth and godliness in the land—that it destroys more souls than it saves, and, therefore, that its end is most devoutly to be wished for by every lover of God and man."

One more extract and I have done. I will read what Mr. Bright has said within the last three weeks. It is as follows:—

> "And now I will tell the House what Dissenters do object to, and how they feel in regard to this question. They feel it is a struggle for supremacy. . . . . . The Dissenters regard this matter as a matter of supremacy. It is not as a matter of twopence in the pound they regard it. You will bear in mind that I could as easily taunt you with exacting twopence in the pound as you could taunt the Nonconformists with not wishing to be plundered of twopence in the pound. Remember, if it is a question of twopence in the pound on one side, it is a question of twopence in the pound on the other. But that is not the question with the Nonconformist body; it is with them a question of supremacy on the part of a great Establishment which is at least as much political as religious—against which their forefathers have fought, and against which they are obliged inevitably still to contend."—[3 *Hansard*, clxi., 1030.]

Will anybody, my Lords, after this say that there is no danger in the hostility of these gentlemen? Though this measure is a small step still I cannot but regard it as of importance from the eagerness and perseverance with which the Dissenters demand it. They make no secret of their aim, and I will not yield an inch of ground to them, however feebly I may be able to contest it. If the declaration was necessary at the time of the repeal of the Test and Corporation Acts for the purpose of pacifying the country, it is now more than ever required to guard the Church against the attack of Dissenters ; and being forewarned, as we have been, we should be guilty of the greatest weakness if in any struggle that may ensue we were not forearmed. It may be that the assault now made is not a very serious one, but it may be a step in advance to objects of greater importance; considering the hostility which the Dissenters have avowed, I will never consent to remove any barrier, however trivial, which the Legislature has provided for the protection of the Church. I beg to move that the Bill be read a second time this day six months.

Amendment *moved*, To leave out "now" and insert "this Day Six months."

Earl DE GREY and RIPON said, he was not surprised at the line of argument which the noble and learned Lord had adopted, as he had often heard it before from those with whom the noble Lord acted. It came to this, that because some of those persons who asked for this change in the law supported and advocated extreme views with regard to matters relating to the Established Church, therefore those who now supported this measure were to be held responsible for those extreme views. Their Lordships were urged to refuse their sanction to a measure just in itself, because it had been advocated by persons who were supposed to be using it as a step in advance to obtain something which their Lordships would hesitate to concede. Now that was an argument which had always been used against every beneficial change ever proposed; and none of the great reforms which had been carried could ever have taken place if that argument had been allowed to prevail. If it were fair to say that their Lordships on that side of the House ought not to make this change, which many thought right, because it was supported by persons who wished to go further, he would ask the noble and learned Lord whether he would take upon himself the responsibility of those persons whose views upon this occasion he had advocated? The noble and learned Lord brought forward this bugbear of the Liberation Society. He would bring forward other opinions—those opposed to that Society—quite as objectionable and dangerous as the opinions which the noble and learned Lord had referred to. In consequence of the efforts of the Liberation Society steps had been taken out of doors to meet their operations and to resist and counteract them. He (Earl de Grey and Ripon) took no objection to those proceedings, because he thought it was perfectly fair that those who held opinions opposed to those of the Members of that Society should endeavour to counteract them. But the noble and learned Lord wished to make their Lordships on the Ministerial benches responsible for the opinions of the Liberation Society. [Lord Chelmsford: I never intended to do so.] Now he wished their Lordships to hear what were the opinions of those who were most active in opposing the Liberation Society. An association had been formed to counteract the operations of the Liberation Society, and at a recent meeting held at Fenny Stratford, the treasurer of the Church Institution, as it was called, made a speech in which he said—

> "The Church combined was irresistible. If it were needed they could compel the House of Commons to re-enact the Dissenters Disabilities Bill, and to remove Roman Catholics from Parliament. Timid people thought that such a step would lead to revolution in Ireland, but the Orangemen were amply sufficient to keep the Irish rebels in order. The English clergy were very much in the position of the Duke of Wellington's Guards at Waterloo. They had been lying down while the shot of the enemy was flying over them. The critical moment had arrived. It must be now or never, and the watchword was—'Up, Guards, and at 'em!'"

That quotation had quite as much to do with the subject as the quotations which the noble and learned Lord had read from the speeches of Mr. Morley, Mr. Miall, and other gentlemen. But the fact was the question involved in the Bill before the House was really not one of that great magnitude which the noble and learned Lord had attributed to it. It was idle to suppose that the repeal of this declaration would interfere with the position and stability of the Church of England. If the Church rested on no better basis she would be weak indeed. But he believed that the Church of England rested upon a very different foundation, and that it depended upon the affection and respect of the people, on the beauty of her services, on the truth of her doctrines, and on the piety of her ministers. There was no real restraining power in the declaration. No one who had taken the declaration was prevented from speaking at meetings of the Liberation Society. The declaration simply required that persons should not use their office for the purpose of injuring the Church of England, and as all Church patronage had been taken away from corporations, he was at a loss to know what harm could result to the Church by the abolition of this test. This was the second occasion on which the House of Commons had deliberately sent the measure up to their Lordships' House, and he would ask their Lordships to pass the second reading, for it would not be wise, acting in the interests of the Church of England, to reject it. It was impossible to consider the declaration as anything more than an empty form, still it prevented conscientious men from accepting municipal offices. The noble and learned Lord had quoted the opinion of Mr. Bright; but it must be recollected that Mr. Bright sat in Parliament without having taken any declaration of this description, and, in the case of the Ministers of the Crown, an annual Indemnity Bill was passed for those who had not taken it. The noble and learned Lord said he himself had taken it when he was in office, but he must be one of a very small minority. If, then, this declaration were not taken by Ministers of the Crown and by Members of Parliament who might possibly have it somewhat in their power to injure the Church—of what good could it be to retain it in the case of small municipal offices?

LORD TEYNHAM supported the second reading. He did not believe there was the least occasion whatever to regard the measure as hostile to the interests of the Church of England, or as being a contest between the Church of England men and the Dissenters. It had nothing to do with the question of Church and State, and was proposed simply for the purpose of removing a grievance which had prevented Dissenters from doing their duty as citizens.

THE MARQUESS OF NORMANBY said, he did not attach much weight to tests of any kind; and, on the other hand, he could not see that any grievance existed. The question was whether his noble Friend (Lord Taunton) had established any special ground for reversing the vote of last Session, when their Lordships came to the determination to adhere to the settlement of this question which took place thirty ago. He thought the declaration was part of that great arrangement, and if any measure were necessary it should be brought forward by the Government and passed with their sanction and authority. He saw no reason why their Lordships should agree to the second reading.

On Question, That "now" stand part of the Motion?

Earl de Grey and Ripon

Their Lordships *divided:* — Contents 38; Not-Contents 49: Majority 11.

Resolved in the *negative.*

CONTENTS.

Campbell, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Ailesbury, M.
Breadalbane, M.

Airlie, E.
Caithness, E.
Camperdown, E.
Clarendon, E.
De Grey, E.
Granville, E.
Grey, E.
Saint Germans, E.
Sommers, E.
Spencer, E.
Wicklow, E.

Sydney, V.
Torrington, V.

Boyle, L. (*E. Cork and Orrery.*)

Carew, L.
Cranworth, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Foley, L. [*Teller.*]
Harris, L,
Hunsdon, L. (*V. Falkland.*
Lyveden, L.
Manners, L.
Monteagle of Brandon, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Stratheden, L.
Taunton, L. [*Teller.*]
Teynham, L.
Truro, L.
Wodehouse, L.

NOT-CONTENTS.

Canterbury, Archbp.

Marlborough, D.

Ailsa, M.
Normanby, M.
Salisbury, M.
Winchester, M.

Amherst, E.
Aylesford, E.
Derby, E.
Ellenborough, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Home, E.
Lanesborough, E.
Lucan, E.
Portarlington, E.
Verulam, E.

Dungannon, V.
Exmouth, V.
Hardinge, V.

Carlisle, Bp.
Llandaff, Bp.
London, Bp.

Berners, L.
Calthorpe, L.
Chelmsford, L. [*Teller*]
Clifton, L. (*E. Darnley.*)
Clinton, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
De L'Isle and Dudley L.
Denman, L.
Egerton, L.
Feversham, L.
Gage, L. (*V. Gage.*)
Grinstead, L. (*E. Enniskillen.*)
Kingsdown, L.
Northwick. L.
Redesdale, L.
Rollo, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Silchester, L. (*E. Longford.*)
Sondes, L.
Templemore, L.
Tenderden, L.
Wensleydale, L.
Wynford, L.

RED SEA AND INDIA TELEGRAPH BILL.

COMMITTEE.

Order of the Day for the House to be put into Committee read:

Moved, That the House do now resolve itself into a Committee on the said Bill.

LORD LYVEDEN said, the other House had had a Committee on this Bill, and he thought their Lordships ought to have before them the Report of that Committee.

LORD STANLEY OF ALDERLEY was ready to move for the production of the Report, but hoped in the meantime that the Bill would be allowed to pass through its present stage.

THE EARL OF ELLENBOROUGH said, it had been calculated that when the interest on £800,000 had been paid for forty-five years the cost of the cable to the country would be £2,400,000. He should like to know whether there was any intention of trying to bring up a portion of this cable from the bottom of the Red Sea, or whether the Government meant to try and establish this communication in some better mode? It was impossible to over estimate the importance of such a communication with India, not so much in a commercial as in a political and military point of view. When at the Board of Control he had seen something of the promoters of the line, and he thought he had never seen persons more destitute of any adequate notion as to the proper mode of carrying out such an undertaking; but he did hope that the Government would consider the possibility of laying down a line upon a totally different plan than that adopted by those gentlemen.

LORD STANLEY OF ALDERLEY said, that the consideration of this subject had not been lost sight of by the Government. The success of any submarine line appeared very problematical, but considerable progress had been made in laying a telegraphic cable down the valley of the Euphrates, and it had already reached as far as Bagdad. Persons of experience thought the best mode of effecting telegraphic communication with India would probably be by land. However, there was one portion of the submarine line—namely, that to Muscat, from the Kooria Mooria Islands which had continued in working order up to the present time. Probably the projectors of this line would not be disposed to make any further attempt to complete it without further assistance from the Government; but some other company might attempt it. The present Bill, however, did not deal with this question. All he asked their Lordships was to correct by this Bill a verbal error which had crept into the contract, and to put the Company into the position to which they were entitled, being no better and no worse a position than that which they had occupied before.

THE EARL OF ELLENBOROUGH said, he did not doubt the possibility of laying down telegraphic communication by land with India, but the communication would be at the mercy of every Arab chief, and it would be of no earthly use either in a political, a military, or even a commercial point of view. The moment hostilities broke out the wires would be destroyed. No company could safely make such a communication under a firman, hampered as it was by conditions. He had told the Company that it was only by negotiation and by an understanding between the Turkish and the English Governments that they could effect any telegraphic communication by way of the Red Sea worth having.

Motion *agreed to.*

House in Committee accordingly; Bill *reported* without Amendment; and to be read 3^a on *Tuesday* next; and

Message to the Commons for Minutes of Evidence taken before the Select Committee of the House of Commons on the said Bill; together with the Proceedings of the Committee and Appendix.

ADMINISTRATION OF THE LAW (IRELAND).—QUESTION.

THE MARQUESS OF CLANRICARDE rose to ask what measures Her Majesty's Ministers intended to propose to Parliament this Session for the amendment of the courts of law in Ireland, and the better administration of justice; and to move for returns of the expenses of the Irish courts of law. His excuse for calling attention to the subject was, that he saw no signs that the Government was disposed to take the matter into their own hands; and he thought that, in this respect, Ireland had been greatly neglected. It ought to be the policy of every statesman to draw Ireland and England as closely together as possible in the administration of the law. But at no time since the accession of the House of Hanover to the Throne had there been so great a divergence between the laws of the two countries as at the present moment. In the common law courts of Ireland the suitors were placed at a greater disadvantage than the suitors in the courts of England, and a great amount of public money was wasted in the judicial establishments in Dublin. In England many important reforms in the administration of the law had been well considered and finally passed; but that was not the case with regard to Ireland. It was wonderful how few improvements had been made in the administration of the law in Ireland for many years. Only one great improvement had been introduced—the establishment of the Encumbered Estates Court—and that was forced upon Parliament by the unfortunate condition of Ireland. It produced much individual hardship, but, on the whole, had proved highly beneficial to the country. But that was essentially an improvement in the system of Equity. There had been no important change in the administration of the common law of Ireland except the Bill, called Mr. Whiteside's Act, passed in 1825. And that Bill was passed with very little consideration. It was brought into the House of Commons in the middle of June; there was no discussion on the second reading, and on the third reading many most important clauses were proposed that had only been printed on the same morning. Exception was taken to this, and the Bill was postponed only for one day, and the clauses were then finally passed *sub silentio.* The Bill came before their Lordships in the end of July. It contained 200 clauses, affecting the whole practice of the law courts of Ireland; but not a word was said upon the Bill, except on the second reading on the 26th of July. It was on that occasion said that the Bill introduced into Ireland changes that had been found to work well in England; but this was exactly what that Bill did not do. From that time no changes had been made, and the practice of the Irish law courts had remained untouched. The proportionate expense of the Courts and their officers was much greater than that of the English Courts. The total number of orders made in Chambers by the Judges of the common law Courts of England during a year was 45,458, and it was only in 2,763 of the cases in which those orders were made that there was an attendance of counsel. In Ireland, the poorer country, the total number of Chamber Orders made during the same period was 2,305, and there was an attendance of counsel on all but twenty-two of the cases. In 1851 the number of case-judgments in the three courts of Ireland, the Queen's Bench, the Exchequer, and the Common Pleas, was 7,229; and, independently of the salaries of the Judges, the cost of the courts was £17,759. In 1860 the number of case-judgments had fallen to 3,375, while the cost of the courts had risen to £22,329. Surely some change was required when this state of things was found to exist; and he thought that by assimilating the Courts of Procedure in Dublin to those of England a great public saving would be effected as well as great economy of suitor's money. The noble Marquess concluded by asking, What measures Her Majesty's Ministers intend to propose to Parliament this Session for the Amendment of the Courts of Law in Ireland and the better Administration of Justice: And moved for

Return showing the Amount paid for Salaries in the Common Law Courts in Dublin in the Year 1851; and a similar Return for the Year 1860: Also,

Return showing the Amount of incidental Expenses of the Common Law Courts in Dublin paid by the Treasury in the same years respectively: Also,

Return of Case Judgments entered in the same Courts in the above-mentioned Years respectively: And also

A Return of the number of Cases unheard before the Encumbered Estates Court on the 1st of March, 1860, and the 1st of March 1861, respectively.

The last return was not in his Notice, but he hoped there would be no objection to produce it.

EARL GRANVILLE said, there was no objection whatever to the Returns which the noble Marquess had given notice of his intention to move for; and he apprehended that there would be no objection to that for which the noble Marquess had asked, but which was not in his Notice. At the same time he (Earl Granville) wished to reserve to himself the right to move that the last part of the Order be discharged, in case there might be any difficulty in respect of the Return relating to the Incumbered Estates Court. With regard to the general subject the noble Marquess was mistaken in thinking that it had escaped the attention of the Government. The subject had been under the consideration of the Government, and was one which was worthy of every attention.

Motion *agreed to.*

Returns ordered to be laid before the House.

House adjourned at a quarter-past Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 19, 1861.

MINUTES.] PUBLIC BILLS.—2° Recovery of Debts, Tramways (Ireland) Act Amendment.
3° Consolidated Fund (£4,000,000).

NAVY—PENSIONS TO SAILORS.
QUESTION.

COLONEL LINDSAY said, he wished to ask the Secretary to the Admiralty, If it is true that three Pensioners, referred to in a letter to *The Times* of the 11th instant, have had the pensions awarded them for loss of limbs reduced from one shilling to ninepence a day; and, if so, upon what grounds a sailor is treated upon a different system from a soldier as to pensions for wounds?

LORD CLARENCE PAGET said, that these three pensioners had, according to the regulations, been awarded a pension of one shilling a day for one year, in order to ascertain whether by the end of the year they would be in a state to gain their livelihood or a part of it. According to the regulations, if an able seaman, having lost two limbs required the care of another person, he should have a pension of from one shilling and sixpence to two shillings a day; but if for a less injury, not requiring the care of another person, from one shilling to one shilling and sixpence, if able to contribute in a small degree to his livelihood, from ninepence to one shilling; and if in a considerable degree from sixpence to ninepence. After a year these men were again examined, and it was found that they were able to contribute to their livelihood, therefore their pension was reduced to ninepence. But they could claim to enter Greenwich Hospital, and if they did they would receive an allowance of three shillings a week according to the new regulations.

GOVERNMENT CONTRACTS.
QUESTION.

MAJOR HAMILTON said, he would beg to ask the Under Secretary of State for War, If there is any objection to duplicates of the sealed patterns being lodged in Edinburgh, in order that Scotch contractors may see them without having to send to London?

MR. T. G. BARING said, there was not only no objection to duplicates of sealed patterns of boots being lodged in Edinburgh, in order that Scotch contractors might see them, without having to send to London, but he thought their being so lodged would be a public advantage.

ARMY—CAVALRY REGIMENTS.
QUESTION.

COLONEL DICKSON said, he wished to ask the Under Secretary of State for War, Whether it is intended to change the denomination and alter the uniform and equipment of several Regiments of Cavalry, and to add three Cavalry Regiments to the number now existing?

MR. T. G. BARING said, he presumed that the hon. and gallant Gentleman alluded to the three cavalry regiments which were to be formed in India. The House was aware that under the Act of last Session the enlistment for the local European army in India had become illegal, and measures had been taken to form out of the five regiments of local European cavalry in Bengal three regiments for general service. With respect to the other part of the question of the hon. and gallant Gentleman, the proportion of regiments of light cavalry in the service had been under consideration, he could not inform him whether any decision had been arrived at with reference to the subject.

THE MISCELLANEOUS ESTIMATES.
QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, Whether he will be able to lay the Miscellaneous Estimates upon the Table before the Easter recess so that they may be in the hands of Members before the Financial Statement is made?

MR. PEEL replied that they would be laid on the Table on Friday next.

THE EASTER RECESS.—QUESTION.

SIR GEORGE LEWIS: Sir, it may be convenient to the House that I should state that on Friday night my noble Friend the First Lord of the Treasury will move that the House, at its rising, do adjourn over the holidays. It is in consequence of the funeral of the Duchess of Kent being fixed for Monday that the noble Lord takes that course.

THE MEXICAN DEBT.—QUESTION.

MR. BUTT said, he would beg to ask the Secretary of State for Foreign Affairs, Whether any official intimation has been received at the Foreign Office of the appropriation by the new Mexican Government of 50 per cent, or any other proportion of the customs duties or revenues to the payment of the debts due to the holders of the State Bonds?

LORD JOHN RUSSELL said, he had nothing to add to what he stated the other day on the subject of an appropriation by the Mexican Government towards the payment of the debts due to British creditors. The Government had no account of any commercial Convention having been concluded between the British *Chargé d'Affaires* in Mexico and the present Government. A new President was, however, about to be elected, and it was only fair to conclude that the Convention made with the last Government would be carried into effect.

FRENCH COMMERCIAL DECREES.

QUESTION.

MR. WHITE said, he would beg to ask the Secretary of State for Foreign Affairs, Whether his attention has been directed to two recent Decrees of the Emperor of the French, whereby the French Government have recognized the Companies and Associations of Belgium and Portugal as legal Companies and Associations in France; and, if so, whether any steps have or will be taken to obtain similar advantages for incorporated English Companies established in France?

LORD JOHN RUSSELL replied, that no representation had been made by Lord Cowley with respect to any recent decree of the Emperor of the French whereby the French Government had recognized the Companies and Associations of Belgium and Portugal as legal Companies and Associations in France. Those companies were, however, sanctioned and recognized by their respective Governments. He was not aware whether the decrees in question had any bearing on English interests.

CONSOLIDATED FUND (£4,000,000) BILL.

THIRD READING.

Order for Third Reading read.

MR. PEEL moved that this Bill be read a third time.

SIR HENRY WILLOUGHBY said, that the Treasury were bound to place upon the table at the commencement of every Session of Parliament a Return, giving the increase in the National Debt for the ten years previous. It appeared that a document dated February 9, 1860, and signed by Mr. Laing, was placed on the table during the last Session, which stated that there was no addition whatever to the National Debt in 1859. By a paper, however, which had been laid before Parliament this Session, and which had the signature of the present Secretary of the Treasury (Mr. Peel), it appeared that in 1859 there was an increase to the National Debt of £8,469,000. He wished to know who was responsible for the correctness of these documents?

THE CHANCELLOR OF THE EXCHEQUER said, he had not been apprised that this question was to be put. He was not prepared to admit, as at present advised, that any incorrect statement had been placed before the House. The £8,000,000 alluded to was, he apprehended, a transfer of the unfunded to the funded debt. As to responsibility with regard to these documents all that he could say was that they were signed by the Secretary of the Treasury, who was the organ of the Board of Treasury, all the Members of which, the head of the Government, and himself especially, were responsible for the documents, and would be ready to answer any questions with regard to them which the right hon. Baronet might think proper to ask, either now or at any other time.

Bill read 3°, and *passed.*

EAST INDIA (INCOME TAX).

RESOLUTION FOR REFERENCE.

MR. CRAWFORD rose, to call the attention of the House to the levy of income tax in England upon incomes and profits arising in India, which were already subject to an income tax in that country, and to move that certain petitions in reference thereto be referred to the Select Committee on income and property tax. Several petitions had been presented to that House complaining of this double income tax, and they bore the signatures of the Rothschilds, the Barings, and of many of the great commercial establishments in the City of London, both of a public and private character, connected with the commerce of India. The petitioners started with the admission that they were at the present moment liable by the legislation of this country and of India to the payment of the income tax on profits and income derived in either country; but they represented that there were great inequality and injustice in the manner in which the tax was levied, and, likewise, that it was inexpedient and impolitic, in reference to the interests of India, in connection with the public credit of that country, and other considerations, that persons engaged in trade or connected in other ways with India should be subject to this double charge. It would be his duty to make some observations in respect to those points, but it would form no part of his task to discuss the particular merits of an income tax, to consider whether an income tax was a fitting tax for the people of India at the present time, or to lead that House into the expression of any opinion as to whether that House was bound to adopt any of the responsibilities of India in respect to its debt. The petitioners who had addressed the House might be divided into three classes:—First, those who in this country were termed fundholders—the holders of the public acknowledgments of the debt of India; secondly, those engaged in industrial pursuits, such as merchants and planters, and cultivators of tea, coffee, indigo, &c.; and, lastly, the class of annuitants, being those who had performed long service to the State and who received a portion of their annuities in India. Adverting to the first of the classes, he needed not to remind the House that India was not so fortunate as to have escaped from the fate, which seemed to await all civilized communities, of being burdened with a heavy public debt. According to a return laid on the table not many days ago it appeared that the amount of the negotiable public debt of India might be stated at the sum of £61,227,826. This debt was not a debt such as people were accustomed to deal with in this country. It was not a funded debt, or a book debt; but it was a debt held by the public, in the form of promissory notes of the Government of India, and the Government were not bound to pay them at any particular time, but were bound to pay them within one year from the period at which they declared their intention of paying them. The interest of these notes was paid in India for a long period of time, until the end of 1858. In the month of November of that year the Government of India, seeing that the markets of this country were practically closed in respect to their public securities in India, by the regulation that persons residing in this country and holding these promissory notes could only receive the interest through an agency at Calcutta, hit upon the expedient of enabling holders to receive their interest here instead of at Calcutta if they so chose. They published a notification according to which the holders of these notes were permitted to send the notes in for registration in this country with a memorandum "enfaced," as the term was upon them to the following effect:—"Interest payable in London by draught on Calcutta." Thus, the holders of these notes, complying with the form prescribed, were enabled to receive their interest in London. If the note bore an amount of interest due on a certain day in Calcutta, the holder in this country was allowed the privilege of receiving in London a bill of the Secretary of State for the amount payable in India, and by selling that Bill in the market he obtained his interest. The policy of the Government in making this concession was obvious, their object being to make a concession which was a matter of great convenience to the public creditor, and also to open the market in London for the sale of these securities. The effect was almost instantaneous, for in a short time no less than £6,000,000 worth of the public debt of India was forwarded to this country, relieving the market in India, already over-burdened to that extent. In the month of February, 1860, Mr. Wilson made his financial statement in the Legislative Council at Calcutta, and, foreseeing that some difficulty might arise in reference to the income tax he was about to propose, he shielded the Government against any difficulties in respect to the action of the income tax, in consequence of these notes being transferred to this country, by altering the "enfacement," and by the insertion of the words "subject to the deduction of the Indian income tax." By the means of these notes there had been altogether remitted to this country £8,000,000 of the public debt of India; and of these £6,000,000 bore the simple enfacement "interest payable in London by draught in Calcutta." The other £2,000,000 of public debt bore the special enfacement "subject to the deduction of the income tax payable in India." In the course of last year the issue of these Bills in payment of interest by the Secretary of State appeared to have attracted the notice of the authorities at Somerset House, and he was informed that a demand was made on the Secretary of State to the effect that he should make a claim on behalf of the Exchequer of this country for the deduction of the imperial income tax on account of the bills drawn on Calcutta, the amount of which was received by the holders in this country. The public resisted this claim, and the case was taken up by the Oriental Bank. Representations were made in the month of May last year to the Secretary of State, on the ground that the deduction of the income tax for Imperial purposes from bills so drawn was illegal. No heed was taken of this remonstrance until the month of September, when it was agreed that a case should be submitted to the Court of Exchequer. But the matter met with unexpected delays on the part of the legal advisers of Somerset House. The opportunity was lost, and the following term would have been lost too, but that the Oriental Bank sent a letter to the Secretary of State for India stating that they would be compelled to lay aside the reference of a special case, and commence a hostile action. This brought the authorities to their bearings; the question was laid before the legal advisers of the Crown, and the Attorney and Solicitor General advised, as everybody knew they would, that the retention of the income tax was illegal, and that the amount kept back must be repaid. The sum of £16,500 had accordingly to be repaid to the owners. To show the absurdity of the whole proceeding he might state that the money that had been taxed was all the while in Calcutta, and never had been in England. The House, however, must not suppose that the claim to double income tax was given up. It was only the claim to levy it in an illegal manner that was abandoned; but every holder of these Indian dividends was liable to make a return of them to the Commissioners of Income Tax under Schedule D, and in that form to submit to taxation. There was also that other anomaly connected with this debt which he had already referred to. The amount of Indian debt transferred to England was £8,000,000; of that sum £6,000,000 was not liable to the income tax on account of a special provision in the enfacement; but the other £2,000,000, though an integral portion of the same debt, was made liable on account of a clause in the enfacement which provided that the dividend should be subject to whatever deductions might be made on it. But, then, it was never intended that those deductions should be other than legal deductions. The same deductions were made on the profits of industry, the proceeds of which were received in this country. He need not remind the House that there were few persons who went to India, either to engage in industrial pursuits or in the public service, with the intention of spending their lives there. Take the case of a person who went to India and reclaimed waste lands for the cultivation of coffee, or sugar, or tea, or any of those occupations in which the Natives did not engage, but which required the employment of British industry, capital, and skill—he returned as soon as he could to this country, but he could not sell his property, and he must, therefore, carry on the cultivation by deputy and receive the proceeds at home. But those proceeds would be subjected in India to an income tax of 4 per cent, and in this country to 10*d.* in the pound, or 4 per cent more. This was literally burning the candle at both ends, for there was no industry that could bear a charge of 8 per cent on its profits. That was the charge now; but he need not remind the House that it was in the breast of the Chancellor of the Exchequer, whether the tax of 10*d.* in the pound might not be raised to 15*d.* It had been so once, and it might be so again. Still, further, a person who in this country held landed property on lease was only charged on the half of his rent; but in the case of India the charge was made on the whole. Take, again, the case of annuitants: The civil servants of the East India Company who were entitled to a retiring pension had the option allowed them either of receiving a retiring pension in this country in pounds sterling, or in India in rupees. That option, for various reasons, was frequently exercised in favour of receiving the annuity in India. Many of the annuitants were persons who had no other income whatever, and the result was that their sole incomes, say of £1,000 each, were subjected to a reduction of £40 in India, and then to a similar reduction in this country. It was said by some, indeed, that there was no more injustice in Indian property being subjected to taxation, both there and here, than there was in property in a foreign country, or in our colonies, being subjected to taxation both in these and when it came into England. It was held that persons deriving incomes from the French funds, or from Canadian or other colonial securities, were bound to return in this country the net sums they received, whatever might be the taxation to which they were subjected abroad. He maintained, however, not only that there was no analogy between the case of India and the case of a foreign country or of a colony, but that, on the contrary, there existed a marked and decided contrast. It was unnecessary to discuss the case of a foreign country, for there the difference was obvious to everybody; but he might just state that the colonies, with few and insignificant exceptions, had their own representative institutions, were the custodians of their own finances, and regulated their own expenditure and taxation. But how stood the case with regard to India? India was under the direct control of the British Crown. She stood in the relation of a subjugated country. Her people had no power of governing themselves. The Imperial Parliament, through the Secretary of State, had the complete control and regulation of her finances. He contended, therefore, that the proposal to limit the liability to payment of income tax upon Indian incomes and profits to one country or the other was fair and reasonable in every respect, and was not at all affected by the argument drawn from a fancied analogy between India and a foreign country, or between India and one of our own colonies. It was not his intention to ask the House to express any opinion upon the question whether or not this country should assume the liabilities of the debts of India. He should, indeed, oppose the step, and for this, among other reasons, that he believed that India would prove herself capable, in course of time, of righting herself by a judicious curtailment of expenditure and by the proper regulation of her taxation; but he thought this country might be reasonably expected, not only not by its financial legislation to place undue burdens upon the credit and resources of India, but even to step a little out of its way to mitigate the pressure of Indian taxation. In 1842, when making his financial statement, the late Sir Robert Peel expressed the opinion that in case of emergency the credit of England might fairly be used to support that of India. The request he now preferred was not that Parliament should interfere to support the credit of India, but that it should not be a party to proceedings which should injuriously affect that credit. If he were asked to state what remedy he would propose for the grievances of which he complained, he should say that a Bill should be introduced to amend the Income Tax Act by exempting from payment of the tax in Great Britain or in India all incomes or profits which were already subjected to the tax in the other country. Another fair settlement of the question would be to tax real property at the place of its existence, and personal property at the domicile of its owner. By either course a loss of revenue would be sustained. Let them consider what the amount of that loss would be. If the whole of the public debt of India were brought to this country he believed the sum that would be relinquished would not exceed £120,000 a year; but it was absurd to think that half, or a fourth, or even a much less proportion of that debt would come here, and, therefore, the sum which this country would give up would be infinitesimal, although in particular cases it would be a very great deal. He maintained that this country had such an interest in India that if we did not assume any responsibility from our connection we should at least consent to that small remission of taxation which would very much relieve the finances of India and sustain her credit. Sure he was that any sum which might immediately be lost would be more than amply recouped when we came to raise or borrow money in India. He would quote a statement which appeared in *The Times* of yesterday to show the effect which had been produced in Calcutta on Indian securities by the imposition of double income tax. Their "commercial intelligence from India" said—

> "The transactions in Government securities have been limited to small amounts on local account, and rates are almost nominal. The double income tax in England and the want of confidence in the result of the financial measures of the Government have put a stop to all important transactions in these securities."

He thought he had now shown that the petitioners had good grounds for the statement of grievances they had put forth in their petition, and it was of no use that Lord Canning should hold out, as he had lately done on opening one of the Indian railways, invitations to capitalists to embark their money or employ their time in the cultivation of the wastes of India, if when they did so they found that they had to pay a direct tax at both ends. He asked the House to agree that these petitions should be referred to the Select Committee on the Property Tax Acts. There was no fairer subject for that Committee to inquire into, and he was sure if the petition were referred to them they would bestow their best attention upon it, and afford the petitioners an opportunity for further explaining the grounds on which they considered they had just grounds of complaint.

Motion made, and Question proposed,

"That the Petitions from Merchants and others of London and other parts of the United Kingdom, against the levy of an Income Tax upon incomes and profits arising in India, which are already subject to an Income Tax in that country, presented to this House upon the 7th day of this instant March, be referred to the Select Committee on Income and Property Tax."

Sir MINTO FARQUHAR seconded the Motion which had been brought forward most ably, clearly, and comprehensively by his hon. Friend, who, as an eminent merchant in the City of London, connected especially with India, thoroughly understood the subject. His hon. Friend had exhausted the subject, and he would not repeat his arguments, contenting himself with saying that he concurred in every word of his statement, and cordially supported the reference of the petition to the income-tax Committee.

Mr. THOMSON HANKEY said, he had listened with the greatest attention to the speech of his hon. Friend, but he could not agree with his arguments. He could not understand even the object of the conclusion to which he had arrived, or how the House could agree to refer to the Select Committee on the Income Tax, the Resolution then upon the table. If this were a question as to the particular mode in which this tax should be levied, he could well understand its being referred to the Committee which his hon. Friend the Member for Buckingham (Mr. Hubbard) had moved for. But the question raised by the petitioners appeared to him (Mr. Hankey) to be a totally irrelevant one—namely, whether profits made in one country should or should not be liable to income tax in another? His hon. Friend said he would not go into the question whether the tax-payers in this country should bear any portion of the burdens of India; but that was really the very substance of the grievance? The real question of grievance was whether the tax payer in this country was to continue paying the tax upon property in India. Now it had been agreed over and over again that India was to bear her own expenses. It had been frequently settled by the determination of the House that the revenue of this country was not to be appropriated to the debt of India. Income tax in this country was levied by law—and very properly levied—on all incomes derived from whatever sources. Suppose then a person had £10,000 to invest in this country, and he was advised to put £5,000 into English securities, and £5,000 into property upon which interest was payable in India, under what possible circumstances was he to have one part of his property subject to income tax, and another part exempt from it—that was as far as this country was concerned? Then, with regard to India, the question was not whether the income tax was right or wrong. The Indian Government clearly had a right to levy it. They had also a right to exempt any particular description of property. For instance, they had a right to exempt incomes enjoyed by non-residents if they thought proper. But they had, as a matter of fact, exempted no particular sort of property from the tax. How, then, was a man deriving £1,000 a year from house property in Calcutta, but living in England, to be liable to the tax, while the fundholder deriving the same amount of income from Indian securities, and also living in England, was to escape? If the one man was to be exempted, so in justice must the other. His hon. Friend had admitted the possibility of the income tax upon these £60,000,000 being lost to this country. That sum would also be lost to India. But why was any funded property to be exempted? He could see no distinction between India and the colonies in this respect. A double tax was, no doubt, a hardship, but it was a hardship inseparable from the state of things in which a man held property in two countries, and could not be obviated, unless the finances of England and India were made identical. In this matter India must be regarded as a foreign country. He himself was a holder of property in Pennsylvania. That property paid a tax in America, and when it came to this country in the form of income he had to pay income tax upon it. It was impossible to consider India in any other light than as a foreign country; and he thought his hon. Friend had not succeeded in making out a case of hardship. The fact was that the high rate of interest in this country had naturally drawn capital to England, and had stopped the transmission of capital elsewhere. That alone was sufficient to account for the very considerable indisposition that existed to invest money in this kind of security. His hon. Friend, consequently, no doubt felt great difficulty in raising money in this country for Indian purposes. If the Chancellor of the Exchequer were prepared to give up a certain amount of taxation it would be tantamount to making a grant of so much money to India. He fully agreed in the advantages India would obtain from such a grant. He had argued the question over and over again with Mr. Wilson before he left England, but he was always overruled, and he now believed that he had been wrong, and that Mr. Wilson was right, and that the course had been a right one in separating entirely the finances of this country from those of India. The vast sums which had been raised for Indian purposes showed that there was no such great indisposition to invest money in India, as should alarm the House with any doubts whether India would be able from her own resources to meet the consequences of the great calamity she suffered from some years since. This Committee, to which his hon. Friend proposed to refer these petitions, was sitting on a totally different question; and the result of referring this subject to such a Committee would, he thought, be an easy and effectual way of shelving it. The proposal assumed either that England ought to bear some of the burdens of India, or that we ought to interfere with the finances of that country.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to say on behalf of the Government, that they had no objection to accede to the Motion of the hon. Member for the City of London. But he must assure the hon. Gentleman who had just sat down that, in his opinion, this House might allow this petition to he referred to a Select Committee on the Income Tax without sanctioning, to any extent, the principle of any grant being made from the resources of this country in aid of the finances of India. His reasons for this view he would state presently. He was extremely sorry that his right hon. Friend the Secretary of State for India, who was suffering from indisposition which confined him to his house, was unable to be present at this discussion, because, indubitably, any concern which he (the Chancellor of the Exchequr) might have in the Motion and speech of the hon. Member was very small and secondary, and the points which they raised and on which it would have been open to address the House with considerable force were questions of the utmost importance with regard to Indian finance. He would not go over the ground which his hon. Friend had occupied with arguments tending to put in the strongest light the opinion that it was a principle of policy open to much question whether the levying of an income tax upon Indian property under such circumstances as those of which he spoke was or was not conducive to the financial prosperity of India. The question was one beyond his (the Chancellor of the Exchequer's) province to attempt to discuss. The question with which Her Majesty's Chancellor of the Exchequer was concerned was a much narrower one. He felt bound to point out to his hon. Friend (Mr. Crawford) that in consenting to his Motion it was not necessary for him (the Chancellor of the Exchequer) to traverse ground as broad as that he had occupied in the course of his speech. Unquestionably, as it appeared to him, the terms of reference to the Committee would render regular the reference of these petitions to it. The Committee was appointed to inquire into the present mode of assessing and collecting the income and property tax, and whether any more equitable mode of levying the same could be adopted. Now one very important point, which could not be excluded from such an inquiry, was that principle of our law which taxed all foreigners in respect of property they held in this country, and likewise taxed all British subjects resident in this country in respect of all the property or profits they possessed, in whatever part of the world those profits might be received. That was a principle of the English income tax which would come within the purview of the Committee, and it could not be denied that, among other cases, it would include the case raised by his hon. Friend. But what the hon. Gentleman contended for was that, as between England and India, there should not be the imposition in this country of any tax similar to the tax already charged on the same property in the other country. Now that was a question which had no special concern with the English income tax. Parliament and the Government here had done nothing to levy additional burthens on the people of India, or on any persons interested in the property of India. The hon. Gentleman had spoken in terms unwarrantably severe of acts which the Board of Inland Revenue had done, not under any special instructions, but in the ordinary execution of their duty, to administer the law precisely in the same spirit, and on the same terms, as it had been ever since 1842. The hon. Gentleman had accused the Board of Inland Revenue of an illegal course of proceeding. In a literal sense, perhaps, that phrase might be applied to any proceeding founded upon a view of the law which subsequently turned out to be erroneous; but what the hon. Gentleman implied was that something had been done without colourable form or fair warrant of law. The Revenue Department, however, did what they had done in the conscientious belief that their own legal advisers were right in the construction they put upon the law. But the hon. Member must know that even the most eminent advisers would sometimes be in error; and if the advisers of the Board of Inland Revenue were subsequently found to have construed the law erroneously, it was not with regard to the substance of the case. It was not as if the Board had asserted that somebody was liable to the tax in respect of certain profits, and the law officers of the Crown found afterwards that the party was not liable. On the contrary, it was merely with respect to the mode of levying the tax that this had occurred, and the liability to pay the tax had not been brought into question; indeed, he believed the mode of levying now prescribed would prove to be more inconvenient to those who must pay the tax than if the deduction had taken place as in the first instance. But the point which the hon. Gentleman would have the Committee consider was the question whether, as the income tax was payable in India by residents in this country, in respect of profits accruing there, it should also be levied in England in respect of those profits? On that question he (the Chancellor of the Exchequer) differed with the hon. Gentleman, who thought the case of India might be treated as an isolated and exceptional case, so as to grant to India the privilege of crippling our finance by measures adopted to replenish her own Exchequer, while at the same time he would preclude the application of that principle to other countries. Now he (the Chancellor of the Exchequer) would not object to a full examination of this question by the Committee; but he did not think his hon. Friend's argument would hold water. The hon. Gentleman contended that the case of India stood by itself, and was not like the case of any colony, or of any foreign country; because, as he said, virtually the Government and Parliament of England had a supreme command over the finances of India. Now was that strictly true? and if it were true, would it be decisive of the case? He must answer both propositions in the negative. The hon. Gentleman knew it was not strictly true, because he had himself referred to the case of the Crown colonies, over which the Government, responsible to Parliament, had a more absolute control than over India, inasmuch as in the case of India it had been attempted to set up an independent body to check and control the Secretary of State. It would therefore follow from the hon. Gentleman's argument that whenever an income tax was levied in a Crown colony, our law should be altered, so that the English income tax should not be levied on persons deriving profits from that colony. Let the House consider the amount of confusion and difficulty that would be involved in such a principle. The hon. Gentleman objected to a double levy of income tax and said it should be levied in one country only. Now at this moment the income tax in England was 10*d.* in the pound, and in India it was four per cent, which was about the same rate. The hon. Gentleman, therefore, had treated one as equivalent to the other, and talked of levying a double income tax. But suppose, at some future time, our own income tax to be halved, or the Indian income tax doubled; or suppose in some European struggle that our own income tax were doubled, or the income tax in India reduced, would the hon. Gentleman still contend, without reference to the relative amounts of those two taxes, that a man should be exempt from one of them, because he ought not to pay a double income tax? The hon. Gentleman then argued that because we had the control of the finances of India, that, therefore, India ought to be made an exception to all other countries. But was that a sound argument? Should it depend upon the question of which country had control of the finances? or should it not rather depend upon the question of which was the party for whose use and benefit the money was supplied? If it could be alleged that the Indian finances were used to bring money into the English Exchequer, then, indeed, he would say that the income tax should not be levied in this country also. We must not look to the machinery by which a tax was levied, but to the purpose for which it was supplied. If we levied this tax in India by English machinery, it was not for the benefit of England, but for the benefit of India. That was the point to be considered in deciding whether any property should be liable to the Exchequer of the one country, and likewise of the other. The hon. Gentleman's argument, therefore, fell to the ground. What he proposed was to alter the whole basis of the English income tax, as levied since 1842, as well as before that, during the war; and then he would say to all English subjects that they should not be taxed to the British Exchequer in respect of any property or profits they had in foreign countries. This would, in fact, be to give them a positive bonus or premium to the full extent of the income tax, on making investments in colonies or in foreign countries, instead of employing their money at home. That was the consummation to which, under his guidance, we should arrive. There could, however, be no objection to having this question studied by the Committee, when it would be seen to involve such difficulties, that the class of persons for whose interests the hon. Gentleman was contending would probably be reconciled to their position by finding that the difficulties in the way of change of system were insurmountable. The financial magnitude of the question was greater than the hon. Gentleman seemed to think, for he had said that £120,000 a year would probably be the utmost extent of the sacrifice imposed on this country by its not levying income tax here on the interest of that portion of the Indian debt of £60,000,000 which would come to this country. But the principle, if applied to one case, must be extended to annuitants, to the profits of trade, and the holders of all real or movable property in India. The question, however, did involve the maintenance or the abandonment of a rule which formed part of the basis of our income tax. Nevertheless, although the Indian portion of the subject could not belong to this Committee, he had no objection to the Committee examining the general question of levying the British income tax in such a case, and the general structure of our law relating to that form of taxation.

Sir STAFFORD NORTHCOTE said, he rose, as one of the Committee to whom it was proposed this question should be referred, to protest against the double tax that was sought to be imposed upon their labour. The question then at issue embraced the principle on which our income tax was based. But the Committee had been appointed for the purpose of inquiring whether or not the incidence of the tax was fairly adjusted as regarded the parties classed under its different schedules. Now that was in itself quite a sufficiently difficult and important subject for the consideration of the Committee, and he hoped that the House would not impose upon them a still more complicated labour. He believed that no good could result from such a course, either as regarded the general interests of this country and of India, or even as regarded the interests of the clients of the hon. Member for the City of London. The whole argument of the hon. Member turned upon the connection between the English and the Indian Exchequers, and it appeared to him (Sir Stafford Northcote) impossible to go into this question without raising the whole question of Indian finance. Let the House look at the facts of the case. During nearly the last twenty years we had had an income tax in this country to which the holders of Indian property had contributed without a murmur. Towards the close of that period the Indian Government had thought proper to imitate our policy, and had imposed a similar tax; and it was then suggested that the owners of Indian property residing in this country ought, therefore, to be exempted from the charge. But why should we relinquish a source of income which we had hitherto legitimately enjoyed, merely because a certain financial policy had been adopted in India? Supposing the income tax in India was to be discontinued, should that property be afterwards free from the tax? [Mr. Crawford: No!] The hon. Gentleman said "No," but he (Sir Stafford Northcote) did not see on what other principle the hon. Gentleman could justify the course which he wished the House to pursue. The real point which it might be desirable for Parliament to consider was whether or not we ought to give India the benefit of our credit, and take upon ourselves the entire management of its taxation? That was a subject on which he desired to pronounce no opinion at that moment; but it was one to which inquiry might be fairly directed. The Committee, however, which was at present inquiring into the adjustment of the present income tax of this country could not be expected to consider either that question or the subject which the hon. Member for the City of London had that evening brought under the notice of the House. He hoped the petitions would not be referred to the Committee; but if they were he hoped it would be left to the discretion of the Committee to take up the question or not.

Mr. ARTHUR KINNAIRD said, he believed that the proper way of dealing with all questions of that description was to pursue the course to which the hon. Baronet who had just addressed the House had referred — namely, to give India the full benefit of the credit of this country. That was a principle of which the noble Lord the late Secretary for India (Lord

Stanley) expressed his approval when in office, although he thought he could not carry it into practical operation. But until they adopted this just measure towards India these complications would continually arise.

Mr. DISRAELI thought the question raised by the hon. Gentleman who had last spoken showed the dangerous ground they were touching upon. He hoped the House would pause before they assented to the Motion of the hon. Member for London. It raised a very proper subject for discussion in this House. It was one of the great offices of that House, when any class of Her Majesty's subjects supposed that they were suffering under a grievance to take that alleged grievance into consideration. This. too, was a subject on which the Government were perfectly able in their own Cabinet to arrive at a satisfactory conclusion. But if the question were sent to the Income Tax Committee it would not only much complicate and increase the labour of that Committee, but it would drag before it topics of a totally different character from those originally intended to be submitted to its investigation, involving questions of policy that ought to be left to the consideration of the Government, or, at least, of the House of Commons. He considered that the claim of exemption urged against England in this case had no foundation whatever. The only colourable claim of exemption was not against England but against India. There was no sort of reason when a tax had existed for twenty years in a country why any of those who paid that tax should be exempted from it because another country in which they were interested chose to adopt the same system of taxation. It must be evident that if the Motion of the hon. Member were adopted its effect would be to bring the whole question of Indian finance before a Committee appointed expressly to consider the question of how the assessment of the income tax might be made most equitable in this country. The House, therefore, would, in his opinion, take a step of great imprudence if it agreed to this Motion. It offered a most legitimate subject of discussion for the House of Commons or consideration for the Government, but it was not a question on which a decision should be obtained in an equivocal manner by referring it to the Committee. He repeated his hope that the House would not assent to the Motion, as the time might come, and that speedily, when they would find cause to regret it.

Mr. BRIGHT said, he entirely agreed with the observations of the right hon. Gentleman (Mr. Disraeli) with regard to this matter. If this question were referred to the Committee already appointed to consider whether a more equitable assessment of the income tax in this country might not be made, it would do all possible mischief to that Committee, while he felt certain it would not do the least good to the clients of his hon. Friend the Member for the City of London. The Chancellor of the Exchequer was very accommodating—he did not object to these petitions being sent to the Committee; but he (Mr. Bright) dared to say the right hon. Gentleman would be very glad if the House expressed its opinion so strongly against it that his hon. Friend would be induced to withdraw his Motion. The main question appeared to him (Mr. Bright) to be this—a man enjoyed the advantages of the two Governments, and had his property in one country, while he enjoyed the income arising from it in another, and he thought he ought only to pay for the support of one Government, although he enjoyed the advantages and protection of the two. He could not see for a moment that such a case could be defended by any solid or serious argument. And although his hon. Friend stated his case with remarkable clearness, and said all that could be said on the subject, yet he was bound to tell the House that the hon. Gentlemen sitting around him (Mr. Bright) entirely agreed with his hon. Friend when he got up, but entirely disagreed with him when he sat down. If it be true that they should do mischief with regard to the inquiry of the hon. Member for Buckingham (Mr. Hubbard) by referring to his Committee this subject, he would take the liberty of asking his hon. Friend not to urge this question further; by doing so he would do no good for himself or his friends, and would probably do great harm to an important Committee appointed to consider a very important subject. He (Mr. Bright) thought that the friends of the hon. Gentlemen out of doors must feel that the question had been treated in this discussion with considerable fairness by both sides of the House.

Mr. CRAWFORD said, he should be sorry that the inquiry before the Select Committee upstairs should be prejudiced, as some hon. Members appeared to think it would be, by the introduction of the subject which he had brought before the House. He had voted for the Motion of the hon. Member for Buckingham (Mr. Hubbard), and he saw a reason, after what had been stated by the right hon. Gentleman (Mr. Disraeli), for not referring the proposed inquiry to the Income Tax Committee. He would, therefore, with the permission of the House, withdraw his Motion.

Motion, by leave, *withdrawn.*

PUBLIC DOCUMENTS (AFFGHANISTAN, &c.)—THE AFFGHAN WAR.

SELECT COMMITTEE MOVED FOR.

MR. DUNLOP, in rising pursuant to notice, to move for a Select Committee to consider the Correspondence relating to Affghanistan, as presented to the House in 1839, and the same Correspondence as presented in 1858, and printed by special order of the House in 1859, said, that it was his painful duty to call the attention of the House to one of the grossest cases of falsification of public documents by which that House had ever been attempted to be deceived. He knew it would be said that this occurred a long time ago, and that all interest in the matter was now gone. It was quite true that the papers to which his Motion referred were laid upon the table of the House so long ago as the year 1839; but it was not the fault of those who sought to have the matter inquired into that an inquiry had not taken place long since. These papers as then published were sent out to India before the unhappy death of Sir Alexander Burnes; and Sir Alexander feeling deeply the injustice done to himself by the mutilation of his despatches, sent home to this country true copies of the despatches. These getting abroad became known, and created an impression that an unfair use had been made of the papers in laying them on the table of the House. In 1842 a Motion was made by the hon. Gentleman the Member for Inverness (Mr. Baillie) seconded by the right hon. Gentleman the Member for Buckinghamshire for a further production, but it was lost,—the minority numbering only nine. The following year another Motion was made by the hon. Member for Sheffield (Mr. Roebuck) to the same effect, and seconded by Mr. Hume; but that Motion also was rejected by a large majority. He did not wonder that these Motions were rejected, for Lord Broughton, who had been the President of the Board of Control when the papers were produced, and who was then a Member of this House, gave an assurance that the documents had not been garbled; and his successor in office under the succeeding Government (Lord FitzGerald) repeated that assurance in the other House of Parliament. The people of this country are accustomed to place the utmost confidence in the personal honour and word of the Ministers of the Crown, and it was no wonder, therefore, that this House accepted these assurances and rejected those Motions. But in 1851 *The History of the War in Affghanistan* was published by Mr. Kaye, which established beyond all doubt that there must of necessity have been a great mutilation of these documents. Mr. Kaye, in his summing up of the character of Sir Alexander Burnes, said—

> "It is right, too, that it should never be forgotten by those who wish to form a correct estimate of the character and career of Sir Alexander Burnes, that both have been misrepresented in those collections of State papers, which are supposed to furnish the best materials of history, but which are often in reality only one-sided compilations of garbled documents—counterfeits which the ministerial stamp forces into currency, defrauding a present generation, and handing down to posterity a chain of dangerous lies."

The demand for the papers was renewed in 1858, and a Motion for the production of them by the hon. Member for Sheffield (Mr. Hadfield) was carried. There was still a struggle to prevent the printing of them, and it was not until 1859 that these documents were printed in this blue book. It happened that they were prepared under the superintendence of Mr. Kaye, who was now at the India House, and he did it with the utmost care and diligence, marking everywhere by brackets those passages which in the papers laid upon the table of the House in 1839 had been omitted. He (Mr. Dunlop) had read this blue book with amazement, indignation, and shame. Amazement, at the extent and audacity of the falsifications; indignation, at the injustice done to poor Sir Alexander Burnes and Dost Mahommed, and at the fraud that had been perpetrated on the House; and shame, that a Department of the Government could be found capable of resorting to such means of screening itself from censure. There had been no undue delay, and he hoped that the interest in this matter was not altogether gone. The terrible events of the Affghan campaign—the disgrace to our arms—the annihilation of our army—the horrors endured by the captives during their captivity, and the agonies of their friends at home—had burnt, as with brand of iron, into the memory of the people of this country, the fearful story of that war, and all the more indestructibly from the solemn conviction that all these fatal calamities were, in the words of Mr. Kaye, its historian, to be traced " to the curse of God resting heavily upon an unholy cause." He agreed with Mr. Kaye, and he agreed with Sir Herbert Edwardes, who had recently said that this was an "unhallowed, unrighteous, and causeless war." Here, however, he raised no question as to the policy of the Affghan war, and he would not enter on it further than was necessary for understanding the object and character of the mutilations. For that purpose he must explain what was the defence of the Indian Government for going into this war. At that time there was a great alarm, something like that which had recently been felt in this country as to an invasion by France, but, as he thought, rather better founded—a fear of an invasion of India by Russia. Russia had no doubt made great advances towards attaining influence in Central Asia. She had entered into an alliance with the Shah of Persia, and was sending agents to the different smaller courts of surrounding tribes. A natural feeling arose that the influence and power of Russia in that part of the world must be checked; and this was given as the great reason for the war whch was then undertaken. Dost Mahommed Khan, who then reigned in Cabul, was one of several brothers, the rulers of Affghanistan, who were said to be in correspondence with the agents of Russia at Teheran, and who, it was contended, ought to be removed and a friendly sovereign put in their place. Lord Auckland sets forth this view in a despatch from Simla, dated 14th August, 1838, which contains the following passage:—

> "Of the justice of the course about to be pursued there cannot exist a reasonable doubt. We owe it to our own safety to assist the lawful sovereign of Afghanistan in the recovery of his throne. The welfare of our possessions in the East requires that we should, in the present crisis of affairs, have a decidedly friendly power on our frontier, and that we should have an ally who is interested in resisting aggression, and establishing tranquillity, in place of a chief seeking to identify himself with those whose schemes of aggrandisement and conquest are not to be disguised."

The lawful sovereign here referred to was Shah Soojah, who ten or eleven years before had been deposed by his own subjects, and had since been living as a pensioner on the Indian Government.

In like manner, in the celebrated Simla Declaration, in which the project of the Government was announced, its justification is thus summed up—

> "It was now evident that no further interference could be exercised by the British Government to bring about a good understanding between the Sikh ruler and Dost Mahommed Khan, and the hostile policy of the latter chief, showed too plainly that so long as Caubul remained under his Government, we could never hope that the tranquillity of our neighbourhood would be secured, or that the interests of our Indian Empire would be preserved inviolate."

This then was the ground on which the war was undertaken; that Dost Mahommed Khan was so inveterately hostile to the British Government that it was absolutely necessary to depose him and place Shah Soojah in his place. But long before the disasters of the campaign occurred this policy of the Indian Government had been questioned, not only in India, but by persons high in authority at home. The restoration by foreign bayonets of a sovereign who had been driven from his country by his own subjects ten years before did not seem a very good means of establishing the independence of the country, or of strengthening our position on the frontier. It moreover involved military operations on the part of the Indian Government at a great distance from their resources, and beyond the territory of an intervening sovereign, friendly, no doubt, to the British, but capricious, and not very confidently to be relied on, and which might, therefore, end in disaster. Thus, whether viewed from a political or a military point of view, and apart from the question of justice, the policy of the Government had been much questioned. It was, therefore, important to them to present a good case to Parliament, and if they had taken care to place it before Parliament with truth, there would have been no objection to their making out a case as good as possible. The object they had in view was to prove that Dost Mahommed Khan was the inveterate enemy of this country, and that it was necessary for our own safety to depose him and to put some one in his stead who could be depended upon. And it was also desirable to confirm the decision of the Indian Government, by showing that it was in entire accordance with the opinion of Sir Alexander Burnes, whose opportunities of forming a correct judgment, as well as his acknowledged capacity, attached to his opinion great and deserved weight. Now, certainly, the papers which were laid on the table of the House in 1839, in the shape in which they appeared, substantially made out this case. At all events, they threw great doubt and suspicion on Dost Mahommed Khan, and a case was exhibited representing him as our inveterate foe. And looking to the papers as they were laid on the table in 1839, there could have been no doubt that that was the opinion of Sir Alexander Burnes. Now, he (Mr. Dunlop) thought he should shortly satisfy the House that not only were the papers defective in not giving the full truth, but that they presented to the House the very opposite of the truth, and that, systematically and regularly, facts were concealed, and whole paragraphs omitted, and others garbled, so as to give the opposite view to that which the papers really presented. He (Mr. Dunlop) now asked for a Committee that these charges might be thoroughly looked into, and that they might have a report made to them upon the subject.

In justifying his motion he must trouble the House with some quotations but he would make them as short as possible. The first despatch to which he would call the attention of the House was one of no great importance in itself, but still very important, as showing the systematic manner in which everything that could exhibit in a favourable light Dost Mahommed's conduct was steadily expunged from the papers. The despatch was from Sir Alexander Burnes, and dated 31st October, 1837, shortly after he reached Cabul. At that time one of Dost Mahommed's brothers at Candahar was about to send his son to Teheran with presents to the Shah of Persia and the Russian Ambassador at Teheran. Sir Alexander Burnes thought it desirable, if possible, to endeavour to stop the progress of this movement towards an alliance between the Sirdars of Candahar and the Court of Persia, and accordingly he had an interview with Dost Mahommed to urge on him the propriety of taking some steps to endeavour to prevent it. He gives a long account of his interview with Dost Mahommed, and the despatch, as produced, ended with a sentence in which Sir Alexander Burnes assured Dost Mahommed that if he succeeded in preventing this mission of the son of his brother "it could not fail to be received as a strong mark of his desire for our friendship." According to the papers as laid on the table in 1839, no response was made by Dost Mahommed to this. Nor is any mention afterwards made of his having done anything in the direction wished; so that, to all appearance, on the face of the papers, an urgent appeal to the Dost by Sir Alexander to give this proof of his friendly inclinations was entirely disregarded. But the actual despatch went on, as part of the same paragraph, to say that Dost Mahommed dictated in the presence of the writer (Sir Alexander Burnes), three letters to his brothers in Candahar, urging them not to take the steps proposed. That sentence was suppressed and the letters, of which copies were transmitted, were also kept back. All the letters urged on his brothers not to make any alliance with Persia, as being offensive to England. One of these was a private letter, and, written to his own brother, it cannot be doubted that it expressed the Dost's real sentiments and wishes. It contains these passages—

> "Oh! my brother, if you will do such things without my concurrence, what will the people of the world say to it? We have an enemy like Runjeet Singh in our neighbourhood, and the English may get the affair of Peshawar settled. How, then, can we enter on an alliance with others, if they exhibit to us friendship? I see nothing for the Mussulmans, in their wars against the Sikhs, but to be friendly with the English Government, and endeavour to please them. If you will do contrary to what I do, it will be very bad, and finally create such animosity between us, if you go by one road and I by the other, that it must injure the welfare of both."
>
> "If you will not abandon the intention of sending your son to Persia, you must consider me your enemy."

Well, that letter was suppressed—as also a paragraph in Sir Alexander Burnes's own despatch, in which he stated his confidence in the success of his mission in these terms—

> "Arriving at a time when Persian and Russian intrigues were insinuating themselves into this country, a chain of circumstances fortuitous in their nature, and which at first foreboded distraction, has happily defeated for the present their designs in Cabool; and, with the friendly footing in this important capital which have been given to us by Ameer Dost Mahomed Khan, I found a strong hope that the Candahar Chiefs will also be turned from their purpose, and ultimately contribute to the ascendancy of British counsels over that of every other power between India and Persia."

Another paper, which had been similarly dealt with, was dated 15th November,

1837. It was a despatch of five paragraphs, but as published in 1839 it was reduced to three. And here he might observe that in all the public despatches of Sir Alexander Burnes, in the originals, the paragraphs were numbered with ordinary numerals. In the copies as printed these numerals were left out, and though paragraphs were omitted from the middle of a despatch, there were no marks left by which to show that omissions had been made. In other despatches, again, there was sometimes a reference to specific paragraphs of those of a previous date by their numbers, but these references were in the print always carefully expunged. By these means all traces of omissions and a want of actual connuity were destroyed. In his despatch of the 15th November, Sir Alexander Burnes sent to the Governor General the copy of a letter from the Russian Ambassador at Teheran to Dost Mahommed. The three paragraphs of the despatch as printed in 1839 simply recite that Sir Alexander Burnes had got the letter and forwarded it, and point to the confirmation thereby given to Sir John McMill's views as to the intrigues of Russia. No mention is, however, made of the way in which the copy came into Sir Alexander's hands, and it is left to be supposed that it was obtained in the usual way in which such matters are accomplished. The third paragraph of the actual despatch, however, which is expunged without any marks to indicate that a part was omitted, states how it really came into his possession as follows ;—

> "Before my arrival in Cabool I had heard, through Mr. Masson, of the communication now forwarded; but some doubts had occurred as to its authenticity, from its wanting a signature, which can no longer be entertained. In the course of an interview with Mirza Samée Khan, a few days ago, the conversation turned on Russian designs, and I at once asked him as to the communication which the Ameer had received from Russia, when he offered to show it to me, and sent it accordingly."

Here, then, was the confidential secretary and minster of Dost Mahommed, who was represented as irretrievably hostile to us and friendly to Russia, giving to Sir Alexander Burnes, the agent of the British Government, the letter of the Russian Ambassador at Teheran. Yet this paragraph was omitted, and the fact was concealed. And, moreover, the following paragraph, giving Sir Alexander's own impressions, was also expunged from the despatch—

Mr. Dunlop

> "I am glad to say that no answer has as yet been returned to Count Simonitch's letter, and I have every reason to believe that none will ever be sent, but in the now very improbable event of this chief's despairing of the sympathy and friendly feelings of the British Government."

Another instance of the systematic suppression of every fact which could show a friendly disposition on the part of Dost Mahommed occurs in regard to a despatch of the 19th November. There had come from Cabul a copy of a proposed treaty of alliance between the Sirdars of Candahar and the Persian Government. This was reported by Sir Alexander Burnes, who wrote—"I have seen the original paper, which arrived here a few days ago, so that there is no doubt of its authenticity." Such was the sentence as published; but there was struck out of the middle of it these few but important words—"and was sent to me by the Ameer." The Ameer afterwards went to Sir Alexander, and had a conversation with him on this subject, and Sir Alexander, in his despatch, said—

> "His motive for having sought this private interview was to assure me that he was entirely English in his views, interests, and opinions, and that his position, services, and power were at our disposal to check these inroads; but it was very advisable in such a state of things to act betimes."

This statement, however, was expunged. It might be said that all this conduct on the part of the Dost was fallacious, and intended to deceive Sir Alexander Burnes into a false belief of his friendly leanings towards the British. He (Mr. Dunlop) did not think so. At all events, let the facts appear. If the House of Commons was to judge of the conduct of the Indian Government and of the Board of Control, it was entitled to have all the facts before it; but it was quite out of the question to suppose that they could form a correct judgment as to whether the Indian Government were warranted in seeking to dethrone Dost Mahommed, when every circumstance in his favour was strictly excluded from their knowledge. He now came to the very remarkable circumstance of the appearance of a Russian agent at Cabul. Here he wished to say, in the first instance, that there were a great number of alterations connected mainly with Russia which he did not intend to bring before the House, as he wished to confine himself to those mutilations which bore upon the judgment which the House had been called on to pronounce on the Indian policy of the invasion of Affghanistan, in justification of which the reception by Dost Mahommed of a Russian agent was very greatly relied on. This agent, Captain Vicovich, brought to the Dost a letter from the Emperor of Russia himself. Sir Alexander Burnes saw the original, and sent a *facsimile* of it to our Government. The noble Lord the Prime Minister, who was then Foreign Secretary, demanded an explanation from Russia. From the Russian Government he obtained a disavowal; and that disavowal was published in another set of papers in the same year. Having thus in one batch of papers published a disavowal of Vicovich by the Russian Government, it would certainly have been an awkward circumstance for it, if these had appeared at the same time in another batch, proof that the Emperor of Russia had written a letter by him to Dost Mahommed. He (Mr. Dunlop) did not wonder that there should have been a desire not to expose the Emperor personally to the discredit which would have attached to him by his being shown to be personally implicated in such a proceeding, though he had himself little sympathy with such a desire. If the Government of a great country descended to such low and scandalous acts as to deny the agents they had employed, it was right they should be exposed to shame. And, as a matter of policy, he thought that the encouragement given by the appearance of weakness, and of the dread of giving offence in altering despatches to prevent these things coming out, tended more to expose us to aggression than any irritation arising from the honest production of papers. A different course was taken, however; and in all the letters of Sir Alexander Burnes as to this matter, everything showing the Emperor's personal share was omitted, the terms "Russia" or "Russian Government" being always substituted for "The Emperor of Russia," and the letter itself being suppressed. He (Mr. Dunlop) could not approve of this. Still he was not one who drew the inferences from these alterations in regard to Russia, which some had done with reference to the noble Lord (Viscount Palmerston). He disclaimed those inferences and they had no bearing upon the question,—whether when the House was called upon to decide in approving or disapproving the policy of the Indian Government in going into the Affghan war, the materials for forming a judgment were fairly and honestly laid before them. Now when Captain Vicovich arrived at Candahar, Sir Alexander Burnes wrote a letter of six paragraphs, which in the papers of 1839 were reduced to two, merely announcing the arrival of a Russian agent. Everything was left unexplained. It left all the suspicions that might attach to the Dost's receiving such a messenger free course. But the despatch itself contained explanations which, instead of throwing doubts upon the fidelity of the Dost, were quite conclusive against such doubts. The despatch, after the first two paragraphs, which constitute the whole of it as printed in 1839, goes on as follows:—

> "On the morning of the 19th, that is yesterday, the Ameer came over from the Bala Hissar early in the morning with a letter from his son, the Governor of Ghuzni, reporting that the Russian agent had arrived at that city on his way to Cabool. Dost Mahomed Khan said that he had come for my counsel on the occasion; that he wished to have nothing to do with any other power than the British; that he did not wish to receive any agent of any power whatever, so long as he had a hope of sympathy from us; and that he would order the Russian agent to be turned out, detained on the road, or act in the way I desired him.
>
> "I asked the Ameer if he knew on what business the agent had come, and if he were really an agent from Russia; he replied, that I had read all his letters from Candahar, and that he knew nothing more. I replied, that it was a sacred rule among civilised nations not to refuse to receive emissaries in time of peace, and that I could not take upon myself to advise him to refuse any one who declared himself duly accredited, but that the Ameer had it in his power to show his feelings on the occasion by making a full disclosure to the British Government of the errand on which the individual had come; to which he most readily assented.
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> "After this the Ameer despatched a servant on the road to Ghuzni, to prevent the agent's entering Cabool without notice; but so rapid had been his journey, that he met him a few miles from the city, which he entered in the afternoon, attended by two of the Ameer's people. He has not yet seen the Ameer; he has sent a letter from Count Simonitch, which I have seen, and states that he is the bearer of letters from Mahomed Shah and the Emperor of Russia."

Now, here was the alleged tool of Russia putting himself in the hands of the British agent to act as he should advise,—ready to encounter any risk in the way of offending Russia by affronting and sending back the Emperor's agent,—and ready to venture to do what Sir Alexander Burnes did not dare to venture to advise, and offering, what he afterwards fulfilled, to communicate all that passed between him and the Russian agent to the agent of Britain. Then this reception, by the Dost, of a Russian agent, and his refusal subsequently, after the British Government had abandoned him, to dismiss him, were the main grounds alleged for the necessity of going to war to depose him. Yet every syllable of this account was withheld from the knowledge of Parliament and of the country, which had to judge whether the war was just or not. Next he came to the very remarkable confidential despatch of the 23rd of December, 1838, addressed by Sir Alexander Burnes to the Governor General of India. In this despatch which, in the crisis created by the arrival of a Russian agent at Cabul, Sir Alexander Burnes addressed directly and confidentially to the Governor General himself, he described the state and circumstances of Cabul, with a view to advise the Governor General as to the policy to be adopted; he explained the position of the Ameer; the dangers from Persia and the Sikhs, and the quarters to which he could look for support. Three paragraphs as to these matters he would give to the House—

> "The unhappy differences which have so long reigned in this country have, as your Lordship is aware, been greatly aggravated by the measures pursued by the ruler of Lahore. The chiefs of Afghanistan have for years past avowed their anxious desire to connect themselves with the British Government in India, as well from the exalted notions entertained of it as from the belief of its ability to assist them, but the British Government has stood aloof or sent cold and distant replies to their solicitations. The ex-King at Loodiana, after a lapse of years, partly equipped himself in 1833 in our territories, and, crossing the Indus, marched to Candahar, where he was defeated. The chiefs of Afghanistan universally believed that the British Government had encouraged the ex-King, and were satisfied that we should have hastened to acknowledge him had he been successful. An open avowal of our anxiety for his success could not have been productive of worse consequences than the course which was actually taken, yet it did not alienate the chiefs from us. They had driven Shooja ool Moolk from Candahar, but in their absence Runjeet Singh seized on Peshawur, and gave rise to new anxieties. Seeing that they had no hopes from us, the Afghan chiefs turned their attention to other quarters, and we have thus quickened the designs of the powers to the westward. But such was still the friendly disposition of these chiefs, that though they had written in every direction, they availed themselves of your Lordship's arrival in India to address a new Governor General, and I have no hesitation in saying that the result of that address has been productive of benefit to the State, and stayed for a while many evils.
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> "When it formerly occurred to Dost Mahomed Khan that he must sue for aid elsewhere, he addressed severally the Emperor of Russia, the Kings of Persia and Bokhara, and to one and all his letters were of the same tenor; that he had a powerful enemy to cope with in Runjeet Singh, who threatened his very existence; that he had applied to the all-powerful Government of the British, who were rulers of India, but had applied in vain; that the British had, as he believed, befriended Shooja ool Moolk in attacking him, and were the well-wishers of Runjeet Singh to his prejudice; that he had abundance of men, but no money to pay them, and he therefore implored the Mahomedan rulers to aid him, as was their duty in a holy cause, and the Emperor of Russia he courted, as will be seen in his letter, because of his power as a monarch and his influence in Persia, to which the ruler of Cabool now professed his willingness to ally himself. The result of this application has been the transmission of expensive presents by the Emperor, with a letter in reply more than gracious, ostensibly written to encourage commerce, though there be not a word on that subject in the Ameer's communication, and this letter is sent by Captain P. Vickovitch, who is charged with messages direct from the Emperor, and who is, by Count Simonitch's letter, authorised to act and communicate as if he had been his Excellency himself. The whole of these important documents are, however, before your Lordship, and as they involve matters of the first moment, I have thought it right to transmit, besides translations, copies of the correspondence in Persian, as well as a facsimile of the Emperor's, which I have not the means of translating from the Russian language. This dazzling specimen of caligraphy, together with the very friendly expressions contained in it, coming from one who enumerates so many of his lofty titles as his Imperial Majesty, has excited a stirring sensation, nor do I conceal that I have looked on with mingled feelings of astonishment and regret.
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> "The indication of friendship, which has been put forth by your Lordship's administration, has arrested for a time the despair which had taken possession of the Afghan nation. The language which Dost Mahomed Khan and every Mahomedan has held since a British mission entered this country is, that they would stand by us to the last, and seek no aid or connexion while there was a hope of friendship from a nation dear to them for the strict maintenance of its treaties, and celebrated, above all others, for its liberality, justice, and honour. With these words in his mouth, Dost Mahomed Khan came to inform me of the arrival of the Russian agent, of his determination to be guided by my advice, and even refuse to receive him, if it were disagreeable to me. I saw that I dare not seek to hinder an independent chief from receiving an agent, for as it is justly held to be a law in civilized countries never to attack a nation in one of this, its most sacred rights, I should have incurred a responsibility, and I am sure never been honoured by your Lordship's approbation. Though the messenger has been received and delivered his letters, I trust that the friendly devotion of Dost Mahomed Khan in asking my advice, and next handing to me all the letters brought by the emissary will remain in your Lordship's mind, as proofs of sincerity and conciliation, highly to be appreciated, and the more so as the British have as yet made no avowal of their support to his power, while he has received declarations from others, the sincerity of which can be no longer questioned."

He proceeded to say that Dost Mahommed had informed him of what passed at the interview between him and Captain Vicovich, acquainting the Governor General that the Russian agent had offered assistance in money and otherwise, and had even promised the payment of an annual sum as long as Dost Mahommed continued to show friendship to Russia. Sir Alexander next went on to say, that in his (Sir Alexander Burnes's) opinion, after such strong demonstrations of Russia having interested herself in Affghan affairs it was his deliberate conviction "that much more vigorous proceedings than the Government might wish or contemplate are necessary to counteract Russian and Persian intrigue in other quarters than have been hitherto exhibited." These vigorous measures he proceeds immediately to explain were to use every influence with Runjeet Singh to obtain a reasonable settlement of the affair of Peshawur, and thereby permanently secure the attachment of Dost Mahommed to the British nation. He then argues on the propriety of such an arrangement with reference to Runjeet Singh's own interests, and again reverts to the necessity of immediate action in these words—

> "There being therefore facts before us in the transactions passing at Cabool, it seems impossible, with any regard to our safety, to look on longer in silence. If Russia does not entertain inimical feelings directly to the British in India, she avows that she wishes for the good offices of the chiefs on our frontier, and promises them her own in return, so that it is useless to conceal from ourselves that evils must flow from such connexions. It is indeed casting before us a challenge. It is a trite maxim, that prevention is better than cure, and we now have both in our hands; we might certainly wish to delay a while longer before acting, but it is now in our power, by the extended immediate exercise of our already established influence, to counteract every design injurious to us."

Once more again, he reiterates the specific measures which he had recommended, and concludes his despatch thus—

> "Should the conduct of Dost Mahomed Khan in his frank divulgement of all that has passed meet with your Lordship's approbation, it seems a suitable preliminary step, if your Lordship resolves on making any change in our view, to set out by addressing a letter of thanks to this chief for the proofs which he has rendered of his friendship and fidelity.
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> "I trust that the free expression of my sentiments will not prove displeasing to your Lordship. I am emboldened by the confidence which has placed me here to speak according to my conviction."

The despatch, in short, was an earnest pleading on behalf of Dost Mahommed, giving grounds for the assurance of his fidelity and trustworthiness. Now here he (Mr. Dunlop) must do justice to the hand which had prepared this document for the House. He must have been a man of genius, whoever he was. An ordinary man would have given up this despatch as hopeless for any use to be made of it, and proper only to be suppressed; but with a masterly boldness of falsehood which excited wonder even more than indignation, he had by his manipulation of it turned it to the very opposite purpose to that which the writer intended. The course he took was this:—He in the first place retained the short concluding sentence to keep up the character of the letter being a free trade and full confidential outpouring of Sir Alexander's convictions. Then he preserves all the startling sentences regarding the appearance of the Russian agent, his interview with the Dost, his alluring offers; the danger to be apprehended from Russian and Persian intrigues, and the necessity for vigorous and immediate action; but all the other paragraphs have been suppressed, and not a word remains to express what really were the vigorous measures recommended by Sir Alexander Burnes, or his earnest pleading on behalf of Dost Mahommed and the grounds of it; so that, placed as it was in the midst of documents all leading in one direction, it could not be read among the papers of 1839, except as an incitement to the war which followed; and thus this long, argumentative, fervent pleading by Sir Alexander Burnes on behalf of Dost Mahommed, and of the policy of making a friend of him, was actually perverted into an alarmed, short, urgent appeal to the Governor General to lose no time in rising up to crush him. Next came a letter from Sir William Macnaghten, in answer to this appeal made by Sir Alexander Burnes on behalf of Dost Mahommed. It was a long document, but the blue book of 1839 reduced it to three paragraphs, pointing out the necessity of calling upon the Dost to dismiss the Russian agent, and at the same time holding out some vague promise of good offices to be rendered after the departure of Vicovich. All the rest of the letter of Sir William Macnaghten, disapproving entirely of the course which had been adopted by Sir Alexander Burnes, and condemning the expectation of pecuniary aid which he had held out to the Candahar brothers if they should break off from Persia was suppressed. From the letter as then published no suspicion could have arisen that there had been any difference of between the policy advised by Sir Alexander Burnes and that determined to be adopted by the Governor General. Everything which tended to show this difference of opinion had been studiously suppressed. In the debate in 1842 the noble Lord, the present Foreign Secretary, had appealed to the circumstance of the opinions and arguments of Sir William Macnaghten in this letter having been withheld as a proof of the impartiality with which the alterations in the despatches had been made. He believed, however, that the India Board had deceived not only the Parliament, but the noble Lord himself, for it was impossible to read the despatch without seeing that the object of the mutilation was to conceal the fact that Sir Alexander Burnes had advocated a policy the opposite to that which the Governor General adopted. Along with Sir William's letter came one for the Dost from the Governor General to be delivered when Sir Alexander thought most suitable. Sir Alexander had recommended a letter of thanks to the Dost for his proofs of "friendship and fidelity." The one sent contained a peremptory demand that the Dost should dismiss the Russian agent; if not, Sir Alexander Burnes would be recalled. The receipt of this despatch overwhelmed Sir Alexander Burnes and crushed his hopes of success. He had confidently expected that by securing the friendship of the Dost, so entirely as he thought within our reach, he would place the interests of Britain in Central Asia on a firm basis, and defeat the intrigues of Russia; and he had confidently appealed to the Dost's proposals about Peshawur as indisputable proofs that there was no ground for the fear entertained by the advisers of the Governor General that he was likely to entertain "extravagant pretensions." This overthrow of his policy, and annihilation of his hopes sadly disheartened him. Still, with that gallantry which belonged to him, he endeavoured to do his duty as an agent, pressing on the Dost the views of his Government, and placing them before him in the strongest light. He had an interview with the Dost, and gave an account of it in the despatch to which I have now to call the attention of the House, and which is dated January 26, 1838. Of all the falsifications perpetrated, this, as regards Sir Alexander Burnes, was the most cruel, as it falsely represents him as himself expressing views directly opposite to those which he really held. The despatch as written commences thus—

> "I have the honour to acknowledge the receipt of your letters of the 25th of November and 2d of December last, which reached me about the same time, and conveyed the views of the Right Honourable the Governor General regarding the overtures made by Dost Mahomed Khan for adjusting his differences with the Sikhs, and the apprehension that the Maharaja would not be disposed to surrender Peshawur on those terms, but be more likely to restore it to Sooltan Mohomed Khan, its former governor."

And it goes on to say that he lost no time in making known to him the circumstances "as well as the sentiments of his Lordship on them." As printed, however, no notice is taken of the letters acknowledged to be received, but the despatch is made to begin with the word "regarding" in the middle of the sentence, while the words as to his making known to the Dost the Governor General's sentiments are struck out. In this way and by other alterations, the remarks and arguments used by Sir Alexander in his interview with the Dost have the character given to them of being his own views, instead of being merely, as they were, those of the Governor General urged on the Dost in the most effective form. Then, after detailing all the arguments used by him and Dost Mahommed's replies, Sir Alexander goes on to lay his own opinion on the Dost's views before the Indian Government; he says—

> "I have thus placed before the Right Honourable the Governor General the opinions and views entertained by the ruler of Cabool, and the nature of the arguments which I have opposed them. It has appeared to me that they call for much deliberation. It will be seen that this chief is not bent on possessing Peshawur, or in gratifying an enmity towards his brothers, but simply pursuing the worldly maxim of securing himself from injury. The arguments which he has adduced seem deserving of every consideration."

He then proceeds to discuss them, and his conclusion is thus expressed—

> "It is evident, therefore, that in this chief we have one who is ready to meet us; and from what is passing in Central Asia at this moment, it is anything but desirable to exhibit indifference to the solicitations of one whose position makes him courted, and whom aid may render powerful for or against us."

One other passage from this part of the despatch, he (Mr. Dunlop) would also give as showing Sir Alexander's opinion of the scheme afterwards adopted by the Governor General of restoring Shah Soojah—

> "Under such circumstances, it might be urged that all interference had better be avoided; but this, as it appears to me, would be, under the existing state of things, a very doubtful line of

policy, unless it is intended to put forth the ex-King at Loodiana, secure through him a footing in these countries, and sweep the present rulers from their authority, which has happily never been contemplated."

Now, in addition to the alterations already adverted to, all this latter part of the despatch giving Sir Alexander's own opinion on the Dost's views was also left out. By this most dishonest suppression of paragraphs and parts of paragraphs, the despatch, as originally printed in 1839, was made to bear all the appearance of expressing Sir Alexander Burnes's own sentiments, while in truth he was only urging on the Dost the views of the Government; thus imputing to Sir Alexander Burnes the very sentiments which he sincerely repudiated. Even after thus throwing cold water on all the expectations held out to him by Sir Alexander, the Dost still clung to the hope that the views of the Governor General might be changed; and in February, 1838, Sir Alexander wrote a letter to Sir William Macnaghten, proving that there was even yet no reluctance on the part of the Dost to get rid of the Russian emissary. The Dost submitted to Sir Alexander the draft of the answer he intended to give to the Russian letter, and Sir Alexander, desirous of keeping things open, requested him to leave out certain passages, and the letter was so modified by the Dost. The account of this is of course suppressed. All this was done while Russia was holding out the strongest assurances of support to the Dost, and while we were entirely holding back. Finally, the Governor General adhered to his policy and Sir Alexander Burnes withdrew. As the Dost truly said in one of his letters on this occasion, "I have not abandoned the British, the British have abandoned me." Sir Alexander was obliged to deliver the Governor General's letter, and come away, and the Dost resumed relations with the Russian emissary. On his journey to Lahore Sir Alexander Burnes ascertained that, had the Governor General submitted to Runjeet Singh the proposal by the Dost as to Peshawur he would in all probability have accepted it, but Sir Alexander Burnes's despatch to that effect was suppressed. He (Mr. Dunlop) had no intention of discussing the relative merits of the two courses of policy then opposed to each other, but it was only an act of justice to Sir Alexander Burnes to give the opinion of Mr. Kaye, the historian of the war, who observes—

"Had the British Government endeavoured to effect an amicable arrangement between the Ameer and the Maharajah, there is no room to doubt that Dost Mahommed would have rejected all overtures from the Westward, and proved to us a firm and faithful ally. But instead of this we offered him nothing but our sympathy; and Dost Mahommed, with all respect for the British Government, looked for something more substantial than mere meaningless words."

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"It was, however, decreed that Dost Mahommed was a hostile chief, and the policy of the British Government soon made him one. Had Burnes been left to obey the dictates of his own reason and to use the light of his own experience, he would have conciliated both the Candahar Sirdars and the Cabul Ameer, and raised up an effective bulwark against Persian invasion and Russian intrigue. We refused to detach Kohun Dil Khan from the Persian alliance, and we deliberately drove Dost Mahommed Khan into it. In fact, our policy at this time seems to have been directed to the creation of those very difficulties, to encounter which the British Government launched into the Affghan War."

There were numerous other mutilations in the papers, but he would not specially notice them—their main object being to prevent the discovery of the mode in which other documents had been dealt with; but there was one letter to which he should advert, and should advert with sorrow, dated June 2, 1838, and which, though not marked as omitted from the papers of 1839, was, in point of fact, not published among them. Sir Alexander Burnes, in his despatches, had testified not only to the impolicy, but to the injustice of the course which had been pursued. Would that he had never in any degree descended from that high position! But he was in a subordinate position, and was naturally reluctant to throw himself out of his employment, by refusing to co-operate in the course of policy now decided on, and giving offence to his superiors. It would have been better for him had he made the sacrifice. He would have escaped the cruel death which that employment brought on him, and would have made it impossible for those superiors to attempt to falsify the opinions of one who had publicly proclaimed them by declining even to act in the carrying out of a policy he so entirely condemned. Unhappily he did not take that course, and when it was finally decided that the Dost must be deposed, he, in this despatch of June 2, pointed out what he considered the best way of accomplishing that object. Even in that letter, however, he suggested that the question might yet be reconsidered. He observed—

"But it remains to be reconsidered why we cannot act with Dost Mahomed. He is a man of undoubted ability, and has at heart high opinions of the British nation; and if half you must do for others were done for him, and offers made which he could see conduced to his interests, he would abandon Persia and Russia to-morrow. It may be said that that opportunity has been given to him, but I would rather discuss this in person with you, for I think there is much to be said for him. Government have admitted that at best he had but a choice of difficulties, and it should not be forgotten that we promised nothing, and Persia and Russia held out a great deal."

He (Mr. Dunlop) had now submitted the case to the House, and what, therefore, did he ask the House to do? First of all, he asked them to look at the evils which the suppression of evidence and the publication of false documents had done. It had, in the first place, done grievous injustice to the character and memory of Sir Alexander Burnes. That officer was at least a faithful servant and did his duty well, and he was himself the first victim of the Affghan war. His body was hacked in pieces by the Affghans, who looked on him as the representative of the British policy. But his reputation was mangled still more cruelly by those who should have defended it and handed his name down to posterity with honour. He had been falsely held out by the Government which had employed him—and so far as they were concerned would have been sent down to posterity—as the instigator and adviser of that unjust and calamitous war, and this for the dastardly purpose of screening themselves from a condemnation which they were conscious that they deserved, and laying on him the obloquy of a charge of which they knew him to be innocent. Then consider, in the second place, the injustice done to Dost Mahommed. We had ruined his family, made him captive, and deprived him of his throne. Surely that might have been enough; but, not content with that, we published false despatches which made it appear that he was faithless to us, and deserved all the injuries which he had sustained. At a subsequent period the Dost recovered his dominions, and when our Empire in India was tottering, he might have avenged himself by merely gathering troops in Cabul, and so creating an alarm which would have prevented Sir John Lawrence from sending reinforcements to Delhi, and thus have imposed upon us the task of reconquering India. But he abstained from taking such a step, thus contrasting the noble conduct of a Mahommedan chief with the tortuous policy of a so-called Christian State. But those were not the only results of these suppressions. They had discredited throughout the whole world the authority of our State papers. It had been the boast of this country that whatever lies might be palmed off by unscrupulous Governments abroad, in this free country our papers laid before Parliament were truthful, and might be relied upon. Their character was now destroyed. The author of a German history of the Affghan war, heading one of his chapters, "Sir Alexander Burnes, the Instigator of the War," had assured his readers that his account might be relied on, because he had taken it from the English State documents which had been laid before Parliament. In future editions of his work that author would have to alter entirely his narrative, and to confess that those papers were as worthless as if they had been prepared by the most frequently perjured despot of the Continent. Was it possible for the country ever to put faith in State papers again? He confessed his confidence in them had been utterly shaken since the discovery of this affair, and he did not know that he could ever again trust the papers that were laid on the table of that House. But besides, a grievous insult and dishonour had been done to the Sovereign. Such papers are laid upon the table "by Her Majesty's command." Her name was appealed to as the stamp of their truthfulness and authenticity, and yet her own servants had not shrunk from using that name as the voucher and cover of a lie. They had also committed a fraud upon Parliament. Ministers were responsible to Parliament, from which they asked a judgment upon their conduct; but, instead of laying before that House the real and genuine documents on which its judgments was founded, they had abstracted from those statements of most material facts on which it was to be based; they had so mutilated them as to present the very opposite of what they really were, and by that means had sought to avoid the censure they might otherwise have incurred. If a criminal tried at the Old Bailey were to tender forged documents in his defence, he would be guilty only of a moral crime. He owes no allegiance to the Court. But the Ministers of this country owed an allegiance to Parliament which bound them by constitutional obligations to lay on the table none but honest and correct versions of the papers by which their own conduct was to be judged; so that in their case there was not only a moral but a political crime. Again, these proceedings had seriously shaken the confidence of the country in public men—a very grievous evil, because that confidence above every other thing enabled Government to work successfully and harmoniously. Under these circumstances he asked for a Committee to investigate this matter. It was due to the memory of Sir Alexander Burnes that this should take place, and that if necessary the wrong done to that officer should be authoritatively acknowledged and redressed by the Report of a Committee of that House. It was due likewise to Dost Mahommed, not only in justice, but now also in gratitude, that a like redress should be given to him. It was right also that the conduct of those parties who were the occasion and instruments of this wrong-doing, should be exposed, in order that others might be deterred from the commission of a like offence. He did not wish to make the inquiry with any idea of punishment, because after so great a lapse of time there would be no sympathy with such a proceeding. If, however, the House of Commons shrank from exposing the circumstances to which his Motion referred, it would make itself a participator in the wrong that had been done; and would acquiesce in the deception that had been practised upon itself; while, by screening those who had committed it from even exposure, an encouragement would be held out to its repetition. The Committee might also advantageously consider whether any and what precautions should be taken hereafter to secure that documents placed before Parliament were fair, accurate, and genuine. That would, no doubt, be a delicate task. He had himself no suggestion to make on this point; nor did he so far anticipate the results of an inquiry as to say that it was necessary that any precaution should be taken at all. All he asked was that a careful inquiry should be instituted as the only means by which the confidence of the public could be restored. It might be said that if any check such as that adopted in the American Senate were established in this country, the deception would reappear in another shape, because our agents abroad would write mere formal despatches with nothing in them, and then send private despatches of a totally different purport. That might to a certain extent be true, and the Committee would have to consider whether such a risk ought to be encountered, or whether some better mode of securing the authenticity of the State papers submitted to Parliament could not be devised. However that might be, he was sure that if the House refused to inquire into the subject at all they would only be courting the repetition of these transactions, and exposing themselves to the same want of confidence which at present attached to those who had been implicated in them. The hon. and learned Gentleman concluded by moving—

> "That a Select Committee be appointed, to consider the 'Correspondence relating to Affghanistan,' as presented to this House in 1839, and the same Correspondence as presented in 1858, and printed by special order of the House in 1859, and to report on the discrepancies between the two; and also to inquire into the circumstances of the preparation of that Correspondence for being presented on the former of these occasions; and to report their opinion whether any, and, if any, what, precautions should be taken to secure that Documents presented to this House by the Government as Copies or Extracts of Correspondence or other Papers shall give a true representation of the contents of such Correspondence or Papers."

SIR HENRY WILLOUGHBY seconded the Motion.

Motion made, and Question proposed.

VISCOUNT PALMERSTON: Sir, it is usual for one hon. Member who has to reply to a speech of detail delivered on an interesting topic by another hon. Member, to compliment him on the temper and moderation with which he has stated his case. I am sorry that I cannot pay that compliment to the hon. and learned Member who has made this statement, for I think he would have displayed more judgment and none the less recommended his Motion to the attention of the House if he had abstained from those violent vituperations which I must take leave to repudiate in terms as strong as those which the hon. Gentleman has used. I speak of the accusations of falsehood, perjury, and I know not what—aspersions which are not commonly employed by those who take part in our debates. It might perhaps be thought that we have lately had topics of foreign politics pertaining to the present time sufficient to occupy the attention of the House of Commons; and anybody who entered the House casually this evening might hardly have expected to find that at a moment of great public interest in regard to matters passing in many quarters of the world, Parliament would be occupied in discussing an event of more than twenty years' standing—the merits and demerits of the operations in Affghanistan. At the same time I am far from wishing to dispute the perfect right of the hon. and learned Member to bring this question under the consideration of the House. The speech which he has made may be divided into two parts—the one of a public nature, touching the policy of the Indian and British Governments in respect to the affairs of Affghanistan and Central Asia; the other of a personal character, and having reference to the memory of Lieutenant Sir Alexander Burnes. I will begin with the latter division, and I do not admit that the papers which were presented in 1839 did convey that false impression which the hon. Member asserts, in regard to the manner in which Sir Alexander Burnes performed the duties imposed on him in Affghanistan. In the first place, the whole argument of the hon. and learned Member proceeds, as it appears to me, on the erroneous and totally false assumption that it was Lieutenant Burnes who was to direct the Governor General of India, and not the Governor General who was to be master of the policy of the Indian Government. The hon. Gentleman says it was Sir Alexander Burnes's opinion that Dost Mahommed was in the British interest; that his fidelity was to be relied upon; that it was better policy to cultivate an alliance with him than to take part with Runjeet Singh; that the Governor General was to blame, and the British Government, who supported him, were guilty of a most atrocious crime in not allowing themselves to be guided by Lieutenant Burnes, who was sent on a special mission, instead of judging for themselves on the larger range of facts within their knowledge. Now, Sir Alexander Burnes was certainly a highly respectable person, and a man, no doubt, of great energy and activity of character; but he fell into that mistake which subordinate agents are apt sometimes to commit—namely, that of identifying himself with the Government to which he was sent, of being too easily misled, and believing everything that was said to him; and all this, perhaps, not only from natural simplicity of character, but from not being possessed of certain facts with which he could compare the statements that were made to him. He believed implicitly in the friendliness of Dost Mahommed to Great Britain, and in the dependence which might be placed upon an alliance with him; and he also thought that the demands which Dost Mahommed made were such as the Indian Government ought to have complied with.

Viscount Palmerston

Well, let us put that to the test by comparing it with things which the hon. Member himself has stated to-night. The hon. Gentleman said that when this Russian agent, Lieutenant Vicovich, arrived at Cabul, Dost Mahommed communicated the fact—which it was certainly not easy for him to conceal—and asked Sir Alexander Burnes what he should do—whether he should send him back or not?—that Sir Alexander Burnes asked him what Lieutenant Vicovich had come about; and I understood the hon. Member to say that the answer of Dost Mahommed was that he really knew nothing about it—that all he knew was contained in two letters which he himself had written to the Ameers of Candahar, which he showed to Sir Alexander Burnes. Why, the fact really was that this Lieutenant Vicovich brought an answer from the Emperor of Russia to a letter which Dost Mahommed had sent long ago to St. Petersburg, having applied to Persia, to Russia, and, I think, to Bokhara, for assistance in a war which he wanted to carry on against Runjeet Singh. And yet this Dost Mahommed, whose word was so implicitly to be taken, assured Sir Alexander Burnes that he knew nothing about Lieutenant Vicovich, except that he had arrived, knowing all the while that that officer had come with an answer to an application for assistance which he had himself made several months before. This Russian agent was the bearer of a letter from his Government in answer to an application which had been made to them just as long previously as was necessary for the message to go to St. Petersburg, and the answer to return. Here Lieutenant Burnes exhibited much simplicity. Then further, the Dost said that, as a mark of his frankness and good faith, he would show Lieutenant Burnes a copy of the draught of the letter which he was going to write in reply to the communication from Russia; and Burnes seemed to think that because the Dost had made some alterations in that draft at his suggestion, that was complete proof of his good faith. I am sure nothing can be more easily conceived than that the draught which was submitted to Lieutenant Burnes was one thing, and the letter which was actually sent off was of a totally different character. The letter from the Emperor, no doubt, expressed a desire for alliance, accompanied by many complimentary phrases. I say it was perfectly right, in the letter which has been referred to, to substitute the words the Russian Government for the words the Emperor, and to omit the words which would have identified the Emperor in person with the communication made to Dost Mahommed. If you found that the Russian Emperor was entering into communication with a Power on your frontier, evidently for purposes hostile to you, and if you wanted the Russian Government to disavow that proceeding — which they did—and to recall their agent—which they did—surely nothing could have been more unwise than to pin them down to that which you wished them to disavow, and to make it impossible, consistently with their honour, to undo that which your remonstrances were especially intended to induce them to retract. If you were to say that it should have been the policy of Great Britain to drive Russia into a corner, and compel her to a quarrel and to war, then I own that the means taken to avoid these consequences may be found fault with; but I do not think any one will venture to say that such ought to have been our object; and, therefore, I say it was right, so far as the production of the papers went, not to drive the Emperor of Russia into a position where personal *pique* would prevent him from doing that which we wished him to do. We come now to the main question. What is the history of the whole transaction? It is this—that Dost Mahommed and Runjeet Singh were enemies; that Runjeet Singh was in possession of Peshawur, and Dost Mahommed wanted to get it back from him; and that while Runjeet Singh was our friend Dost Mahommed could not be relied upon. I speak of that time, not of the present. I quite go with the hon. and learned Gentleman, however, in saying that at the present moment, fortunately, all these former disputes have passed away, and that the Indian Government is in the best possible relations with Dost Mahommed. But it was not so then. At the time to which the discussion relates Dost Mahommed applied for aid to Russia and Persia, then the instrument of Russia, and to the Khan of Bokhara. Russia was then in a state of active hostility to England in regard to our Asiatic affairs. She was entering into close communication with Persia, and urging that State to gain possession of Herat, which, in Persian occupation, would have been practically a Russian outpost. Russia had sent the agent, Lieutenant Vicovich, to Cabul to enlist the army of the Dost in her cause, and there was also another messenger ready to have gone on to Runjeet Singh, to persuade him to join the general alliance of hostility against the British power in India. All these things were perfectly well known to the British Government. Lord Auckland and the Government at home were well aware of them, and the course to be adopted with regard to them did not depend on the opinion which Lieutenant Burnes might give as to the fidelity of Dost Mahommed, or his disposition to be friendly with England. No doubt the arrival of Lieutenant Burnes in Cabul gave a turn to the calculations of Dost Mahommed. Before that time he had looked for support against Runjeet Singh to Russia, Persia, and others; but when Lieutenant Burnes arrived he began to change his policy, and to entertain hopes of obtaining his object by the assistance of England. He, therefore, told Lieutenant Burnes, as a circumstance which had happened without any expectation, that Lieutenant Vicovich had arrived all of a sudden, and Dost Mahommed made a display of the utmost frankness, for the purpose of inducing Lieutenant Burnes to advise the Indian Government to grant him the aid which he required, and which they were much more able to give than Russia. Lieutenant Burnes recommended that course to the Indian Government; but they, seeing further and looking deeper into the matter than the Lieutenant, did not choose to throw over their steady ally Runjeet Singh to please this wavering Power on the other side of the passes. When the Indian Government refused to assist Dost Mahommed, he abandoned the idea of siding with England and reverted to his original policy; he threw himself into the arms of Russia and formed an alliance with Persia. Lieutenant Burnes was then obliged to quit Cabul. The policy which the Governor General had adopted required that Dost Mahommed should be treated as an enemy, because he was allied with those who were at that time the enemies of England, and was attacking a Power which was the friend, ally, and outpost of our Indian possessions. Therefore, the whole argument rests on the assertion that the opinion of Lieutenant Burnes should have been the guide of the Government of India, and that they deserved every epithet of vituperation which the hon. and learned Member out of his ample vocabulary has been pleased to cast upon them, because they refused to be guided by that opinion. It was a short-sighted view that Burnes took, and not one upon which a responsible Government would have been justified in acting in so grave and important a matter. The policy and conduct of the Government were regulated, not by the opinions of their subordinate agent at Cabul, but by the general knowledge which they possessed of the state of affairs in the East, of the aggressive views then entertained by Russia, and of the means by which that State was preparing to push disturbance to the very frontiers of our Indian possessions. If that be so, the question is not the degree in which Parliament has been misled, or in which Lieutenant Burnes has been injured, by the omission of portions of his despatches in which his personal opinions, evidently arising from confusion of ideas, misconceptions, and over-credulity, were stated, at variance with the views justly entertained by the Government under which he was acting. It is quite true that several of the despatches were curtailed and parts omitted; but enough remained to reveal the outline of affairs which I have traced, and to show how the Dost, having turned from Russia and Persia to Great Britain for assistance against Runjeet Singh, reverted to his former policy when British aid was refused. If, on the one hand, passages containing the opinions of Lieutenant Burnes have been omitted, on the other hand, a despatch written by Sir William Macnaghten, by the order of Lord Auckland, censuring in very severe terms and disavowing totally the policy of Lieutenant Burnes, has also been omitted. The opinions of Lieutenant Burnes which are omitted from the despatches formed no elements in the policy which was adopted; and it was unnecessary to state reasons and opinions by which the Indian Government had not been guided. It is not necessary when you give reasons for the course you pursue to give also the reasons against that course. They form no part of your case. You state reasons why you do not do a thing, but it is not usual to state reasons which you refuse to accept and do not act upon. Well, in that despatch the Governor General finds fault with Lieutenant Burnes for having exceeded his instructions—for having entered into arrangements with the Ameers of Candahar totally beyond his powers, and for having thus committed the Indian Government beyond his authority. The Governor General said that, out of regard for him, and not wishing to destroy his influence, he did not call upon him to make a public disavowal, but that he must take

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every opportunity to explain and to show that the Governor General was not prepared to make good the engagements which Lieutenant Burnes had contracted. So, also, with regard to Runjeet Singh. The Governor General told him what the policy of the Government was, and that it was not the policy which Lieutenant Burnes recommended them to pursue. There is another despatch, which is also omitted, in which Lieutenant Burnes is taken to task for having, while employed in a confidential mission to Affghanistan, communicated his negotiations to the Bombay newspapers, and for which he was deserving the reproach which he received. In saying these things, I do not mean to impute serious blame to Lieutenant Burnes, who acted according to the best of his judgment. He thought he was doing right in holding out hopes to Dost Mahommed and in making provisional engagements with the Ameers of Candahar. But I say his view was a short-sighted view. It was not the policy on which the Indian Government thought right to act, and it should not be made the ground of a charge against the Indian Government that they were not swayed by the opinions of Lieutenant Burnes. Lieutenant Burnes was not the Governor General and the Governor General was not Lieutenant Burnes. What was the object for which these papers were laid before Parliament? It was to show the particular course of policy adopted by the Indian Government. The papers do show all the reasons which induced them to act, and if those reasons are sufficient there is their justification. If they fall short of being sufficient, the justification is wanting. These operations were discussed fully at the time, and I am not aware that the result of that full discussion was to express the blame of Parliament upon the course which was then pursued. It was an important course. No doubt it was followed by the catastrophe of Cabul. But the catastrophe of Cabul was not the necessary or the natural consequence of the operations which preceded it. There was a British force at Cabul amply sufficient to hold its ground; but, unfortunately—I do not like to speak otherwise than well of those who are gone—unfortunately the force was commanded by a general who from physical infirmity was incapable of that exertion either of body or mind which was necessary under, as I admit, very trying circumstances. But if the retreat of that force had been made earlier or not at all, if that force had taken possession of the Bala Hissar of Cabul, my opinion is that the disaster would never have happened. The city of Cabul would have furnished them with provisions sufficient to last the winter, and if any people had suffered from want of provisions it would have been the inhabitants of the town, and not the British army. It is not fair to say, *post hoc, propter hoc*, that the disaster in the retreat followed the occupation of Cabul, and, therefore, was the consequence of it. It was the consequence of circumstances totally independent of the operation itself. The occupation was perfectly successful, and if things had been properly ordered I am satisfied, in my own mind, that the disaster would not have taken place. The question was whether the Government of India were justified in proposing, and the Government of this country in adopting, the operations which were undertaken. Russia was at that time making fearful strides towards our Indian frontier. The Persian Government was at that time entirely at the command of Russia. A Russian general accompanied the Persian army which invested Herat and directed the siege. Russia did all she could to establish the Persian power at Herat, and, by means of the power of Persia, her own power. Russia sent Lieutenant Vicovich to enlist Dost Mahommed in the same operations, and to make Runjeet Singh a member of the confederacy. If all that had succeeded every man can see what danger there would have been of disturbances in our Indian possessions, especially at that time, when the Punjab and Scinde were not ours, and our position in India was very different from what it fortunately is at present. The Government of India took its decision almost simultaneously with the Government here. The decision to resort to measures of force for the purpose of thwarting that combination and preventing its success was, I say, a course justified by the best regard to the interests of the country, and, whatever Lieutenant Burnes and other subordinates may have thought, if the Government had failed to take it they would have deserved those epithets which the hon. and learned Gentleman has this evening undeservedly lavished upon them. The hon. Gentleman, in the simplicity of his nature, seems to take for gospel everything which an Affghan chief may be pleased to say. Those who know anything of Indian affairs know that the labyrinth of Affghan intrigue is such as requires a great deal of experience and sagacity to unravel and to expose. There were at that time differences between the members of Dost Mahommed's family. The Sirdars of Candahar were at variance, and Shah Soojah was a claimant of the throne of Cabul; and if the Indian Government felt that they could not rely on the steadiness of Dost Mahommed—if they found that Dost Mahommed, not getting from them the assurances which he wanted, had thrown himself into the arms of Russia, and was preparing to aid and abet all the hostile designs which Russia and Persia had on British interests — their natural policy was to adopt Shah Soojah, who had been ruler of Cabul and had been expelled by one of the many revolutions which take place in Eastern countries. Shah Soojah had as good a right as Dost Mahommed. The natural policy was to take him and place him as ruler of Cabul, and to have a friend there owing his position to British interference, rather than an enemy looking for support to Russia and Persia. There was nothing, therefore, unnatural in the course which the Indian Government took to give effect to their policy. It was a fair and legitimate exercise of avowed hostility to take the deposed Shah Soojah instead of Dost Mahommed, who was allied with those who were planning objects in hostility to British interests in India. Well then, Sir, I am really at a loss to see what is the particular object which the Committee to whom the hon. and learned Member proposes to refer these papers will have in view. Does he propose to refer to a Committee now, in 1861, to consider whether the Indian and British Governments were right in entering upon the occupation of Cabul in 1837 or 1838? [Mr. DUNLOP: No!] The hon. and learned Gentleman says "No!" and by the method of exhaustion, that is, therefore, out of the question. The object, I presume, will be to see in what degree the passages left out alter the tendency of the papers to support the policy which the Governments of India and England at that time pursued. The public question is would those papers, if those passages had been put in, have formed a condemnation of the policy pursued by the Government—assuming always that the papers without those passages formed their justification? The only additional evidence which those passages give is the opinions of Sir Alexander

Burnes, and I say that those opinions were not the guide upon which the Government had to make their decision. Those passages may have shown that Lieutenant Burnes placed more confidence than the Governor General in Dost Mahommed; but they do not contradict the fact that when the Governor General declined to accept the terms of Dost Mahommed, upon the condition on which the proposals were made, Dost Mahommed turned to the alliance with Russia. It was that ultimate decision of his which determined the ultimate course of the Government of India; and assuming, as indeed is proved, that this ultimate decision of Dost Mahommed did take place, the only question which you can put to the Committee is this—Was the Government of India justified in refusing the alliance upon the condition attached to it? The condition was that we should unite with Dost Mahommed in displacing Runjeet Singh, who was at that time in strict alliance with the English Government. I say that if the Government had accepted that condition it would have been deserving the unmerited epithets so lavishly bestowed by the hon. and learned Gentleman. It would have been an act of treachery—a breach of faith; it would have been conduct difficult to be justified. But the Indian Government kept faith, I say, with Runjeet Singh; it refused to conspire with Dost Mahommed to despoil him of the possessions he then held, and to which he had a good right. If it was a just and a right decision on the part of the Indian Government, then I say, that decision being the motive upon which Dost Mahommed turned against them, they had no choice but to take that line which Dost Mahommed himself had taken. He said, "I will become your enemy," and the Indian Government said, "If you are our enemy and join with our enemies we will treat you as an enemy, and will endeavour to put into your place a man who is our friend." Argue as you will you are driven to the simple question "Aye" or "No" was the policy of the Indian Government in regard to Affghanistan a just and a right policy? I say the decision of that question cannot turn upon the personal opinions of Lieutenant Burnes because he was not the man who had to determine the policy of the Government of India; but that policy was to be determined by the Governor General and those who were his advisers, and it is no proof whatever that their decision was wrong to show me that the opinion of Sir Alexander Burnes happened to be different, and that he believed assurances on the part of Dost Mahommed, which the result proved were not well founded. For, if Dost Mahommed had really been that steady friend of England which Lieutenant Burnes believed him to be, why did he turn back upon Russia because the Governor General would not assist him to despoil Runjeet Singh of Peshawur? Is that what you call a steady friend, a man resolved to cultivate the alliance of England? His language was the language of a thief and a housebreaker—"Join with me in despoiling a neighbour and I will be a friend; if you refuse look upon me as an enemy." I say that was not the sort of man with whom the Indian Government would have been justified in founding a system of policy. They would have sacrificed a friend to purchase an uncertain ally, to gratify a man who was ready to become an enemy if they did not consent to assist him in despoiling a friend and neighbour. I say that any opinion of Sir Alexander Burnes, however strong, however elaborately expressed, however founded upon assertions made to him either by Dost Mahommed or his private secretary—no opinion of Sir Alexander Burnes could outweigh the reasons upon which the Governor General of India founded his system of operation; and the course of policy which he adopted, and which is now, according to the hon. and learned Member's proposition, to be inquired into by a Committee of this House. He will tell me, perhaps, that the Committee will have to look over the passages that were left out of the papers. Well, any Member can do that. I am ashamed to say these things go very much out of one's head after a lapse of twenty years, and it is only in the course of this morning I was able to cast my eyes rapidly over that book which the hon. and learned Member has been studying so minutely; but I will venture to say from a very cursory inspection that if any man will look over the book with attention he will see that that book without the passages which were omitted does contain all the elements on which the policy of the Government of India and the concurrence of the Government of England need be justified and shown to be right. If you take the full copy of 1859 and compare the passages left out with those that were given before, I believe the passages left out do not in any degree alter the grounds upon which the system of operations and course of policy as to Affghanistan were based. I come now to the latter part of the hon. and learned Member's proposition, that a Committee of this House is to be created as a standing council, to go to each department of the Government by which papers are to be laid before Parliament, and to perform the functions of those officers of the Government whose duty it may be to look over the papers and to determine to grant or to withhold as they may think expedient. It was observed lately by the right hon. Gentleman the Member for Buckinghamshire that this House has of late rather too much taken into its hands the functions of the executive Government; but really, if this proposal is adopted, and if, whenever papers are to be laid before the Parliament, a Committee of this House is to be appointed to go to a particular office and to make its own selection of papers, then I must say this House will take a more active part in the executive functions of the Government than has ever yet been proposed. But the hon. and learned Gentleman has himself pointed out the futility and the inconvenience of that course, because he said candidly that if that system were pursued this result would follow—that diplomatic agents, governors of colonies, military and naval officers, and all officers of the Government, who had to make reports which from their nature would be liable to be produced to Parliament, would take special care to give nothing about the production of which there could be the slightest doubt, and consequently official correspondence would become meagre annals of ordinary facts, and all the motives of action, all the grounds of policy would be confined to private letters, which would not be records in the office nor accessible to Parliament. Thus, not only would the object in view be defeated, but great injury would be done to the public service; for when one Government succeeded another it would be left in ignorance of the real grounds of action and motives for decisions upon great questions of national importance. The hon. and learned Gentleman seemed to hesitate about that part of his Motion, and I think upon full consideration he will agree that it is not a proposition which it is expedient to submit to this House. In my opinion it comes to this:—Does the hon. and learned Member really and seriously propose to Parliament in the present year 1861 to go into an examination of the conduct of the Government in 1837 and 1838 in regard to the operations in Affghanistan? We should after that, perhaps, have proposed to us a Committee to inquire into the expediency of the Treaty of 1815, or into the operations in the Peninsula, or another inquiry into the Walcheren expedition, or perhaps go back to Copenhagen. What limit do you put to such historical researches? But I put it to the House gravely and seriously whether they think it would be proper at this time of day to commence an investigation of events which may now be called historical, and which happened more than twenty years since. I would ask whether the time of the House, which is not sufficient for the purposes of the year, month, week, or day—is to be occupied by researches into events of a bygone period, and which have no application, directly or indirectly, to the state of things at present existing. The question is whether the policy of the Governor General of India and of the British Government in considering Dost Mahommed as an enemy, and in endeavouring to substitute Shah Soojah, was well or ill founded; and the only argument which the hon. Gentleman has given to show that it was not well founded is, that Lieutenant Burnes believed that Dost Mahommed was disposed to be friendly to us. I have shown that the disposition was conditional upon the Indian Government concurring with him to give him what belonged to Runjeet Singh. I say that to have done so would have been impolitic and treacherous. I say let the hon. and learned Member prove as he will from published volumes of despatches, or from private letters, that Lieutenant Burnes was really convinced that Dost Mahommed could be trusted, and that he was disposed to be friendly; yet when we know that his friendly disposition was contingent upon a condition which it would never been dishonourable and impolitic for the Governor General to fulfil, and when we know that the refusal to accede to that proposition converted Dost Mahommed into an enemy, I say that in my opinion there is nothing left to inquire into as to the policy of the Government at that period.

MR. BRIGHT: Sir, I observed when the noble Lord rose, from his countenance and from his language he seemed to be suffering from the passion of anger. [Viscount PALMERSTON: Not much.] "Not much," the noble Lord says. I admit in the course of his speech he calmed down; but he was so far led from what I think was a fair course as to charge the hon. and learned

Gentleman who introduced this Motion with making a violent and vituperative speech, and he spoke of that vocabulary of abuse of which the hon. Gentleman appeared to be master. Now, I will undertake to say that I am only speaking the opinion of every Gentleman in the House who heard the speech which introduced this question, when I say that there has rarely been delivered here on any subject a speech more strictly logical, more judicially calm, and more admirable than that which we have heard to-night from the hon. and learned Member for Greenock. But the fact is the noble Lord felt himself hit. The noble Lord is on his trial in this case; and it is on that account that I expect at the conclusion of the debate he will not feel himself at liberty to object to the appointment of this Committee. After a few sentences the noble Lord touched upon the case of Sir Alexander Burnes, and he made a very faint denial of the misrepresentations which are charged against the Government of that day in the case of that gentleman. But he went on to say that, after all, these things were of no importance; that what was in, or what was left out, was unimportant. But I should like to ask the noble Lord what was the object of this minute and ingenious, and I will say unmatched care which was taken in mutilating the despatches of a gentleman whose opinions were of no importance, and whose writings could not make the slightest difference either to the question or to the opinions of any person concerned? And the noble Lord, too, has stooped to a conduct which, if I were not in this House, I would describe in language, which if I were to use here I should possibly be told that I was transgressing the line usually observed in discussions in this assembly. The noble Lord stooped so low as, throughout the whole of his speech, to heap insult upon the memory of a man who died in the execution of what he believed to be his public duty—a duty which was thrust upon him by the mad and obstinate policy of the noble Lord; and whilst his blood cries to Heaven against that policy, the noble Lord in this House, during a three-quarters of an hour speech, has scarcely ceased to heap insult on his memory. What the noble Lord told us throughout his speech was that Sir Alexander Burnes was a man of the greatest simplicity of character. I could not, however complimentary I were disposed to be, retort that upon the noble Lord. He says that Sir Alexander Burnes—an eminent political agent of whom he spoke throughout in the most contemptuous manner—at the Court of Dost Mahommed, was beguiled by the treachery of that Asiatic ruler; that he took everything for truth that he heard, and that, in point of fact, he was utterly unfit for the position which he held at Cabul. But although the noble Lord having these despatches before him, and knowing all the feelings of Sir Alexander Burnes, still continued Sir Alexander Burnes there, and he was there two years after these despatches were written, in that most perilous year when not only himself but the whole army—subjects of the Queen—fell victims to the policy of the noble Lord. Now, I must tell the noble Lord what my hon. and learned Friend, the Member for Greenock, did not discuss, and what the Committee is not to do—because every Member who heard the speech of the hon. and learned Member for Greenock, and those who listened to the speech of the noble Lord, must have seen that from the first he evaded the whole question. He endeavoured to lead the House to believe that my hon. and learned Friend was going into some antiquarian researches about the policy of the English or the Indian Government some twenty years ago, and that it was proposed to have a Committee to dig up all questions of our supposed peril from the designs of Russia at that time. But the fact is that my hon. and learned Friend had no such intention; and there was no man in the House more cognizant of that fact than the noble Lord when he endeavoured ingeniously to convey a contrary impression to the House. It is not proposed to go into the policy of the war. And there is another question that it is not proposed to go into. It is not proposed to inquire whether Sir Alexander Burnes or Lord Auckland was Governor General. We know that Lord Auckland was Governor General; but we know that a Governor General who may be many hundreds, or in India, perhaps, 2,000 miles away from the place where particular events are transpiring, must rely to a considerable extent on the information he receives from the political agent who is on the spot. If this be so, clearly what Sir Alexander Burnes thought, and what he said, and what he wrote, is of some importance. At least, if the House of Commons has any evidence placed before it, the noble Lord will agree that in a great question like this—I am not speaking of now, but of the time when these events happened—it is of first-rate importance that the House should have evidence not on one side only, but on both sides. There is another thing we do not propose to inquire into, and that is the policy of Russia at that time. I cannot very well understand the course that the noble Lord has taken on this point; for I find that about twelve months after the writing of these very despatches, the mutilation of which is now complained of, the noble Lord made a reply to the Russian Minister who had declared that there was nothing whatever hostile to England in the instructions which were furnished to Vicovich. He says—

> "There has not existed the smallest design hostile to the English Government, nor the smallest idea of endangering the tranquillity of the British possessions in India."

The noble Lord, in reply to that, on the 20th December, 1838, just a year after the writing of these despatches by Sir Alexander Burnes, said:—

> "Her Majesty's Government accept as entirely satisfactory the declaration of the Russian Government that it does not harbour any designs hostile to the interests of Great Britain in India."

I may leave that question there, because I can assure the noble Lord that my hon. and learned Friend has not the smallest intention—I judge so, at least, from his speech—of bringing anybody before the Committee to attack or defend the policy of the Government in the war which then unhappily took place. Nor do I suppose it is intended to arraign anybody for a policy that sacrificed at least 20,000 human lives—20,000 lives of the subjects of the Queen of England. Nor is it intended to inquire how far the loss of more than £15,000,000 sterling by that policy has affected for all future time the finances and the circumstances of the Government of India. These are crimes—the whole of that policy is a crime—of a nature never to be answered for. No man can accurately measure it. No Committee of this House could adequately punish those who were the perpetrators of it. No, Sir, my hon. and learned Friend has not the slightest idea of going back twenty years for the purpose of bringing the noble Lord, or any one else who may be guilty, to the bar of public opinion by this Committee. But it is worth while that the House should know whether the Government in whom it at that time placed confidence, and in whom the Queen placed confidence—whether that Government was worthy of their confidence, and whether any members of the Government of that day are members of the Government at this day. It is worth while knowing whether there was and is a man in high position in the Government here or in India who had so low a sense of honour and of right that he could offer to this House mutilated, false, forged opinions of a public servant, who lost his life in the public service. Conceive any man at this moment in India, engaged as many have been during the last three years in perilous services—conceive any man to know that to-morrow, or next week, or any time this year, he may lay his bones in that distant land, and six months afterwards there will be laid on the table of this House by the noble Lord at the head of the Government, or by the Secretary of State for India, letters from him from which passages have been cut out and into which passages have been inserted, in which words have been so twisted as wholly to divert and distort his meaning, and to give to him a meaning, it may be, utterly the reverse of that which his original despatch intended to convey. I cannot conceive any anticipation more painful or more bitter, more likely to eat into the heart and head of any man engaged in the service of his country in any distant land. It is admitted, and the noble Lord has not flatly denied it—he cannot deny it—he knows it as well as the hon. and learned Member for Greenock — he knows it as well as the very man whose hand did the evil—he knows there have been garbling mutilation, practically and essentially falsehood and forgery, in these despatches which have been laid before the House. Why was it refused to give the original despatches when they were asked for in 1842 by the hon. Member for Inverness-shire (Mr. H. Baillie), and when they were asked for at a later period by the hon. Member for Sheffield (Mr. Hadfield). Why was it that the originals were so consistently withheld? That they have been given now I suppose is because those who were guilty of the outrage on the faith of Parliament thought, as twenty years had elapsed, nobody would give themselves the trouble to go into the question, and that no man would be so earnest as my hon. Friend the Member for Greenock in bringing the question before the notice of Parliament. My hon. Friend the Member for Sheffield (Mr. Hadfield) informs me that it was the noble Lord the Member for King's Lynn (Lord Stanley) who consented to the production of the original despatches when he was in office. I was not aware of that fact; but I am free here to tender him my thanks for the course which he took. I am sure he is the last man any one would suspect of being mixed up in any transaction of this kind, except with a view to give the House and the country full information with regard to it. I say, then, avoiding all the long speech of the noble Lord, that the object of the Committee is to find out who did this evil thing—who placed upon the table of the House information which was knowingly false, and despatches that were actually forged—because if you add to or detract from, or so change a coin, or note, or deed, as to make it bear a meaning contrary to its original intended meaning, of course you are guilty of an act such as I have described, and that is precisely what somebody has done in the despatches which we are now discussing. I say an odious offence has been committed against the House, and against the truth; and what we want to know is, who did it? Now, will the noble Lord be candid enough—he does not think there is anything wrong — he says there is not much—it is very trifling—that Sir Alexander Burnes's opinions are not worth much. Supposing it to be so—for the sake of argument grant it; but if it is a matter of no importance, will the noble Lord tell us who did it? When Lord Broughton was examined before the Official Salaries Committee some years ago, he, as the noble Lord is aware, said that he took upon himself as President of the Board of Control at the time the entire responsibility of the Affghan war. The noble Lord at the head of the Government now was then a member of the India Board, and so I believe was the noble Lord the Member for the City of London. But the noble Lord at the head of the Government was also their Secretary for Foreign Affairs. Now, I do not think I am wrong in supposing that this question lies between the noble Lord the Prime Minister and Lord Broughton, once a Member of this House. This thing was not done by some subordinate who cannot be found out. My hon. and learned Friend says it has been done with marvellous care, and even by so much ability that it must have been done by a man of genius. Of course there are men of genius in very objectionable walks of life; but we know that the noble Lord at the head of the Government is a man of genius; if he had not been he would not have sat on that bench for the last fifty years. And we know that Lord Broughton is a man of many and varied accomplishments. And once more I ask the noble Lord to tell us who did it? He knows who did it. Was it his own right-hand, or was it Lord Broughton's right-hand, or was it some clever secretary in the Foreign Office or in the India Office who did this work? I say the House has a right to know. We want to know that. We want to drag the delinquent before the public. This we want to know, because we wish to deter other Ministers from committing the like offence; and we want to know it for that which most of all is necessary—to vindicate the character and honour of Parliament. Nothing can sink Parliament to a lower state of degradation and abasedness than that it should permit Ministers of the Crown to lay upon the table, upon questions involving the sacrifice of £20,000,000 of money and 20,000 lives, documents which are not true—which slander our public servants, and which slander them most basely of all when they are dead and not here to answer. I do not believe that the Gentlemen of England in this House—upon that side of the House or upon this—will ever consent to sit down with a case proved so clearly as this is without directing the omnipotent power and eye of Parliament into the matter. I say, seeing the charge, seeing that the noble Lord was at the head of the Foreign Office at the time, that the policy of the Affghan war was always considered to be his, that the responsibility of this act must rest between him and Lord Broughton, I should not like to hold the opinion, and I do not hold the opinion, that the noble Lord would object to a Committee to inquire into a matter in which he is himself so directly concerned.

COLONEL SYKES said, he wished it to be kept in mind throughout this discussion that the Affghan war was commenced and carried out entirely without the privity of the Directors of the East India Company, the deliberations upon it being confined to the Secret Department of the Government for Indian affairs. The moment the Court of Directors became acquainted with the facts of the case they were unanimous in repudiating with indignation the policy which had been pursued. If, therefore, there had been any falsification of documents practised with a view to vindicate that policy, the Directors could not possibly be supposed to have been a party to it; and this he stated from personal knowledge, having been a member of the Court of Directors at the time. But independently of any positive falsification of public documents laid upon the table of the House, the judgment of the House and the country might be misled by the incompleteness of the information submitted. Of this the recent blue book on China affairs seemed to afford an example, as far as related to events at Shanghai. Some consular notifications had not been transmitted to the Foreign Office, and only one out of numerous letters and narratives published in the *North China Herald*, respecting the Taeping insurgents, and that one a private letter unfavourable to them. For the non-transmission of such documents to the Foreign Office the noble Lord at its head was not in any way responsible.

MR. DISRAELI: Sir, after what has taken place I think I can hardly remain silent on this subject. The noble Lord the First Minister has talked of the lapse of time—of the twenty years that have passed away since this question was last discussed. Unfortunately I can remember those twenty years; I can remember that I, twenty years ago, sitting almost in the same place as the hon. and learned Member for Greenock, supported a Motion made by an hon. Friend near me on this very Affghan war. Since that day time has operated upon all of us. Twenty years have done for me what, I suppose, they have done for all of us, saddened our life and softened our spirit. I, considering the question now, therefore, at least bring to that consideration no asperity; and I am prepared to consider it with the advantage of some previous acquaintance with the subject. There are two points on which I wish to place myself clearly before the House. In discussing the policy of the Affghan war I cannot admit that we are to take refuge behind that mysterious entity called the East Indian Government. The person responsible for the Affghan war was the English Minister at home, and I should hold him unworthy to be Minister who, after any lapse of time, would shrink from that responsibility. Any remarks, therefore, I make on this question affect the English Government, and the English Government alone. In the second place, I would say one word on the name, character, and career of an individual who has necessarily been often mentioned in the course of this discussion—Sir Alexander Burnes. I had no personal acquaintance with Sir Alexander Burnes. I formed my opinion of that public servant as we all form our opinions of most public servants, from the public documents written by him in the course of his public duties. There I found great energy, great devotion, great fertility of resource, and a character admirably adapted to the circumstances he was called on to control, and to the positions he filled. I cannot, therefore, agree with the noble Lord, who, in his observations this evening, has spoken of Sir Alexander Burnes in a tone of disparagement. On the contrary, I admire his career and I regret his loss. But what are we called on to do to-night? Probably in the history of Parliament a Motion of this character has never been made. The subject itself has been before the House on three different occasions; everyone, therefore, is acquainted with its details. Let us, then, understand clearly what is now the Motion proposed by an hon. and learned Member who is a supporter of the Government. It is not merely a Motion of want of confidence, or merely a Motion of censure; it is both united. It is a brand. It absolutely asks the House to declare, not only that the Ministers are unworthy of confidence, but that they perpetrated years ago with impunity that which ought to be held up to public reprobation. It becomes the House to take a calm considerstion of such a Motion lest it should be led to a resolution it might afterwards wish to retract. Now there are two points with regard to this question. We ought to look, first, at the policy that is called in question; next, at the information we possess with regard to that policy which in vindication of it was afterwards laid before Parliament. I do not intend to enter now into the whole policy of the Affghan war. I do not wish to avoid it; I have no reason for avoiding it. My words are on record. I think the policy that emanated from our Government at home for the instruction of the Indian authorities was an erroneous policy. But this is not the occasion, nor is the present Motion the means of expressing the opinion of Parliament on a policy pursued twenty years ago. At the time I thought it dangerous, because it might lead to conjunctures and results that would be most perilous to our Indian Empire. Many of those results have actually occurred. They produced a catastrophe which at last arrested public attention and directed it towards our Indian Empire. In a time of adversity, and with all the energy that distinguishes our country, the public mind was directed to the consideration of the principles on which our Indian Empire was governed; in consequence of that consideration a new system of Government was established, and the policy then pursued seems to have been arrested and checked. Why should we now, therefore, discuss a policy with regard to our Indian Empire that is no longer pursued, however strong were the objections to it twenty years ago? It seems to me not only of doubtful advantage but a course that we ought not to adopt. I now come to the question, whether the information laid before Parliament was as ample, as frank and satisfactory as, under the circumstances, it should have been. That is a grave question. I have myself, on more than one occasion, expressed my opinion in this House—but in vain—that we had not sufficient information on a subject of this great importance. I cannot say that for many years the House supported this view. Indeed, we have been to-night reminded—I had quite forgotten it—by the Gentleman who made this Motion of the mortifying result of these efforts, for he has reminded us that on one occasion, when we called the attention of the House to the subject, I voted with a minority of nine. It was, therefore, not merely the Government but the House of Commons that was responsible for the position in which we were placed. It is on the House of Commons—that year after year refused to act, though they were informed long before these revelations took place that the documents were not so ample as they ought to be, and did not convey that full and clear account of what occurred that was necessary—that the responsibility ought to fall, and not on the Government only. It is a grave question we are asked to consider; but, whatever may have been the reasons for the omissions of which you complain, and however much those omissions may now weigh in the balance of evidence on a question of policy, you cannot, in a discussion of this nature, come off-hand to a sound and accurate decision on such a subject. I am not surprised that, after what has occurred, this question should come before the House; but I am surprised that it should come before it in the way, and be conceived and supported in the spirit, in which it has been brought before us. Several years have elapsed since a distinguished writer, Mr. Kaye, directed the attention of the public to the imperfect information presented in the Parliamentary Papers. His labours have slowly worked their way, for several years have elapsed since Mr. Kaye's researches commenced to affect public opinion. The hon. Member for Birmingham has commended my noble Friend near me (Lord Stanley) for having, when he was Secretary of State for India, pursued the proper and decorous course of giving, instrumentally, these revelations to to the House. But the suppressed passages were notorious years before; they had been the subjects of argument; they had been the subjects of Parliamentary criticism; and when my noble Friend, as Secretary for India, was appealed to, and asked whether he would produce these documents he had to consider what course he ought to take. He consulted me as to what ought to be done under the circumstances —whether he should take refuge in the usual diplomatic reserve and say that the documents once placed on the table of Parliament must be considered sufficient, and skrink from adding to the knowledge Parliament then possessed; or whether, in consequence of the revelations that had come from a literary source, and considering the exaggerated views that always more or less prevail under such circumstances, it was not the franker and wiser course to place the documents on the table of the House. I think we took the right course; and when these documents were placed on the table it was not that my noble Friend considered there had been a great suppression of truth, but that, in consequence of the state of the public mind on the subject, he thought it was of importance that they should have authentic information. You have that authentic information. There is no doubt that my hon. Friend the Member for Inverness-shire (Mr. H. Baillie) twenty years ago, and others afterwards, had intimated to the country that the papers were not then published in so ample a form as to convey a fair and clear impression of various points, but especially of the opinions of the individual whose conduct was in our estimation most influential in bringing about the results arrived at. But it is a grave question for us to be called on to consider an accusation of crime. [An hon. MEMBER: No, a Motion for Inquiry.] I say a charge of crime, made by the hon. Gentleman opposite (Mr. Bright); a charge of crime, and no less. These are the words that were used in reference to the noble Lord now the First Minister, and the noble Lord (Lord John Russell) who was First Minister at the time these events occurred.

[Several MEMBERS: No, no, it was Lord Melbourne.] At all events, the noble Lord was a Secretary of State, and the leader of this House. It is a charge of crime that has been brought forward by the hon. Member for Birmingham. But let me remind the House that this is not conduct that has been recently discovered. If the conduct of the noble Lord the First Minister and his colleagues at the time was criminal, they deserved the language which has been applied to them by the hon. Member for Birmingham. I do not want now to discuss the question whether they deserved that language or not; but if they deserved it twenty years ago, how came the hon. Member for Birmingham to go to Willis's Rooms to meet the two noble Lords there, and to express his confidence in the noble Lords there, and to express his confidence in the noble Lords, and say, "These are the only men who ought to govern this country?" Remember, all that we now know was known years ago. The hon. Member for Birmingham and his friends were distinctly acquainted with the policy that led to the invasion of Affghanistan; and they knew all that had occurred. It was as notorious, too, three or four years ago, that there had been an unexampled castration of these documents, as it was that any event whatever had occurred. On such conduct charges of crime are now founded. The noble Lord and his colleagues at that time are held up to us as not only unworthy to be Ministers of this country, but almost unworthy to be Members of this House. Now, I want to know these being the circumstances—why, less than two years ago, there was a public meeting held in this city to upset the Queen's Government and to bring the noble Lord into power to govern this country and India, and to regulate all the affairs of this great Empire. I have never heard that question answered. I must say I take a different view of this question from that which is taken by the hon. Member for Birmingham and his friends. I have a strong opinion that the whole of our Indian policy as regards the invasion of Affghanistan was a most erroneous policy. I think it not only caused the loss of 20,000 of our fellow-subjects, and at least £20,000,000 of money, but that it led, if possible, to greater calamities and more gloomy disasters. I think the ill effects of that policy are felt at this moment in India, and that we may ascribe to it much of the mischief that has lately occurred, and much of the danger that may be impending. But I am ready to give the Government of that day the credit which I think we ought, under all circumstances, to give to English Ministers. I believe they acted as they thought best for the good of their country and their own characters. I will not for a moment suppose that the Government of that day were influenced by any other considerations than those that they thought were conducive to the public welfare. Let me ask what is the principle upon which you think information is to be given to Parliament? Do you mean to say that all the information in possession of a Minister is to be laid before Parliament? That a Minister is not to have the privilege of omission or suppression? There is not a man who will say that it ought not to be a question of discretion—that it is a question of management, a question of handling. The discretion in this case may have been indiscreet, and the management awkward; but are you prepared to say that it was criminal? If you are prepared to say so, how then can you justify your sitting on that side of the House? That the Government took a course in its Indian policy which was highly to be deprecated, and that the documents placed before this house were not as ample and complete as this House had a right to expect, I years ago maintained. But what is the object of the present Motion of the hon. and learned Member? No hon. Gentleman supposes, I imagine, that on an issue of this kind we ought to come to a decision upon any question so solemn and so long past as the invasion of Affghanistan. About the policy of the invasion of Affghanistan there is now but one opinion. Are we to resolve that years ago the documents laid upon the table of this House in explanation of the policy of the Government were not sufficient? I do not doubt that; but I say that is not a question that ought to be brought before us, accompanied with criminating details, upon a Motion which invades the province of the Executive, and can only be justified by conduct on the part of the Government that would deprive it of the confidence of the House. The hon. and learned Member moves, first, for a "Select Committee to consider the 'Correspondence relating to Affghanistan,' as presented to this House in 1839, and the same Correspondence as presented in 1858, and printed by special order of the House in 1859, and to report on the discrepancies between the two."

Well, there I would stop. Considering the remarkable circumstances of the case, and that great discrepancies have been proved between the Correspondence published at the two intervals, I am willing to admit that even after so long an interval of time such a discrepancy ought to attract the attention of the House. But how is the House aware of these discrepancies? It has not discovered them by getting hold of them secretly—it is only in a regular, constitutional, and Parliamentary mode that they have become acquainted with discrepancies that have long been suspected. If the hon. Gentleman had asked for a Select Committee to the extent I have quoted, I should have watched with interest a Motion which, after a lapse of twenty years, vindicated the privileges of the House of Commons, and offered an additional security for accurate information in the future. But the hon. Gentleman also wants the Committee to "inquire into the circumstances of the preparation of that Correspondence for being presented on the former of these occasions; and to report their opinion whether any, and, if any, what precautions should be taken to secure that documents presented to this House by the Government, as copies or extracts of Correspondence or other papers shall give a true representation of the contents of such Correspondence or papers." What would be the inference drawn from that Resolution? Would it not be supposed that certain documents explanatory of the conduct of the Government, which twenty years ago were withheld, had been by some mysterious means—by the treason of some conspirator and confederate—discovered; that there had been a vast and vile suppression of the truth; and that an indignant House of Commons was prepared to impeach a Minister? The fact, however, is that these documents were first discovered by a literary and official research, and then the papers were consented to be produced by a Minister in a more detailed shape. Your opinion may be that it would have been better if we had had in 1839 the complete information that we have in 1859, but you might also discover that it would have been dangerous and improper to have given in 1839 the information that is safely published in 1859. But when the House is asked to interfere with the Executive of the country, and not only to inquire into the preparation of this particular correspondence, but whether in future the publication of these papers ought not to be prepared in some other way, we are asked to take a measure that circumstances do not warrant, and to embark on a course which we may have cause to regret. It is not without satisfaction I find that after twenty years many of the remarks which my hon. Friend (Mr. Baillie) and myself made have been vindicated in this House. It is satisfactory that the House acknowledges the impolicy of the deplorable invasion of Affghanistan, and that it is proved the information with regard to that invasion was not so complete as we had a right to expect; but I cannot upon such circumstances found a censure such as is included in this Motion. But if the views of the hon. Member for Birmingham are correct—and on most subjects his views fairly represent the opinions of those with whom he acts—and if the conduct of the Government of 1839 with respect to the first production of these papers is criminal, then, seeing that the principal members of that Government are members of the present Government, the matter cannot rest where the hon. Gentleman intimates it is to remain. The hon. Gentleman must push it much further. He must forget the confidence he has publicly recorded in the Ministers whose conduct he now as publicly accuses, and he must ask for that public justice which he will not demand in vain. But, although the hon. Gentleman has used these strong words, yet he must agree with the majority of this House, that, although the policy of invasion may have been wrong, and although the information originally given to the House may have been subsequently shown to be shorn of its fair proportions, and not have given that adequate information which might have been safely intrusted to us, yet that there is no proof of any design on the part of the Government to prevent Parliament from obtaining that information which it believed to be necessary for duly understanding its policy. The Government may have decided erroneously, yet I do not doubt it decided conscientiously, to the best of its ability, and with a desire to secure the best interests of the country, and the maintenance of the Empire. And I, for one, protest that when Gentlemen—after twenty years—after these conclusions have been known, and these facts have been notorious for years—come forward and thus attack the Govenrment of whom they have in the face of Heaven expressed their solemn conviction of their ability to govern this Empire, I, for one, will not sanction such an attempt to brand them in this manner and under these circumstances.

Mr. WALPOLE: Sir, I wish to state briefly to the House the reasons which influence me in the vote I propose to give upon this question. I have listened most attentively to this debate, and I confess that I am surprised at the course taken, not by one Member, but by several, upon a question which, to my mind, does not so much involve the subjects immediately under discussion as it does the credit of public men, and the honour and the usefulness of Parliament; but without at the same time taking the shape, as my right hon. Friend seems to think it takes, of a vote of censure on the conduct of the Government. I will not enter at this moment into the question of the policy of the Affghan war. That is a matter for the judgment of history. I will not, like the hon. Member for Birmingham, attack as criminals before Parliament the two noble Lords principally concerned in this transaction. I do not agree with him in that opinion. Neither will I follow the hon. Gentleman who made this Motion with so much ability, and, as I should have thought, with so much fairness, although there were parts of his speech in which I could not entirely concur. The question before us is not whether papers which were laid before Parliament twenty years ago were or were not complete, or contained all the information that ought to have been furnished. The question is whether, when material discrepancies are brought under our notice between the papers produced in 1839 and the papers printed two years ago, we are to shut our eyes to the fact, and are to refuse to receive that explanation which may justify, which from the bottom of my heart I hope will justify, and which—knowing the character of the noble Lords whose conduct is impugned—I believe will justify—that conduct. The matter has been brought before us; and are we at once to decide that we shall have no inquiry into the circumstances under which these discrepancies have occurred? The question we have to decide, and which is now challenged, is, when these discrepancies which the noble Viscount at the head of the Government says are capable of explanation and justification have been pointed out to us, shall we not inquire into them? It is upon these grounds that I shall vote for this Motion, though not for all of it. I do not vote for the latter part of the inquiry, which, I think, ought not to be conceded, because it is impossible that this House should appoint any Committee, as between the House and the Executive, to determine what papers should be produced and what omissions should be allowed. These we take upon the faith and the credit of the Government, placing our confidence in the Government; and I care not what Government it may be, until that Government is accused of misconduct in such a matter I will give that Government my most implicit confidence. It is not with the view of charging the Government, and of passing censure upon them, but with a view of giving them an opportunity of explaining to Parliament and to the country the circumstances under which these discrepancies arose. It is with the fullest intention of giving the noble Lord the opportunity of making that explanation that I vote for the first part of this Motion.

Mr. BRIGHT: I rise, Sir, to explain. The right hon. Gentleman is mistaken if he supposes I brought any charge against the noble Lord. I turned to a pamphlet where I saw that the noble Lord, the Member for the City, was in the Government of the day, and all I said was that, as the noble Lord now at the head of the Government was then at the head of the Foreign Office, and Lord Broughton presided at the India Board, I supposed that the matter lay between them, or some subordinates in their respective offices; but I did not hint so much as a charge against the noble Lord the Member for the City.

Lord JOHN RUSSELL said, he thought that the question was hardly that which the right hon. Gentleman the Member for Cambridge University had just put. The events referred to in the present discussion occurred more than twenty years ago, and whether or not the invasion of Affghanistan was politic and wise, and whether it was right to omit certain passages from the papers, did not seem to be matters that could be at this time investigated to any useful purpose. But what might be investigated—what it would be perfectly fair to investigate—was the point which he understood the hon. and learned Member for Greenock to wish to lay a ground for inquiring into, namely, whether the Affghan war was undertaken with a criminal intent? The hon. Member for Birmingham said the war was a crime, and he did not see how any crime could exist without a criminal intent to perpetrate it. A further question was whether the omissions which had been alluded to were made with a view to mislead Parliament? He totally denied both these reasons for an inquiry. Let the Affghan war be viewed in whatever light it might be—let it be deemed, as those who undertook it deemed it, a war proper to be entered upon; or let it be considered, as the right hon. Member for Buckinghamshire considered it, a great and serious fault—still he maintained that war was undertaken by the Government of India, then conducted by Lord Auckland, and by the Government of England, then under the direction of Lord Melbourne, with a conscientious desire to defend the British Empire in India, and to secure its frontier from invasion, which it was thought at that time might be attempted with the most formidable prospects of success. If that were so, the inquiry on that point would fall to the ground. As to the question whether or not it was wise, was that House now in a condition to investigate all the circumstances which led to that war? He remembered perfectly well that the first question brought before the Government of that day was the intended occupation of Herat by the Persian Government under the direction and instigation of the Russian Government. The position of Herat must be considered, what means it might give for an offensive war against India, and what were the best means of warding off that danger; but could hon. Gentlemen at this period of time, and now that the calamities that followed that invasion are patent to the world, pretend to form a judgment on these points. Can they pretend to judge what would have been the consequences if the English Government had told the Indian Government to remain passive, to allow the danger to approach, and to suffer the combined hostility of Russia, Persia, and Affghanistan? He did not say that the Government of that day might not have been entirely mistaken; but he did say they could not judge at this day of all those circumstances, and that it was for history alone to record its judgment upon them. But what they could consider, and what he should desire to have their judgment upon was whether the Government of that day committed a crime, as the hon. Member for Birmingham says they did; and whether it was with a criminal intent, or with the real intention to serve their country, that the Government entered upon that war? The hon. and learned Member for Greenock who, he agreed with his noble Friend in thinking had made a most bitter speech, interspersed with accusations of forgery, from which it might be inferred that some Members of the Government of India had forged documents and inserted them among the papers cannot make good the charges he has made. The hon. and learned Gentleman never precisely said so, but went on repeating the word "forgery," and the hon. Member for Birmingham likewise talked of "forged papers."

MR. DUNLOP said, he never had the slightest intention of charging the Government or any member of it with forgery. He never even used the word. What he intended to make out was that by leaving out documents and paragraphs an impression was produced by the papers contrary to the truth.

LORD JOHN RUSSELL supposed that that was the meaning of the hon. and learned Gentleman, but the word "forgery" fell from him, and the words "forged papers" fell from the hon. Member for Birmingham. When such words were used he might say that the accusations had been brought forward with some bitterness, and Ministers that have been accused of forging documents cannot allow that that is fair and moderate language. With regard to those documents, what the hon. Gentleman, no doubt, intended to say—and there was a great deal to support him in the assertion—was that those papers, with all their suppressions and omissions, did not give a full and fair impression of the opinions of Sir Alexander Burnes. With regard to the preparation of papers there were different opinions; but one thing which was generally avoided was the putting in of despatches or letters from agents of the Government in which they stated opinions which brought down on them differences of opinion on the part of their superiors, and not only differences of opinion, but sometimes rebuke and severe censure. That was the case with Sir Alexander Burnes. It was not thought advisable to publish opinions which must have been accompanied by the opinion of the Governor General that he had been mistaken, that his conduct had been erroneous, and that it was not such as, if pursued, would tend to benefit British interests in India. He believed that every one respected the motives and the character of Sir Alexander Burnes, and that being so, it was not thought advisable to place those opinions on the one side, and the censure which they had called forth on the other. For his (Lord John Russell's) part, seeing what had since happened, he now wished that the whole of Sir Alexander Burnes's correspondence had been published. For what would have ensued from that? Why it would have been shown that Sir Alexander Burnes had come to one opinion as to Dost Mahommed and the policy of conciliating him, and that the Governor General, the Board of Control, and the Government at home to another and a different one. But which opinion was of the most value? Those who were opposed to the Affghan war thought the opinion of Sir Alexander Burnes preferable; but even the hon. and learned Gentleman who brought forward this Motion, and those who agreed with him, must recollect that Sir Alexander Burnes did not form a very correct opinion as to the character of Dost Mahommed. It was a general characteristic of these Eastern Princes when dealing with an European Power—and this hon. and learned Gentlemen must have observed in many instances, as well as that to which he now more particularly referred—that they were ready to enter into negotiations and to make great professions of friendship in order to see what they could obtain by way of compensation or reward, and that if they did not obtain exactly that reward which they sought they went to another Power to see what they could obtain from them. They thought with their Eastern policy, that it was perfectly right to make professions of friendship while intending only to attach themselves to that Power with which it might prove their interest to be in alliance. That was the conduct of Dost Mahommed; for while he was speaking to Sir Alexander Burnes of an alliance with England he had opened communication with the Government of Russia, and it was shown afterwards that he was perfectly ready to attach himself to that side from which he should have the better reward. Sir Alexander Burnes was mistaken and deceived in the character of that Prince, and if the Correspondence had been given to the world in its entirety, it would have been a defence of the Government in the course which they took with respect to Dost Mahommed. It appeared that the price of his friendship—if it could in reality have been secured—was Peshawur. To that Runjeet Singh clung; and he would have declared that if Dost Mahommed wanted it he must take it by force. Therefore, to gain the friendship of Dost Mahommed that of Runjeet Singh must have been abandoned, and Lord Auckland, Lord Melbourne, my noble Friend (Viscount Palmerston) and the entire Cabinet of the day judged that the alliance of the former ought not to be purchased on such terms. But the hon. and learned Member for Greenock, not satisfied with saying that it was criminal to undertake this war and suppress those papers, put an addition to his Resolution. This addition was the essential part of his Motion, with which it was clear and consistent, but without which it was lame and halting. It declared that the Ministers of the Crown must present to Parliament such papers as they had in their offices, and that, if they did not, a Committee of that House should sit and inquire what papers there were in those offices, and produce and suppress as much of them as they might think fit, whatever might be the opinion of the Minister, or whether or not he should think their production or suppression injurious to the interests of the country. If the hon. Gentleman wished to do what was done in the American Senate—if he wished to deprive the Ministers of any discretion as to the papers which were to be presented to Parliament—he would have a Committee here like the Committee of the Senate of the United States, and put an end to the authority of the Crown on those matters. That was the logical sequence of the proposition of the hon. and learned Gentleman, which was, in his (Lord John Russell's) opinion, a proposition totally inconsistent with the authority of the Crown, and totally inconsistent with our monarchical institutions. In the year 1842, when these events were fresh in the minds of every one, the House rejected a proposition on the subject; and he thought that, after a lapse of twenty years, it would not do now what it refused to do then.

Colonel DICKSON said, that the question was whether they were to receive the truth, the whole truth, and nothing but the truth, when they were told they were to receive the truth, or to receive only such garbled extracts as would suit the policy of the Ministers of the day. It would be preposterous to impeach their Ministers, but it was a question which affected the integrity and honour of public men.

Mr. HORSMAN said, he was induced by the observations of the right hon. Gentleman the Member for Buckinghamshire, to say a few words in explanation of the vote which he was about to give on this Motion. His vote would have been a silent one only for the construction which the right hon. Gentleman had endeavoured to put on the question. He (Mr. Disraeli) said that in voting on events which occurred in 1839 under different circumstances and under a different Ministry hon. Gentlemen were about to vote a want of confidence in the present Government, because some of them were in that Ministry of twenty years ago. That was a construction of the Motion which was repudiated by his hon. Friend the Mover, by the hon. Member for Birmingham, and by the right hon. Gentleman the Member for the University of Cambridge, who had shown it to be an improper and erroneous construction. The question which they had to consider was what rule was to be followed — what was the principle to be laid down—as to the information which Ministers of the Crown were to present to the House in reference to subjects on which Parliament had a right to be informed? The right hon. Gentleman the Member for Buckinghamshire had observed that the question at issue was one of management and discretion; but his objection was that it was a matter of too much management. Indeed he had, so far back as the year 1846, complained of the imperfect information given as to Foreign Affairs, and the present Prime Minister, who then filled the office of Secretary of State for Foreign Affairs, had drawn an amusing picture of private Members sitting down to ransack the despatches of the Foreign Office for the purpose of selection for publication. The question, he should contend, was not one of management so much as one of confidence and responsibility. It was a question, moreover, which the noble Lord the Member for London had not properly described as involving the policy of the Affghan war; and although the right hon. Gentleman the Member for Buckinghamshire had remarked that the subject was not new, he must maintain that neither was the system complained of novel, nor the mutilation complained of in 1839; that what had been done in 1839 had been followed up more or less by every Minister who held the reins of Government up to the present period. The fact was that the system of secrecy which was permitted in the conduct of the foreign affairs of the country —a system of which he had often complained—was quite incompatible with the political rule under which we lived, and while the Government was allowed a large discretion in the management of those affairs, the House of Commons was kept in ignorance of much with respect to which it ought to be informed. He might add in reply to the observation made by the noble Lord at the head of the Government, towards the close of his speech, to the effect that if Parliament exercised so severe a control over the foreign policy of the country none of our Ministers abroad would be disposed to give full information on any subject in their public despatches, and that the foreign policy of the State would in consequence in reality be conducted by means of private correspondence —that what he had to complain of was that it was too much the habit to conduct our foreign policy by means of private letters—an opinion to which he had over and over again given expression. The principle that a Minister of the Crown communicating with the representative of the Queen in foreign States on public business had no right to receive a single private letter with a view to acting on it, and yet leaving no record in the office, was one which he was still prepared to uphold. To pursue a contrary course was, he should maintain, to adopt an unconstitutional policy, however much a Minister might be justified in transmitting and receiving confidential despatches, which, perhaps, it might not be advisable to lay on the table of the House, but which ought to be left in the office to which they were addressed. In conclusion, he had simply to observe that the circumstances brought before the House that night were not in all respects new—he believed occurrences in some respects similar were not unfrequent, though they were not brought to light as in the present case; but since in the case under discussion two sets of despatches had been laid before Parliament differing in character and substance, and that fact having been brought under consideration of the House, he did not see how it was possible to refuse to inquire into the matter. He for one would vote for the inquiry—not to criminate any Minister, but for the purpose of affirming his opinion of the principles which ought to guide a Ministry in laying papers before the House, and of the rules which ought to guide the House with reference to a matter in which its dignity was concerned.

MR. DUNLOP, in reply, said that the two noble Lords had not touched the real question at issue at all. He had been charged with making personal accusations, but he thought he had always peculiarly guarded himself in that House against indulging in bitterness or personal asperity. He could assure the noble Lords that he had no suspicion of any particular individuals in this matter. But Sir Alexander Burnes was a countryman of his, and if, with the clannish feeling of Scotchmen and the *perfervidum ingenium Scotorum*, he in any way expressed himself too warmly he regretted it. He declined to enter into the policy of the Affghan war, but if, as the noble Lord (Lord John Russell) said, the Government of that day had a just ground of war there was the less necessity for the mutilation of documents. He never contended that the Government should adopt the opinion of Sir Alexander Burnes, but he did contend that when necessitated to produce his opinions they ought to have given them fairly, and should not have given as his opinion that which was not his opinion. In compliance with the wish that had been expressed during the course of the discussion, he was willing to modify his Motion by the omission of the latter part of it.

Mr. H. BAILLIE expressed his regret at hearing the noble Lord at the head of the Government speaking in such disparaging terms of the late Sir Alexander Burnes. The noble Lord spoke of Sir Alexander as Lieutenant Burnes, whereas he must have known that he was a lieutenant-colonel in the army, and one of the most important agents of the Indian Government. The reasons which induced him (Mr. Baillie) to make a Motion on this subject in 1842 were these—he had received a letter from a friend of Sir Alexander, complaining of the manner in which his despatches had been misrepresented in Parliament; that he was made to appear the advocate of the Affghan war, whereas, on the contrary, he had been its firm opponent: and at the same time correct copies of his despatches were laid before him. He thought it hard that an officer who had sacrificed his life for his country and in a cause which he had disapproved, should have been so misrepresented by his Government, and therefore he moved for the production of the perfect papers.

Mr. DUNLOP proposed to modify his Motion by leaving out all the words after the word "opinion."

Lord JOHN RUSSELL objected.

Mr. SPEAKER said the Motion of the hon. and learned Member was at present in possession of the House, and it could not be withdrawn, either wholly or in part, without the consent of the House.

Mr. BAXTER, in order to raise the issue desired by the hon. and learned Member for Greenock, would move, by way of Amendment, that all the words after the word "opinion" in line 7 of the Motion, be omitted.

Amendment proposed, to leave out from the word "opinion" to the end of the question.

Lord JOHN RUSSELL: I think the Resolution without the concluding words would be lame and imperfect. The Motion as originally proposed by the hon. and learned Gentleman takes a very consistent view, and I shall therefore vote against the omission of the words.

Mr. BRIGHT: Do I understand the noble Lord to object to the withdrawal of the last words? Why the noble Lord at the head of the Government specially argued against the impropriety of the inquiry involved in the words now proposed to be omitted; and the right hon. Gentleman who has thrown his shield over the noble Lord objected also. The hon. and learned Member for Greenock is but acting on the opinions which they expressed. I do not think I ever saw a spectacle so remarkable as that of a leading Member of the Government and a candidate for the Prime Ministership—who, after speaking on behalf of his colleague, now rises to object to the withdrawal of part of a Resolution which the hon. Member who proposed it, in deference to the opinions of several eminent Members of this House, thinks it well to withdraw—the specific question which was brought forward remaining untouched.

Mr. DISRAELI said, that the House was now in a position when it ought not to consider the convenience of Ministers, but rather the principles which should guide the conduct of the House in reference to its own dignity on the part of the House itself. Under the altered circumstances of the case it was important that the House should clearly understand the character of the proposed omission. He objected to the original Motion, but now there appeared to be an opinion that it would be expedient to vote for a portion of the Motion. The Motion was very well drawn and contained two propositions—one to consider the Correspondence presented, and to report upon the discrepancies—that was clearly within the compass of the House; the other proposition was to inquire into the circumstances of the preparation of the Correspondence which occurred twenty years ago, and to ascertain what precautions ought to be taken for the future. In his opinion, after all that had occurred, although he regretted that the matter had been revived, he thought it would be expedient to assert the dignity of the House without pledging the House to an opinion on the merits of the case by examining into the reasons of those discrepancies occurring. And he was prepared to support that proposition. He had already indicated that that was the fair and just way of considering the question. If the House should agree to take into consideration the main proposition he should in that case suggest to the hon. and learned Member to conclude his Motion at the end of the fourth line, stopping at the word "two." They would then have a distinct proposition before them, which if carried would lead to a result satisfactory to the House, and would tend to the improvement of the conduct of public business, and at the same time would not involve them in a discussion of the mode in which papers were prepared nearly a quarter of a century ago. But the Amendment moved by the hon. Member for Montrose would leave the Motion so garbled in language, so imperfect and incoherent in sentiment, as to lead to a very unsatisfactory result.

VISCOUNT PALMERSTON: I wish to say that I did not mean to speak disparagingly of Lieutenant Burnes personally; I think, on the contrary, I did justice to his energy, ability, and to his qualifications. But what I did say was that Lieutenant Burnes, neither by his position, experience, nor by the extent of his views, could be quoted as an authority whose opinions could be set against those of the Governor General, who had far more ample means of knowledge and was far better able to decide any question of great national policy. With regard to the Motion made by my hon. Friend to cut, mutilate, and garble this Resolution—to commit forgery in respect of part of it—for it has been held to-night that forgery consists in suppression —I must protest against it, and I will state my reasons. When a Member thinks fit to bring before this House a serious Motion—and this Motion is a serious one in its intentions—and when he conveys his proposal in language such as the hon. and learned Member has thought fit to use, and which, though he may have since forgotten it, I have not—for it was of much too serious a nature to be dealt with as lightly as he wishes to do—when a Member, I repeat, on full deliberation, has thought fit to make the sort of Motion which he has

proposed, it is not becoming or respectful to the House that he should run away from it, and content himself with only an introductory passage, which is of no value whatever except as leading to the serious conclusion with which he ends it. To inquire into the discrepancies? Why, the House knows them. They are in the possession of every Member. If any proposition is to be submitted to the House at all it ought to be a Resolution not to inquire into discrepancies which are already known to every hon. Gentleman, but to express an opinion upon them. It is mere idle trifling to move for an investigation which cannot add to our stock of knowledge or lead to any useful result.

MR. DUNLOP said, his Motion contained three propositions. The first was for a Report upon the discrepancies between the two sets of documents; the second was for an inquiry into the circumstances attending the preparation and presentation of the despatches in 1839; and the third related to the precautions which ought to be taken in future for preventing the mutilation of public papers. He wished to depart from the third—but the third only, and would, therefore, have no hesitation in supporting the Amendment of the hon. Member for Montrose.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 158; Noes 61: Majority 97.

Main Question put,

The House *divided:*—Ayes 49; Noes 159: Majority 110.

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. TITE moved the second reading of the Metropolis Local Management Acts Amendment Bill.

Motion made and question proposed, "That the Bill be now read a second time."

MR. LOCKE moved, as an Amendment, that the Bill be read a second time this day six months. In this Bill the interests of 3,000,000 people were involved, and although it might not be a question in which the House generally took an interest, still it was of the greatest importance to the inhabitants of the Metropolis. This was an attack on local self-government;

it was an attempt to transfer from the vestries the power they possessed, and to transfer it to the Metropolitan Board of Works. That body had had transferred to them, some three or four years ago, the main drainage of this Metropolis. He wanted to know what they had done since that time. They had, according to the opinion of the late Member for Honiton (Mr. Locke), commenced at the wrong end. Instead of beginning with the low level sewer they had begun with the high level. There were other duties imposed upon the Board. There was the improvement of the Metropolis. What had been done to effect that? His constituents were unfortunately placed under the Board of Works. The sum of £94,000 was handed over by the Corporation of London to the Metropolitan Board to make a new street through the Borough from the High Street to Stamford Street, by which it would be continued to Westminster Bridge, and thus relieve the traffic in the crowded streets on the other side of the river, which, to some extent, would do away with the necessity of forming the Thames Embankment; but they had thrown the High Street in the Borough into a state of desolation. They had taken down the best houses; and for eighteen months matters had remained in the same state, and no further progress had been made, occasioning an immense loss to the ratepayers in St. Saviour's. They had also formed a little street from the corner of King Street, Covent Garden, to Long Acre, for which they also had a large sum of money advanced to them; but so imperfectly was this work executed that they had actually left a house standing which projected into the roadway. These were examples of what the Board would do when they obtained greater powers. But if the Members of the Board did little for the public they had done something for themselves. They had built a little palace for themselves in Spring Gardens which would cost from £40,000 to £50,000. It was monstrous for the Board to come to Parliament to ask for extended powers, when they could not point to any useful work effected by them, and without explaining to Parliament in what mode they proposed to exercise those powers. A Bill dealing with a subject of that importance ought not to be read a second time after midnight and in a thin House. The hon. and learned Member was proceeding, when

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 20, 1861.

Minutes.] Public Bills.—1° Annoyance Jurors (Westminster); Presentment Sessions (Ireland); Stipendiary Magistrates; Mines Trespasses Prevention; County Surveyors, &c. (Ireland).

COUNTY RATES AND EXPENDITURE BILL.—SECOND READING.

Order for Second Reading read.

Sir JOHN TRELAWNY, in moving the Second Reading of this Bill, said he would not ask the House to pass the Bill exactly as it now stood, but to give it a Second Reading with a view of affirming the principle that there should be, in some shape or other, a more effective control by the ratepayers over the management of the county rates than at present existed. He would be the last person who would knowingly seek to diminish the force of those motives which induce gentlemen to take part in county business. He could not but recollect how much the nation owes to the class of country gentlemen. Many who had been trained at quarter sessions had risen to be among the most valuable members of cabinets, and had been the authors of great improvements, even in matters to which country gentlemen were little accustomed. He well knew the devotion to the public interests exhibited by so many magistrates in every county. He had known examples of country gentlemen passing many weeks of their lives annually in a miserable lodging at a county town, with no other object but to serve the State. He had been much struck, too, with the remark of the right hon. Baronet the Member for Droitwich, who, while he was understood to say on a former occasion that he was not indisposed to assist, so far as the general object of this Bill was concerned, yet warned him (Sir John Trelawny) that in making a change he might be throwing away the substance for the shadow. Now he (Sir John Trelawny) did not believe that country gentlemen would, under this Bill, cease to be the persons chiefly employed in carrying out local business. His object was to give the ratepayers some power in the way of selecting from the justices those most competent to be vested with powers of taxation. The ratepayer might now complain that the justices are a fluctuating body, meeting at different county towns, some at one time, some at another; many were clergymen who had little or no stake in the hedge, and the persons chosen to be justices were put into the Commission as seemed fitting to the Lord Lieutenant. The whole effect has been, that ratepayers in many counties of England were not satisfied with the growing amount of county-rate expenditure, and considered that according to constitutional principles, it ought to be to a certain degree subjected to their control. It had frequently been said that the incidence of the tax is upon the class of country gentlemen, they are the persons who should most appropriately levy and expend it. But, then, it did not follow that the fittest persons were made justices of the peace. The incidence of a tax may seem very clear, but where would rents be but for the tenants and labourers? And are county rates only ordered by the State for the benefit of landowners? Had not property its duties as well as its rights? Suppose justices should say that county rates were exclusively their affair; and that no more should be raised would not the State interpose? And, indeed, is not this precisely what has happened on the cases of the custody of lunatics, rural police, and such cases? The justices failed to satisfy public opinion, and laws have been made to compel them to satisfy it. The Bill consisted of 123 clauses, but of these only about thirty were important for his object. The first clause contained the main principle of the Bill. It provided that there should be constituted in every county a financial board, to be elected on a certain day in each year—the board to consist of two members chosen by each board of guardians; one to be a guardian, and the other a resident justice of the peace, both rated to the value of £100 a year. There were various Acts of Parliament in force with regard to the duties and powers of magistrates in respect of the constabulary and the construction and repair of prisons, which were measures of a financial character affecting the county. He proposed that each county financial board should regulate all matters of expenditure, while the magistrates retained their administrative powers and all that belonged to them in their judicial capacity. In the case of jails, &c., he would give to the magistrates the power of making repairs that might be necessary between the meetings of the board. He provided by this Bill that the magistrates should retain their power in the management of pauper lunatic asylums, but everything connected with the economical management of those asylums should be under the control of a committee of the county board. One main feature of the Bill was to secure an effective audit. In carrying out these objects he claimed the support of the right hon. Gentleman the Member for Buckinghamshire as he was a great stickler for local government. He confessed that in dealing with the question of church rates the arguments of the right hon. Gentleman on that point were the most difficult he had to cope with, and, therefore, as a county Member, he claimed his support to the present Bill. The great increase of the county rates and expenditure showed the necessity of some such measure as he now proposed for the better management and control of them. The subject had been under the consideration of various Committees and Commissions who had each made different recommendations. He would refer to the Reports of the Lords' Committee of 1835, and of the Commons' Committee of 1834, and of the Commissioners of 1836, and of the Royal Commission on Local Taxation in 1843; and, in particular he wished to direct attention to the Report of the Committee in 1850 on the same subject, which pointed out many abuses of the system. With regard to the increase of expenditure it was shown in the Report of the Commons Committee of 1834, that the county rate increased between the years 1793 and 1833 from £184,000 to £757,238. And by the last return, for the year ending Michaelmas 1859, the expenditure was, in round numbers £1,163,000. The Report of the Lords' Committee 1835 also noticed the "progressive and considerable" increase in county expenditure, showing an advance between the years 1792 and 1832 of 148 per cent; county charges for prosecutions during the same period showed an increase of 389 per cent; the increase of population meanwhile being only from 55 to 60 per cent, insufficient to account for the advanced charges. The Report of the Commissioners of 1836, and of the Commissioners on Local Taxation of 1843, described the origin of the county rates. The present system, dated from an Act of the 12 *Geo.* II. c. 29, before the passing of which Act there were seven distinct rates leviable for different county purposes. The Act alluded to authorized one general county rate in lieu of these, and it was further modified and amended by an Act 55 *Geo.* III. c. 51, which gave power to the justices in quarter sessions to assess all the parishes equally according to a certain pound rate of the annual value of the property rateable to the relief of the poor therein. The justices are free from liability to account or audit, and no proper provision exists for checking the accounts of their accountants, treasurers, &c., with regard to this system the words of the Commissioners of 1843 (Geo. Nicholes, Esq., Sir George Cornewall Lewis, and E. W. Head, Esq.) are—"It appears to us that nothing can be more rude and incomplete." He now came to the Report of the Committee of 1850, to which he had alluded. He would cite five of the Resolutions to which they came—

> "7. That if it should be thought desirable to give a more popular constitution to the authority by which county finances are administered, there is so much difficulty in determining the best mode of effecting that object, the details which it involves are so complicated, and the interests concerned are so important that, in the opinion of this Committee, the arrangement of such a change ought to be undertaken by Her Majesty's Government."
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> "8. That the evidence which this Committee has received, has led them to the conclusion, that improvements might be effected in the present mode of transacting the financial business of counties, some of which would require Legislative Enactments."
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> "9. That economy of county rates would be promoted, if clerks of the peace remunerated for their services by fixed salaries instead of by fees, and the duties of their office would in such case be as well, if not better discharged."
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> "10. That notices of the financial and other business to be transacted at each quarter sessions for counties, ought to be previously advertised in the county newspapers for two or more weeks, for the information of the ratepayers at large, and that copies of annual financial statements ought to be distributed to every union within each county for circulation."
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> "11. That the financial accounts of counties ought to be annually audited by some efficient and responsible public officer; and the right of inspecting all vouchers and accounts of public expenditure ought, under proper regulations, to be given to the ratepayers."

He would now proceed to some cases of specific complaint. Let them take the Sunderland case, a case of unequal valuation. A property paid £4,000 a year; a new valuation took place, and the result was an estimate of £15,000, which the justices fixed at £11,000. The Guardians were appointed in December 1860, as a deputation to wait on the Secretary of State, on financial mismanagement of the lunatic asylum. The accounts were in disorder, capital and revenue mixed. A sum of £10,500 was levied, whereas, with proper accountancy, £2,600 would have sufficed. The justices admitted that they had not bestowed upon the financial affairs of the asylum the attention they required. Again, he had heard of £10,000 charged to the general county accounts, which should have been charged to the special police rate. In 1857 Sunderland Dock was returned to the county rate at £6,290, which the justices surcharged £2,044, making £8,334, the revenue of the dock being then £26,000. It had since reached £42,000, and yet the justices had reduced the assessment £4,900. Mr. George Reed said at a meeting of guardians and overseers of Sunderland, they had succeeded in getting £13,000 taken off the Sunderland parishes, and £12,000 added to others. Such were the irregularities complained of the Sunderland case. He would next advert to a Durham case, which seemed to have induced the committee of guardians unanimously to recommend the adoption of this Bill. He found county expenditure increasing in a period of five years by £4,100 5*s.* 10*d.* a year. The guardians ask for inspection of accounts; that the clerk of the peace should be paid by salary, and that the treasurer should not be allowed to charge for extras. He would now take the case of Lincoln (parts of Lindsay). At the end of one account, the balance due to the county was £3,018 15*s.* 9¾*d.*, which, added to a balance on the police account, made altogether £4,902 3*s.* 2*d.* And yet another halfpenny rate was required. The hon. Baronet referred to other cases of unnecessary expenditure arising from want of sufficient control on the part of the ratepayers—referring in particular to the case of the clerks of the peace. These officers enjoyed very great emoluments, and were paid for other duties beside those of clerk of the peace. The duties of the clerks of the peace should be defined. The counties were entitled to the whole of their time, and they should not be mixed up in partnerships which excited suspicion. He understood that very large balances were sometimes allowed to remain unnecessarily in the hands of the treasurers, subject to considerable risk. The Commons Committee of 1834 state in their Report that they consider no arrangement so efficient for effectual control of county expenditure as "the establishment in each county of a permanent Finance Committee." Sometimes the ratepayers doubted whether they should be called upon for a new rate when the old rate was not exhausted, and it would be desirable to have those balances placed in a bank. He thought it time that the light of day should be let in upon the system, and that the public should know whether they got money's worth for their money. There was no regular plan of examining the treasurer's accounts and vouchers. Magistrates were asked to sign the accounts, and they did so, but it was often merely a matter of form. Under the Bill he had the honour to submit to the House facilities would be afforded to ratepayers to be present when the accounts were passed, and to see that the vouchers were correct. He would not take up the time of the House by observations on the details of the measure, to the subject involved in which his attention had been directed in consequence of perusing a book written by De Tocqueville on *Centralization in France*, which satisfied him that no kind of taxation should be left uncontrolled in this country, and that no power useful to the Constitution ought to be allowed to grow rusty. De Tocqueville, speaking of the causes of the French Revolution, remarked that administrative centralization and the omnipotence of Paris were allowed to have had a great share in the overthrow of the different French Governments during the present century, and had also contributed largely to the sudden and violent destruction of the old monarchy. He would quote one of the passages to which he alluded—

> "It is pretty generally admitted, I believe, now that administrative centralization and the omnipotence of Paris have had a great share in the overthrow of all the various governments which have succeeded one another in France during the last forty years. It will not be difficult to show that the same state of things contributed largely to the sudden and violent ruin of the old monarchy, and must be numbered among the principal causes of that first Revolution which has produced all the succeeding ones.
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> "If the principle of centralization did not perish in the Revolution, it was because that principle was itself the precursor and the commencement of the Revolution; and I add that when a people has destroyed aristocracy in its social constitution, that people is sliding by its own weight into centralization."

And in confirmation of these views, M. de Tocqueville mentioned the following anecdote—

> "The Marquis d'Argenson relates in his memoirs, that one day Law said to him, 'I never could have believed what I saw when I was comptroller of finance. Do you know that this Kingdom of France is governed by thirty *Intendants?* You have neither parliament, nor estates, nor governors. It is upon thirty masters of requests, despatched into the provinces, that their evil or their good, their fertility, or their sterility entirely depend."

This was an important consideration, and he thought that his Bill, instead of superseding the country gentlemen, would probably strengthen their position, by giving more life and animation to these local bodies in the transaction of the public affairs of the counties. In this way he was acting as a true Conservative, and he now moved the Second Reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR MATTHEW RIDLEY rose to move by way of Amendment, that the Bill be read a second time that day six months. This matter had already undergone some discussion in that House, and in 1854 the right hon. Gentleman now President of the Board of Trade (Mr. Milner Gibson), asked the noble Lord the Member for Tiverton whether the then Government intended to introduce a measure similar to the present Bill, and the noble Viscount expressed a hope that after Easter, in 1854, he should be able to bring in a measure based on the elective principle in respect to the financial administration of county affairs. Nevertheless, that intention had never been realized, and the question remained absolutely dormant until last year, when the hon. Member for Tavistock (Sir John Trelawny) brought in a Bill, the order for the second reading of which was, however, discharged. The Bill submitted to the consideration of the Select Committee of 1850—which Bill was cognate in character with the present one—was described as likely to have the effect of excluding a numerous body of gentlemen in every county from the transaction of financial business, in respect of which they had a great interest, and which they had performed for a long period to the advantage and satisfaction of the public; and of substituting a small and fluctuating body of men less fitted, generally, for the discharge of such duties. It was considered that if it was thought desirable to establish an elective body for county financial business, the interests concerned were so important and the details so complicated, that the arrangement of such a plan ought to be undertaken by the Government. This had not yet been done; but the recommendations of that Select Committee had in many respects been carried out; and in his own county the Bills against the county underwent a detailed process of examination. It was not his wish to derogate from the value and importance of the representative principle, which might be teemed the vitality of the Constitution, and in virtue of which every Member held his seat; but at the same time he must say that it was a serious thing to infuse new principles into ancient institutions, which were the growth of centuries, and the practical working of which had not been proved to be defective. In his opinion the present system was not *effete* or exhausted, and did not call for the alteration proposed. The hon. Baronet desired the simplification of county accounts; but the present measure would create confusion, bickering, jealousy, anger, rivalry, as it introduced jarring elements of everlasting discord arising from conflicting jurisdictions in the most important points of county administration. The pith of the Bill was contained in the clauses which might be called the constituent clauses, and in some other clauses, which might be styled "enabling" clauses. The fourth clause provided for the constitution of county financial boards, which were to be formed in part by persons elected by the boards of guardians; but he thought it unlikely that bodies so composed, many of the members residing at a distance from the places of meetings, would give such a close attention to matters of account as justices meeting for the transaction of county affairs. Nor did he think that such bodies were in any way calculated to carry out in a fair and just spirit that course of policy to which that House was pledged by various statutes passed during the last few years. If dissatisfaction had arisen from the increase of the county rates in certain parts of the country, it must be remembered that a vast portion of expenditure was forced on the justices; 75 per cent of it being incurred by the magistrates only ministerially. Another effect of the passing of the Bill would, in his opinion, be the introduction of an inferior class of officers, inasmuch as the tendency of the new board would, in all probability, be to lower existing salaries, to remove the most efficient public servants, and to substitute inferior ones at a lower rate of pay. Upon that, as well as the other grounds which he had stated, he thought no case had been made out sufficiently strong to justify the substitution of the proposed system for the existing system, which had come down to us from centuries past and had always worked efficiently; and he therefore begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. W. E. FORSTER said, he should support the Bill on the general principle, although he was not prepared to pledge himself to details. He believed that the county rates were the only instance in which Her Majesty's subjects were taxed for any public purpose without having a voice in the disposal of the money. He was not prepared to say that the money at present was badly spent — he was quite willing to admit that the management of the expenditure by the Board of Magistrates of the West Riding was excellent, but the anomaly was felt to be a great grievance. This was in fact growing stronger every day, because the amount of the county rate expenditure was growing larger every day, and the ratepayers would be dissatisfied until they possessed what they deemed to be their right—the power of spending their money as they choose. Another reason why he thought this Bill should be passed was that the want of representation in the expenditure of county rates stopped the way to other improvements. For instance, he did not think it would be possible for the Home Secretary to pass the Parochial Assessment Bill, much as some such measure was wanted, until the principle of representation had been introduced into the expenditure of the county rates. He wished that the right hon. Baronet himself had brought in a Bill on this subject, and if he would say that he would bring in a Bill this year or next, or as soon as public business would allow him, he (Mr. Forster) would advise the hon. Baronet who had brought in this measure to withdraw it. It was a matter that could be better dealt with by the Government than by a private Member. With respect to the details of the Bill, he had many objections to them, but these could be dealt with in Committee. To its principle he gave his cordial assent.

MR. CHARLES PACKE said, if the Home Secretary would introduce a well-digested Bill on the subject of county expenditure, he would give it his support, for no one in the House was, perhaps, so competent to deal with it. But he objected to the Bill now before the House as altogether unsatisfactory and impracticable. It was so crude and insufficient that no Committee could reduce it into shape. All the great items of county expenditure made by the magistracy under the proposals of this Bill required the previous consent of the Secretary of State. Was it to be supposed that gentlemen who had to travel from great distances, and who had their own affairs to manage, would give regular attendance at meetings where they were to do nothing but register the directions of the Home Secretary? He was sure they would not; the management of the boards would, therefore, fall into the hands of a few idle men who lived near the place of meeting. Another objection to this Bill was that it gave control to the board over the maintenance and clothing of pauper lunatics, and the salaries of officers. But these charges were paid by the local parishes; they did not come out of the county rates at all. In that the hon. Baronet (Sir John Trelawny) must alter the title of his Bill if he proposed to include that subject. Many of the recommendations of the hon. Baronet, who had brought forward his Motion in a moderate and temperate manner, were already carried out in many counties—certainly they were in his own county. He was not opposed to a proper superintendence over the expenditure by the ratepayers, but he objected to the present Bill, which had been drawn up ten years ago, and had reference to a state of affairs in counties which had long ceased to exist. He was quite certain that the county magistrates would be very ready to give up the troublesome and invidious duty of controlling the county expenditure if any gentleman competent to undertake the duty satisfactorily could be found. He recommended the Government to prepare a Bill on this subject, which he thought would meet with general support.

SIR JOHN SHELLEY said, the speech of the hon. Gentleman the Member for Leicestershire was in favour of the principle of the Bill, though he objected to the details. Indeed, the hon. Gentleman appeared to make it more a question of confidence in men than of measure, for he admitted that if the Government would bring in a Bill he would support it. He (Sir John Shelley) agreed with him in that, and if the Home Secretary would take it up, the best course to be taken by the promoters of this Bill would be to withdraw it. When eight years ago the right hon. Gentleman now at the head of the Board of Trade (Mr. Milner Gibson) brought in the former Bill, the noble Lord at the head of the Government, who was then Home Secretary, said it was a Bill that should be brought in by Government, but nothing had been done from that time, and it was, therefore, quite time that attention should be again drawn to the subject. He did not believe that this Bill would lower the dignity of the county magistracy, and it would certainly place them on a better footing with the ratepayers, and so far from producing strife and chaos, as the hon. Member for Northumberland feared, he thought that deference would always be shown to the county magistrates which their position warranted. The proposition in the Bill was that one-half of the members of the Board must be magistrates; but the other half might be magistrates also. His hon. Friend alluded to the question of police. Now although the question as to the establishment of the police was not left to the magistrates, yet they had the power of saying how many constables there should be in a district, subject, no doubt, to the Secretary of State. Practically, however, the Secretary of State would agree to what the magistrates recommended. He did not say the magistrates had overdone the matter with regard to the police, but he did say that the rate payers thought they had incurred too much expense under that head. He believed that this dissatisfaction would disappear if the ratepayers had any voice in the matter. He did not think that the effect of adopting the principle of representation would be to cut down the salaries of officers. The matters spoken of by hon. Gentlemen on the other side would be more properly discussed in Committee, when he, as one of the promoters of the Bill, would be ready to listen to all reasonable Amendments. The great authorities on both sides had given their opinions in favour of the principle of the Bill. Sir Robert Peel, in 1853, said he thought that representation in respect to county expenditure ought to be to some extent allowed. Sir James Graham expressed himself to the same effect, and the noble Lord then at the head of the

Government did not oppose the second reading of the Bill.

MR. G. L. PHILLIPS said, he had for many years been actively engaged in the administration of the affairs of the county with which he was connected (Pembrokeshire), but he could not say that he had derived either pleasure or profit from the business, unless he might regard as such the acquisition of considerable experience in "long addition;" there was very little to do except in the way of administration. He thought the hon. Baronet the Member for Tavistock, when asking the House to give a second reading to his Bill, should have produced some case to prove the bad working of the existing system. The hon. Baronet had been unable to cite any case except one of dissatisfaction with a certain valuation in the parish of Sunderland; but differences of opinion in questions of valuation were so common that no system could justly be condemned on account of them. Allusion had been made by the supporters of the Bill to the non-examination of vouchers; but, so far as his own experience went, he never knew of a quarter sessions passing without every voucher being submitted to the magistrates and carefully marked off. Nor could he agree with the last speaker, that the number of the police in any county was a matter within the discretion of the magistrates. In the county with which he was himself connected, the magistrates fixed upon a number below that recommended as necessary by the Inspector, but they were obliged to rescind their Resolution and to increase the force in accordance with the suggestion of the Inspector in order to obtain the usual allowance from the Government. The truth was that it was the necessity of procuring the Government allowance which in almost all cases determined the number of the police, and consequently the expenditure for police purposes. Another large item of county expenditure was the cost of gaols and lunatic asylums. Here, again, the expense was forced upon counties by the requisitions of the inspectors. If the hon. Baronet the Member for Tavistock wished to reduce county expenditure the most direct, if not the proper, mode of proceeding would be the suppression of Inspectors and Commissioners. He believed all county gentlemen would bear him out in saying that an inspector or a commissioner never visited a county without inflaming its expenditure, because he knew that if he did not find fault, and make work for himself the country would begin to think that his services might be dispensed with altogether, and so he would be deprived of his handsome salary. Now whatever differences of religion or politics might exist among men, he never found any differences of opinion on this—that if a man had a salary of £800 a year he wished to keep it. By far the greatest part of the county expenditure was forced upon magistrates; they had no control over it whatever; and if the hon. Baronet the Member for Tavistock would look into the matter he would find that only a very small sum, indeed, would remain for his financial boards to exercise their ingenuity upon. The great object should be to secure a good administration in counties; but that object, as far as he could see, would not be attained by the present Bill. They might make a bad road into a good one; but there were some things which all the legislation in the world could not do, and one of them was to alter distances, making thirty miles the same as three. In Pembrokeshire the turnpike roads were managed by a board consisting of two elected members who were not magistrates, and of a certain number of magistrates chosen at quarter sessions. At first the magistrates were taken from all parts of the county with the view of securing a fair representation of the whole district; but it was soon found that the meetings of the board were attended only by those who lived near the place of meeting, those residing at a distance invariably staying away. Such would continue to be the case in almost all parts of the country if the present Bill were passed to-morrow. He objected to the Bill, therefore, not because he had any horror of the elective principle, but because the election of a board would be of no use unless the attendance of the members could be secured. There was no charge of wastefulness on the part of the magistrates; but even if there were, and if the accusation could be proved, he did not see how the plan proposed by the hon. Baronet the Member for Tavistock could introduce greater economy into the administration of county affairs. He trusted the Home Secretary would favour the House with an expression of his views upon this subject; for, although he was not prepared to go so far as the hon. Member for Leicestershire, who had intimated his willingness to agree to anything which the right hon. Gentleman might propose, yet there was no man who understood county matters better, or to whose opinion he would be disposed to attach greater weight.

Sir GEORGE LEWIS: When it is said that the principle of taxation and representation being co-extensive is universally applicable to our local institutions, it should be remembered that that proposition is subject to considerable exceptions. Reference has been made to the Act of Elizabeth for the relief of the poor; but it must be in the recollection of the House that by the original constitution of the authorities for the distribution of relief the overseer had the entire charge of the business. He was an officer appointed by the magistrates; he made the rate, and the magistrates allowed it. Until the passing of the Poor Law Amendment Act, therefore, the distribution of relief was under the control of the magistrates and their local officer; and the popular element of election was introduced into the administration for the relief of the poor for the first time by the Poor Law Amendment Act. In the case of the highways the surveyor, I believe, is nominally elected by the vestry, but in practice he is appointed by the magistrates. The popular element does not, in truth, at all enter into the administration of our highways. Turnpike roads are under the management of trustees, who are named in the Turnpike Acts; there is no popular election with respect to them. So it is in other cases. In fact, the only local rate into which, according to our original local constitution, the popular element enters to any considerable extent is the church rate, which is voted by a majority of the vestry. The rate for the relief of the poor is now under the administration of a board composed partly of *ex officio* guardians being magistrates resident in the union, and partly of persons elected by the ratepayers of parishes. If the Legislature should agree to a Bill relating to the management of our highways which is now before this House, the administration of that branch of our local interests will also be confided to a body into which the popular element will enter. But I think I have shown that it is necessary to lay down the principle of the coincidence of taxation and representation in regard to the management of our local affairs with considerable reservations as respects the original system in this country. The hon. Baronet, the Member for Tavistock, referred to the case of France as showing the advantages of local government; but he should remember that the writer whom he quoted plainly points out that, according to the ancient system of France, the Government deprived the provincial aristocracy of all share in the management of their local affairs, leaving them nothing but odious privileges, stripping them of all power of being useful to their neighbours, or of attaining that popularity which would have been the natural result of a proper discharge of the functions of local government. The system of this country, on the contrary, has been to leave local interests to the management of local authorities; but it has not in every instance introduced the principle of popular representation. I am quite ready to admit, however, that to the extent to which we can proceed with prudence and propriety it is desirable in the administration of our local affairs to couple representation and taxation. I at once subscribe to the advantages of that principle. We have already introduced it into the management of the poor; and, as far as the principle itself is concerned, if nothing more were involved in the second reading of the present Bill, I should be prepared to give my vote in favour of the Motion of the hon. Member for Tavistock, at the same time reserving to myself a very ample discretion for objecting to the details of the measure; for I confess it does not seem to me that, whether the principle of representation is to be wholly or only partially applied to the management of county affairs, the Bill before us affords a satisfactory solution of the problem. In the first place, I think it is very questionable whether the plan of indirect election is always a successful or an advantageous one. It has been applied to the Metropolitan Board of Works which is appointed by the vestries of the different parishes; and I understand the result is that those vestries generally elect one of their own body. Doubts are entertained as to the beneficial working of that system, and I think it is open to question whether, if you are to establish the elective principle in counties, it would be desirable to vest the power of election in the board of guardians—a body appointed for a different purpose. At present boards of guardians are elected simply with the view of administering the law for the relief of the poor; but if you make them colleges of electors they may be chosen with the view of electing the members of county financial boards. You would, then, have something like the system by which the American President is elected, for that great functionary is elected by an electoral college appointed by a popular vote, and you might, without intending it, vitiate the constitution of the boards of guardians by making them so many sets of delegates whose principal object would be the election of county boards. Such is one of the obvious objections to which the proposed plan is liable. Another part of the Bill—that, namely, which provides that one-half of the board shall consist of magistrates elected by the guardians, and the other half of persons with the same qualifications who are not magistrates—appears to me to be equally open to criticism. In Scotland the county finance is under the management of a board of commissioners of supply, and every person is a commissioner of supply who owns property in the county to the value of more than £100 a year. There is no popular election; but, of course, the number of persons so qualified is considerable. I am told it rarely happens that any large number of commissioners of supply attend the meetings, except on some important occasions, and that, in fact, the management of the county finance falls into the hands of a few of the principal landowners, and particularly those who live near the place of meeting. I apprehend such would be the case in England whatever might be the principle of election applied to the appointment of county boards. In ordinary times persons residing on the edge of the county would not frequently attend, and the attendance would be composed chiefly of gentlemen within a more easy distance of the county town. There is a great difference between parish business and county business, inasmuch as every person can easily attend a meeting in his parish, whereas it is not so easy for farmers and others, who would probably be elected as members of financial boards, to give much of their time to the management of county affairs. I need not say that the Bill before us, if read a second time, would require very considerable amendment in Committee. It still retains, as the hon. Member for Leicestershire (Mr. Packe) has remarked, a clause which must have been drawn up prior to 1856, because it assumes the existence of a voluntary introduction of police. Every one knows, however, that in 1856 an Act was passed making the introduction of police compulsory upon magistrates; and so far, therefore, the Bill is inapplicable to the present state of affairs. That example alone must satisfy any hon. Gentleman who examines the Bill that the hon. Baronet the Member for Tavistock cannot have spent much of his time, or consumed much of his midnight oil, in considering the details of his own measure. In mentioning some of the evils that attend the present system, the hon. Baronet cited a dispute which had arisen in the county of Durham with respect to a valuation for the parish of Sunderland; but he should recollect that, however a valuation may be fixed, there is ultimately an appeal to the quarter sessions, and, therefore, I do not see how any difference of opinion that may have arisen upon the valuation of a parish can afford any argument for or against the existence of county financial boards. It has been suggested that this question should be taken up by the Government, and that they should introduce a Bill on the subject. There are a great many subjects which are constantly pressing upon the attention of the Government, and upon which the Government are invited to introduce Bills. But I am sorry to say that when Bills are introduced by the Government there is very little time devoted to their consideration, unless they are of first-rate importance; it is consequently the duty of the Government to consider, before they bring forward a Bill, whether or not it is likely to receive the sanction of Parliament. There are two main grounds upon which a subject may be said to require legislation. One is when there is proved mismanagement; the other is when there is great discontent with any existing system. Can it be shown that there is any considerable mismanagement with respect to county rates? It is true that the amount of the county rates has increased of late years, but it is also true that the charges imposed upon the county rates by the Legislature have been increased likewise. Some hon. Gentlemen have said that the Government have forced certain additional expenses upon counties. It is true that the Home Department has a certain control over these expenses, but it should be remembered that the expenses are imposed, not merely by the authority of the Government, but by the authority of Parliament itself. With respect, for example, to police, prisons, and lunatic asylums, we have imperative legislation to which it is the duty of the Home Secretary to defer just as much as it is the duty of county magistrates to defer to the requisitions of the Government. Looking at the great advantages which have been conferred upon counties by different Acts of Parliament, I cannot think that the charge upon the county rates is at all immoderate. The average poundage, according to the last Returns, seems to be about *4d.* or *5d.*, which is the real measure of the burden of the county rate. The hon. Baronet the Member for Tavistock somewhat exaggerated the aggregate amount of the rate when he said it was £2,000,000. In that sum of £2,000,000 are included a variety of items. One is a balance from the previous year of £217,000; another is an allowance from the Treasury of £219,000; and a third consists of miscellaneous receipts to the amount of £366,000; so that instead of the aggregate amount of the county rate, strictly so called, being £2,000,000, it is no more than £1,198,000. Upon the whole, then, I do not think it can be maintained that there is at present any proved mismanagement of the county funds. It is true that county magistrates are not necessarily ratepayers. For the most part, however, they reside in the county, occupying a house, if not land; and I apprehend that, as a matter of fact, they almost invariably are ratepayers. But they are also, in general, owners of land in the county; and the county rate is unquestionably, in its practical operation, a deduction from the rent derived from land. When a person takes a farm he makes an estimate of his permanent outgoings, and the rent he offers is calculated upon that amount. Practically, therefore, the incidence of the county rate is upon the landowners, and they are the persons who have the strongest pecuniary interest in the economical management of the county affairs. Hence, although it is true that the managers of the rate are not chosen by the votes of the ratepayers, still the administration is vested in those who have a more powerful motive than any other class could have for avoiding extravagant or wasteful expenditure. But is it a fact that, although the general management may be good, there is any general discontent with the present system? I believe that in rural counties the existing administration works very smoothly; but it is true that in some counties—in those counties where the house property is large, and where there are many towns without municipal corporations—there is a certain jealousy and dissatisfaction with respect to the power of the county magistrates. The same feeling exists in the metropolitan county. Nevertheless, I cannot say that there is at the present moment such an amount of discontent in the populous counties as would induce me to take this Bill out of the hands in which it is now placed, or to promise to bring forward a measure of my own either in the present or in any following Session. I admit that the existing system is not altogether free from objection, and that it might be desirable to introduce into it something like that partial representation which prevails in the South Welsh counties with respect to the management of roads; but, at the same time, knowing the danger of making a promise which circumstances might prevent me from fulfilling, I must decline to enter into any formal engagement on the subject, and I must leave the hon. Baronet the Member for Tavistock to wind his way through the syrtes of the Committee, where I cannot help anticipating he will be assailed by numerous formidable objections to some of the most important provisions of his Bill.

COLONEL WILSON PATTEN said, the speech of the right hon. Gentleman had placed him in considerable difficulty. He had come down to support the second reading of the Bill, if he could do so with any prospect of coming to a satisfactory settlement of this important question. But that could only be attained with the co-operation of the Government, and the right hon. Gentleman the Secretary for the Home Department, though he appeared to assent to the second reading, had made a speech totally opposed to the principle of the Bill. There was a considerable feeling among his constituents that they ought to have some voice in the actual management of the county rates, and he was prepared to give them what they desired if it could be satisfactorily done; but there were difficulties in the way which it would be impossible to overcome without the assistance of the Government. He concurred with those who thought it was the duty of the Government to take a question of such vast importance into their own hands, for it could not be dealt with satisfactorily by an independent Member. The glaring defect of the Bill, as it stood, was that it established in the counties a conflict of jurisdictions. There was one body of men who had only to look to the economical discharge of the duties intrusted to them, while another body was held responsible for the peace and good government of the country without the power of carrying their decisions into effect through the conflicting jurisdiction of the financial boards. All this might have been amended in Committee; but he did not see much chance of effectual amendment unless they had the co-operation of Government. He thought they might constitute county boards, so as to give the ratepayers power of election under the magistracy; but there seemed no chance of an arrangement, as the right hon. Gentleman appeared to be altogether hostile to the principle of election.

SIR GEORGE LEWIS: I did not express myself as hostile to the principle of election in county boards. I said it was a question of time and circumstances, but I did not express myself hostile to the principle; on the contrary, I expressed myself friendly to it.

COLONEL WILSON PATTEN would still vote for going into Committee if he could take what had just fallen from the right hon. Baronet as an assurance of Government support to a modified system of representation; but the measure as at present framed would never carry out the objects intended, and he saw so little prospect of a satisfactory solution being arrived at that he should advise the hon. Member to withdraw this Bill and frame a new one.

MR. BARROW thought those who supported a measure with faint praise did it more harm than good; and as one of the Members whose name was upon the back of the Bill he would venture to say that since the hon. and gallant Member's constituents desired to have a voice in the matter of the county expenditure if the hon. and gallant Gentleman would vote for the second reading of the Bill it could be so amended in Committee as to enable them to do so. He was in favour of the elective principle in this matter, and he believed that the magistrates would have their authority strengthened as conservators of the public peace by being separated from the financial responsibility which was now thrown upon them. He believed that the separation which this Bill would effect between the financial and administrative functions of the magistrates would be most conducive to the advantage of all parties. He would say of the great body of the ratepayers of the kingdom that they were perfectly competent to manage the financial matters of their own districts. The financial business of the State was vested in a different branch of the Administration from the Executive; and in all municipal corporations the financial matters were carefully kept separate from the functions of the magistrates as conservators of the peace. Why should not the same principle be extended to counties? For ten years past he had been labouring in support of that principle, and it was for that reason he had placed his name with that of the hon. Baronet at the back of this Bill. The right hon. Home Secretary said there was no general discontent in the country on this subject. What, then, was the meaning of the petitions which for ten years past had been presented week after week praying for an alteration of the present system? Believing that this Bill would effect the object he had in view he should certainly support the second reading.

MR. BERNAL OSBORNE: This discussion will have at least one good result: it will show to the tenant farmers in the several counties of England who are their real friends. This is substantially a tenant farmers' question. The tenant farmers of England are not satisfied with the way in which the county rates are assessed and expended. They have been dissatisfied for some time. But the right hon. Gentleman, the Home Secretary, using now very much the same argument he did last Wednesday against the Bill of the hon. Member for Surrey (Mr. Locke King), says he is not prepared to vote for the principle of the Bill, or to entertain the subject, unless there be general discontent. I could not help smiling when I heard the hon. Member for South Lancashire (Mr. Packe) say he was prepared to accept any Bill brought in by the right hon. Gentleman. I gave him credit for infinite simplicity and credulity, but I now feel satisfied that the hon. Member has some understanding with the right hon. Gentleman, and that he knows perfectly well that the Secretary for the Home Department has no intention whatever of bringing in any Bill, either for the reform of the constituency or on county rates. The treatment of this subject by the right hon. Gentleman was most extraordinary. After going through a long argument against all the principles of the Bill—after saying, in fact, that the present system of the management of the county expenditure is as nearly perfect as it could be—he declared he should, nevertheless, vote for the second reading of the Bill, with the view of destroying it in Committee. Is that the part which the Government is called upon to act in this House? We perpetually hear from the Treasury bench that we are wasting time; but is not the course proposed by the right hon. Baronet precisely that best calculated for wasting the time of the House? He pooh-poohs the principle altogether; but he says he will vote for the second reading in order that he may destroy the Bill in Committee! The House has a right to expect that the Secretary for the Home Department would rather have shown himself a bold assassin; if he dislikes the Bill why does he not stab it at once, not going into Committee, as if luring my hon. Friend into a corner, that he may strangle him in the dark? The right hon. Gentleman said there is no discontent. I wish I saw the two hon. Members for East Cornwall in their places; they would have told the right hon. Gentleman that there is the greatest discontent in that county as to the manner in which the county rates are managed. The whole bench of magistrates there have lost the confidence of the ratepayers, and the next election for Cornwall will go very much on the question of financial boards. I have here a statement relative to the county of Worcester—and there is no county where the rate is so high—in which Mr. Best, formerly the deputy-clerk of the peace, states that he was on several occasions shocked to see the mode in which the consultations of the small committee for the management of the county rates were carried out. The magistrates dine together and form a club, and for any magistrate not on the committee to oppose the adoption of the report would be considered almost personal insult. Mr. Best states that he had known the chapel of the Worcester county gaol pulled down three or four times since it had been built in 1812. Surely some account should be given of these things! I know that in the counties with which I have been connected the tenant farmers are universally discontented. It is all very well for the right hon. Gentleman to say the rates are not excessive; but what the ratepayers object to is the mode in which the rates are managed and laid out. These things are felt simmering in all the counties of England, and is it right that it should be left to a private Member to bring in a Bill of this sort? The right hon. Gentleman says this Bill is not of that class that Government should interfere with. I want to know what is the class of cases proper for the Government to interfere with? Is the Highway Bill of greater importance? The Parochial Assessment Bill has been referred to a Select Committee; and I cannot help thinking that my hon. Friend, the Member for Tavistock, will do wisely if, instead of withdrawing this Bill, he refer it to that Committee. It is something of the same nature with the Parochial Assessment Bill; and as the Government have so little to do now, they cannot do better than devote their attention to the subject. The right hon. Gentleman should be the last to argue against this Bill, for he himself drew up the Report of the Royal Commission in 1843 for inquiring into these local rates. What the right hon. Gentleman then said was this—"Nothing can be more rude and incomplete than the management of county rates." But the right hon. Gentleman was only a Poor Law Commissioner then—he is Secretary of State for the Home Department now. I would call on the House to put some pressure on the Government to compel them to bring in a Bill of their own. I almost despair of any Bill brought forward by a private Member. Last Wednesday the hon. Member for Surrey (Mr. Locke King) was patted on the back and kicked at the same time. This Wednesday there is another victim to the seductions of the right hon. Baronet. But I want to know what Session could be better adapted than the present for the right hon. Gentleman to take up the subject? We have no public business and very little private business. ["Hear!"] Well, what there is is generally referred to Select Committees, and the House, in its collective capacity, has had hardly any serious demand upon its attention. We shall have plenty of time after Easter, and we ought to urge the Government to bring in a Bill on this subject on their own responsibility. In the meanwhile, I call on the House to affirm the principle of this Bill, and then refer it to the Committee on Parochial Assessments.

Mr. DEEDES said, that the hon. Gentleman the Member for Liskeard (Mr. B. Osborne) had asked the pertinent question why the tenant farmers should not be admitted to a share in the assessment and management of the county rates; and he (Mr. Deedes) had to state in reply that he believed no Member of the House had any objection to that principle if it were embodied in a practicable and a well-considered measure. But no such measure had yet been brought under their notice, and the present Bill was not certainly one of such a character. The question was not a new one, and which rendered it the more remarkable that those who brought the question forward did not deal with it in a manner that would afford some prospect of a satisfactory result. He must say that after having heard the speech of the right hon. Gentleman the Secretary for the Home Department, he shared in what he believed was the general astonishment of the House at the conclusion at which the right hon. Gentleman had arrived. Every argument used by the right hon. Gentleman went directly against the Bill, and he was, therefore, bound to state plainly that he would not waste the time of the House in asking them to go into Committee on its provisions. He (Mr. Deedes) repeated that he was perfectly prepared to admit the tenant farmers to a share in the management of county rates; but he could not support a proposal which it would be utterly impossible to carry into operation, and he hoped that the measure would not be pressed to a division.

Sir JOHN PAKINGTON: I wish to join with the hon. Member for Kent (Mr. Deedes) in expressing an earnest hope that the hon. Baronet will see fit to withdraw this Bill, and not put the House to the trouble of dividing upon it. In all my Parliamentary experience I have scarcely ever heard a measure so powerfully opposed, and so feebly supported, as this one has been to-day. The hon. Baronet who introduced it no doubt spoke with the moderation which always distinguished him. Indeed, I doubt whether he is not one of the most dangerous persons in this House, for he has the peculiar habit of bringing forward the most extreme proposals and of advocating them with extreme moderation. He was followed by the hon. Baronet the Member for Westminister (Sir John Shelley), whose name stands second on the back of the Bill, but who, from the beginning to the end of his speech, evinced the greatest anxiety to get rid of his charge, and to hand it over to the Home Secretary. Next came the third hon. Gentleman, whose name is on the back of the measure, the Member for Nottinghamshire (Mr. Barrow), who entreated us, by a sort of appeal *ad misericordiam*, to agree to the second reading, and he would promise to do everything in Committee that would make the Bill as different as possible from what it is now. We have great reason to complain of the carelessness shown by those three hon. Members. They have simply taken up the measure proposed by the right hon. Gentleman now the President of the Board of Trade in 1853, and thrown it on our table without giving themselves the trouble to look through its clauses and see whether they are applicable to the present day. They have brought unexampled ridicule on their own proposals by giving us a Bill, several clauses of which have actually been superseded by the existing law of the land. I allude to the enactments for the regulation of the rural police, which used to be optional but are now compulsory. The hon. Member for Liskeard said little in favour of the measure, but is anxious to see it referred to a Select Committee. I must now touch, which I do with great regret, the speech of the Home Secretary. There is no man in this House—nor in the country—more conversant with questions of this nature than that right hon. Gentleman; and it was impossible that the right hon. Gentleman could have cast his eyes over the Bill for one moment without seeing that it would not work, and that it is inconsistent with the existing system of administration in the counties of England. Well, the right hon. Gentleman's speech was from first to last a condemnation of this measure. He told us—what every one acquainted with the subject knows in his conscience to be true—that there is nothing to complain of in the present financial management of the affairs of our counties; that there is no extravagance, no mismanagement, but merely the honest discharge by the gentlemen of England of the functions which the law imposes on them. But what is the result at which the right hon. Gentleman arrived? After having throughout his speech condemned the Bill, the right hon. Gentleman came to a conclusion which he heard with astonishment and regret. The House must, I think, feel that there is too much weak vacillation on the part of the Government; for this is not the first Bill this Session they have been unable to approve, but have feared to condemn. I say it is unworthy of a Government, unworthy of a man of the high character of the right hon. Gentleman, to make a speech from beginning to end impugning a measure, and then to wind up with the lame and impotent conclusion that he shrinks from voting against it. The hon. Member for Liskeard told us that in Cornwall there exists great dissatisfaction with the present administration of county rates, and a great demand for a financial board. From the information which has reached me, I believed that that statement is correct. But what is the reason for that discontent? I understand that in Cornwall the real fault of the magistracy has been that, following too much the desire in the county for economy, they abstained, most unwisely as I think, from the adoption of the rural police until the Act of 1856 forced it upon them. That has, of course, involved the county in an expense which it did not previously bear. About the same time the county gaol was found too much out of repair, and the magistrates were bound by their duty to raise the money to improve it. The result of these two unaccustomed burdens being thus simultaneously thrown upon the county has been to increase the rates, which were formerly very low, to 4½*d.*, which, after all, is not very high, and to produce an outcry among the ratepayers. The hon. Member for Liskheard also said that the rates in Worcestershire are high. That is the fact, and it arises from two accidental causes not within the control of the magistrates—namely, that from the increase of the population and the consequent increase of crime they were obliged to enlarge their gaols, and that the Legislature, rightly, as I believe, rendered the erection of lunatic asylums compulsory on counties—operations both of which necessarily entailed a heavy though temporary augmentation of expenditure. The hon. Member read a letter purporting to come from Mr. James Best, once the deputy-clerk of the peace for the county of Worcester. I know that gentleman, and I believe that if he had had the least idea that his letter would be read in this House he would never have written it. As to Mr. Best's description of the mode of transacting business in the county, all I have to say is simply that it is not true. I may perhaps add that, being deputy-clerk of the peace, Mr. Best was very anxious, on a vacancy occurring, to obtain the more lucrative appointment of clerk of the peace. He failed in that endeavour, the result being that he also lost the deputy-clerkship. I leave the House to judge how far these facts may have influenced him in writing the letter. The hon. Member for Tavistock stated that I had concurred in desiring a more effective control over county rates. I never said that; but upon the introduction of this Bill I avowed that, abstractedly, I could not have—any more than any enlightened Englishman—an objection to the representative principle. That principle the hon. Mover of the Amendment in his very able speech described as the vital principle of the Constitution; and I said I should willingly join in its adoption wherever it could be safely and beneficially applied. The hon. Baronet also referred to my warning to him that he should not throw away the substance for the shadow. Well, I think that in seeking to square the institutions of our counties to a preconceived theory he incurs the risk of sacrificing that local management of their own affairs to which Englishmen are so much attached. What would be the effect of this Bill in Worcestershire? In that county there are, I think, 12 unions. To each of them this measure would give two representatives; so that 12 magistrates and 12 other persons would constitute the financial board. Now, in that county there are at least 200 magistrates, who meet together with an attendance varying from 40 or 50 to 80 or 90, to transact this description of business. But for the sake of an abstract theory the hon. Baronet would disfranchise these gentlemen, who have the strongest interest in the economical administration of funds to which they are themselves the largest contributors. The four main items of county expenditure are the police, the administration of justice, the maintenance of the gaols, and the lunatic asylums. How could a financial board deal with these? The police is regulated in connection with the Government; so are the gaols and the asylums; while as to the charges for prosecutions, whatever they are they must be paid, without their having any control over them. Surely, then, it is not worth while occupying the time of Parliament by trying to bring about these changes. Let me ask the right hon. Gentleman who has been so vacillating in his conduct to-day to recollect the serious nature of this proposal. It aims at effecting a complete revolution in a system which has long existed, and never operated better or more economically than at present; and all this upon no pretence but the shallow or theoretic ground that I have stated. Now, let me add that if this question is to be dealt with at all, it ought to come before us with all the weight and authority of the Government. That was the recommendation of the Committee of 1851. This identical measure was introduced in 1853 by the present President of the Board of Trade. It went before a Committee and was withdrawn, because the present Prime Minister, then the Home Secretary, undertook, very properly under the circumstances of the hour, to deal with the subject as the head of the Home Department. Probably, the noble Lord and the right hon. Gentleman then talked over this matter; but now that they are sitting in the same Cabinet that promise is forgotten—probably they came to the tacit conclusion that no legislation ought to take place on the subject—no legislation has taken place, and from that day to this they have never revived this question. Now we have another Home Secretary, who says "This is altogether a bad Bill; no case has been made out for it; nevertheless, I will vote for it." And he adds, "Let it wind its way through the Committee and take its chance there; but, mind, that I as Home Secretary, have nothing to do with it, and will give no promises." I repeat that such a proceed- is unworthy of a Government, and affording no possible prospect of any useful results.

Mr. WYLD said, the reason for the dissatisfaction in Cornwall did not arise from the expenditure on the police, but because a large sum of money had been spent in the ornamentation of the gaol, and because the justices had resolved to allow the governor of the gaol and the superintendent of the lunatic asylum to retire with very nearly their full salaries. In passing that resolution they had suspended the Standing Orders, and the result was that they had been obliged to go to the Court of Queen's Bench in order to set aside their illegal decision. It was no wonder, therefore, that the ratepayers desired to have some control over the rates raised from them. The right hon. Gentleman (Sir George Lewis) seemed to have a particular affection for those institutions which taxed the people without their consent, though he had, at the last moment, agreed to vote for the second reading—he supposed for the purpose of gaining the support of some hon. Gentlemen on his own side of the House. The Government had denied reform to the working classes; would they now create dissatisfaction amongst the tenant farmers by refusing them a voice in the expenditure of their rates? He hoped that the Government would—at least in Committee—afford the Bill their support.

Mr. HENLEY said, he had heard with regret the announcement of the Home Secretary at the close of his speech, that the Government had no intention to take this subject into their own hands. The question was one of very great importance, and could not properly be handled by any private Member. He would not say a word as to whether the Bill would be agreeable to this or that section of society in the counties; but, certainly, the well-working of their police, the gaols, and the lunatic asylums, would entirely depend upon the mode in which that measure was dealt with. What sort of example had they had to-day of the expediency of entrusting a great subject to be dealt with by a private Member? Not only had the same Bill, which was before the House eight years ago, been taken, but no care had been exercised to remove any of the objections that were then raised against it. No one who knew anything of the subject would venture to say that the machinery proposed by the Bill would work satisfactorily. But all the promoters of the Bill asked of the House was, "Only assent to the principle, and the details could be altered in Committee." Well, what was the principle? Much had been said about the introduction of the representative principle, and, in order to carry out that principle, the Bill curiously contrived that all real power should rest with the Home Secretary, and that was called introducing the representative principle. The existing authorities were to name the officers of gaols, lunatic asylums, and other county institutions, and to fix their salaries; but the county financial boards would very frequently differ from them as to the amounts, and in those cases the decision would rest with the Home Secretary. In addition to that interference of the central Government, there was to be a treasury audit. Was that local representative government? It seemed to him to be the complete destruction of it; it was, in practical effect, taking all control out of the hands of the local magistracy and placing it in the hands of the central Government. He opposed the Bill because it could not work and would only increase expense. A Secretary of State would not be particularly careful in sanctioning works which he had not to pay for, and it would be very easy to make out a case of efficiency, and the Home Secretary would have nothing to look to but efficiency. It was more than doubtful whether the ratepayers would derive any benefit from such a change. He (Mr. Henley) was connected with a lunatic asylum, the management of which was in the hands of different bodies from two counties and five boroughs, all of which sent representatives. They had hitherto managed their affairs very smoothly; but this Bill would make a complete hash of the whole business. According to the Bill the county financial boards were to provide clothing and food for the lunatic asylums. In such a case as he had referred to, with two counties and five town councils interested, which of them was to provide the food and clothing? Would each of the seven bodies have to make separate contracts, or would they not rather leave those matters to be dealt with by the very body from whom the Bill proposed to take it? One clause of the Bill proposed that in case of special necessity the managing body of a lunatic asylum might spend the amount of £10 upon a single patient without the authority of the financial board, but that such expenditure should not be allowed unless it had been properly expended. But in the case of his own asylum, with seven different bodies, each exercising an independent opinion, supposing there was a difference of opinion among them as to the expenditure of £10, what was to be done? He thought this Bill was very imperfectly prepared, and he was not inclined to allow it to go into Committee in order that it might be completely remodelled. He agreed with the Home Secretary that if they were to have a representative system it should be one including the ratepayers generally. He disapproved electoral colleges, and he also thought it was undesirable to have two antagonistic bodies to deal with the county funds. If the Bill passed there must be a distinct class of clerks and other officers appointed in each county; the clerk of the peace was appointed by the Lord Lieutenant, and could not be appointed clerk to the financial board; and, as in many counties the clerks of the peace had accepted salaries instead of fees, the result of the Bill would be to relieve them of one-half their duties without diminishing their emoluments, and the county would have to pay another officer to perform the work now done by the clerk of the peace. Something had been said about a strong feeling of discontent being prevalent upon the subject of county expenditure; and, therefore, he had taken the trouble to see how many petitions had been presented upon this subject. He found that this year there had been thirty-two petitions presented, with an aggregate of 184 signatures. He might be told that some of those petitions were under seal from boards of guardians, and that was the case. There were twenty-seven petitions under seal, out of about 700 boards of guardians in this country. He was only surprised that there was not a stronger feeling upon this question after the manner in which some hon. Members had spoken of the sacred union of taxation with representation. Those hon. Members now came forward with a Bill and said, "Only agree to the principle and here is something that will not carry it out." Here is taxation and representation, and the whole matter is to be left to the Home Secretary. He, for one, was not inclined to proceed further with a Bill without knowing more about it. Reference had been made to petitions from Cornwall, and he thought the House would like to hear a paragraph from a petition from Penzance in that county. The petitioners were of opinion "That provision should be made in the Bill for the payment of the out-of-pocket expenses of members not being Justices of the Peace of such financial Board, as it would be unreasonable to expect persons to pay such expenses in addition to the loss of time which such attendance would involve." That suggestion did not appear likely to promote economy, for the bills for expenses would form a considerable item in the county accounts, while whatever might be the faults of the justices they at least did not ask payment of their expenses for attending sessions. He repeated that he could not agree to proceed further with so incomplete and unsatisfactory a measure, and thought that so important a subject ought not to be left to take its chance in the hands of a private Member, but should be dealt with by the Government, which had the best means of knowing what sort of legislation should take place. By the present Bill all power over money was taken from the magistrates, but there was no provision for the payment of costs of defence in cases where the county was indicted. The financial board might disapprove the defence, and then who was to pay for the costs? He said now, as he had said on former occasions, he had no objection to the introduction into the management of county funds of a proportion of representatives fairly elected by the ratepayers, provided that care was taken to insure the proper working of the machinery. He did not believe the change would save a single shilling of expenditure, but if it would give satisfaction to any considerable body of persons he should not oppose a Bill introduced by the Government for such a purpose.

SIR HARRY VERNEY believed that if these county boards were appointed the county expenditure would be much reduced; nor did he think the passing of the

Bill would at all diminish the influence of the county gentlemen as had been alleged by the right hon. Member for Droitwich. The same argument had been used in relation to the passing of the Poor Law Bill, but had been completely falsified by experience. In his opinion the police force in many counties was too large and might be reduced with great advantage to the country.

MAJOR WINDSOR PARKER said, that the right hon. Baronet (Sir George Lewis) had put forward this question as if it was a landlord's and not a farmer's question; and had asked what right farmers, who took their farms on certain conditions, had to interfere in county matters.

SIR GEORGE LEWIS denied that he had said any such thing. What he actually said was that ultimately the incidence of county taxation fell on the rent.

MAJOR WINDSOR PARKER said, he must have misunderstood the right hon. Baronet. It was his conviction that the farmers had a deep interest in the public expenditure, and were, therefore, entitled to have a voice in that expenditure. He did not agree with the hon. Baronet who had introduced the measure in the way in which he had dealt with the question, and he accused him of attempting to strike a blow at the Church, by expressing his opinion that clergymen would be much better employed in looking after their parochial duties than in dispensing justice on the county benches. At all events, if he wished to deprive them of the magisterial position he ought also to deprive Nonconformist preachers or ministers of a seat on the bench.

MR. SCLATER-BOOTH said, he could easily conceive that a Bill might be framed containing conciliatory provisions, which would obtain the sanction of the House; but to this Bill, which did not contain such provisions, he greatly objected, and for two reasons; first, as regarded the payment of the expenses of the elected members of the board, for it was unreasonable to expect that the elected members would attend four times a year from all parts of the county without being paid their expenses. Then, again, the county gaols and lunatic asylums were managed by committees of magistrates, and required very careful and minute supervision; and the introduction of elected members on such committees would, in his opinion, lead to very great inconvenience, for the elected members would not be able to attend regularly to these duties. If a good measure of the kind were proposed by the Government there would be a chance of carrying it through the House; but he should vote against the second reading of the present Bill.

SIR JOHN TRELAWNY in reply, said, that this had been a very curious debate. Whilst it had been observed of him that he introduced sweeping measures, he found that four or five country gentlemen distinctly admitted the value and importance of the principle of the Bill—that principle being the connection of taxation with representation. But against that advantage he must set the injurious support of the Home Minister, which again was itself, as it were, balanced by the beneficial opposition of the right hon. Member for Droitwich (Sir John Pakington). That right hon. Gentleman had benefited him (Sir John Trelawny) by overstating his case, since in saying that business in counties was well managed by magistrates, and that all was *couleur de rose*, he was met by the positive assertion of the hon. Member for East Kent (Mr. Deedes) that discontent certainly exists. It was curious that the Conservative party—such friends of the tenant farmer, and so anxious to extend the franchise to his class rather than to the inhabitants of towns—were now grudging him the control of rates to the extent of 2*d*. in the pound. He (Sir John Trelawny) suspected that something would be heard about this at the hustings. It had been remarked that his Bill contained clauses which the alteration of the law of 1856 making the adoption of rural police compulsory, has rendered inapplicable, no doubt. But, surely, this was hardly a fair statement. He distinctly asked for a reprint of the Bill of 1853, and begged to have it read a second time in order to go into Committee, and there cut out such clauses as the progress of legislation of late years had rendered unnecessary. Many of the other objections raised were like this one—objections suited to the consideration of a Committee. As to Mr. Best's letter, which the right hon. Member for Droitwich thought he (Sir John Trelawny) should not have published—[SIR JOHN PAKINGTON disclaimed any charge of breach of confidence.] He felt almost bound by what had passed with Mr. Best to take care that Mr. Best's memorandum, given to him (Sir John Trelawny) after an interview with Mr. Best, should be known, that he might have the credit of the suggestions it contained. He would conclude by moving that the Bill be now read a second time.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes, 125; Noes 163: Majority 38.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

PUBLIC CHARITIES BILL.

Order for Second Reading read.

MR. HARDCASTLE, in moving the second reading of the Public Charities Bill, stated that its main object was to provide a more convenient and less expensive mode of appointing trustees of unincorporated public charities. Instead of the present methods, the Bill enacted that when any vacancy occurred in the trust of a charity the vacancy shall be filled up by election; a certificate of that election shall be drawn up by the chairman, and attested by two witnesses within three months; this certificate shall be presented to the Judge of the County Court of the district, and within one month thereafter the Judge shall give a certificate as a confirmation of the election. A second proposition was to provide some regulations by which trustees absent from this country might be relieved of their trusts.

Motion made, and Question proposed—"That the Bill be now read a second time."

THE ATTORNEY GENERAL said, that great care was requisite in dealing with a subject of this kind, or they might augment inconveniences instead of diminishing them. Giving every credit to the hon. Gentleman for his intention in proposing this measure he could not agree with any one provision in it. In the first place, in cases where a trustee might be elected, the Bill provided that the certificate of such election should be drawn up by the chairman of the meeting, who was required to swear to all the particulars contained in it. He would be a very bold chairman who would do that. Then the certificate of election was to be lodged with the Judge of the County Court, who was thereon to issue another certificate in confirmation of the election; this certificate, when signed by the Judge, and sealed with the seal of the Court and duly registered, was, by the Bill, to be thenceforth received, in the absence of any evidence to the contrary, as full and conclusive evidence of the truth of all the facts, matters, and things respecting the charity contained in such certificate. Now, all facts regarding the title or the transmission of the title of the property of a trust required the utmost caution; and he thought the existing law had amply provided against any difficulties of that kind by the appointment of official trustees for public charities; and that provision of the existing law embraced every description of charity. The machinery of that law was of the simplest kind; the official trustees were made the legal *custodes* of the property of a trust, and the necessity for a continual conveyance and reconveyance of the estate was obviated. By investing the estate of a charity in these official trustees the evils complained of were avoided. But by the present Bill a little knot of men might come together and elect a person quite unqualified as a trustee, and the Judge of the County Court, who could have no information on the matter except from the declaration of the chairman of the meeting, must confirm the election; and the certificate of the Judge, who could know nothing, would become, not only the evidence of the qualification of the trustee, but of the ownership of the trust property. The present law did not require this kind of interference; he, therefore, could not consent to the second reading of this Bill.

MR. HARDCASTLE said, that after the statement of the Attorney General he should not proceed with the Bill.

MR. HENLEY felt obliged to the Attorney General for the clear manner in which he had pointed out the objections to the measure.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

House adjourned at eight minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 21, 1861.

MINUTES.] PUBLIC BILLS.—1^{a} Wills of Personalty by British Subjects.

2^{a} Consolidated Fund (£4,000,000); Law of Foreign Countries; Queensland Government.

3^{a} Red Sea and India Telegraph.

THE IONIAN ISLANDS.—QUESTION.

THE MARQUESS OF NORMANBY said, that on meeting his noble Friend the Secretary of State for the Colonies on Tuesday last he put a question to him on the subject of the most recent intelligence from the Ionian Islands. He understood from his noble Friend then that he had received no official information on the subject, and, therefore, he had postponed his question till to-day. The intelligence received by the public since Tuesday could not be considered satisfactory, though he supposed that it might be taken in the main to be correct, for he believed that there was at the present moment an entire suspension of legislative action in the Ionian Islands. It would, therefore, be desirable to hear what explanation Her Majesty's Government were able to give on the subject. It appeared to him that the conduct pursued by the Legislative Assembly had rendered it impossible for the Lord High Commissioner to adopt any other course than that of proroguing them. He was sorry to think that all the concomitant circumstances proved that the steps taken by that Assembly had been in connection with the universal revolutionary propagandism which was at present being worked in every country in Europe: and it was especially to be regretted that the agents in this new attempt at separation had founded their acts on language used by a Minister of the Crown in England. He did not pretend to speak with accuracy of what had occurred on this last occasion; but some two months since Signor Dandolo, a member of the Legislative Assembly, addressed a letter to Lord John Russell, in which he stated that the patriotic cause, as he called it, was advanced by the revolutionary language which had been used by that noble Lord on a recent occasion. He was bound to say that, in his opinion, the appeal of Signor Dandolo was unanswerable as an *argumentum ad hominem* against the noble Lord. So far as Lord John Russell's despatch of the 27th of October was concerned, it appeared to him the case was complete—not against this country, not against the Government generally—but against the expression of opinion by the Foreign Secretary. That being the case he thought it extremely desirable that they should have some assurance from the colleagues of the noble Lord that they did not share in the doctrine propounded in that despatch, and that in this case they did not admit that certain Ionian subjects of Her Majesty were the only judges as to whether their grievances were such as that they ought to be allowed to separate themselves from this country. Still more important was it that they should know from the noble Duke that Her Majesty's Government do not think that any foreign Government would be justified in assisting the Ionians. It was very true that this was not the first instance of dissatisfaction in the Ionian Islands; but that rendered the doctrine in the noble Lord's despatch still more objectionable. Indeed, there was scarcely any portion even of the Ministerial press that had not pronounced it to be dangerous. He hoped their Lordships would have an assurance from Her Majesty's Government that they were prepared to meet with an energetic opposition any attempt on the part of the Ionians to remove themselves from the protectorate. He begged to ask his noble Friend the Secretary for the Colonies, Whether he was prepared to give any explanation as to the prorogation of the Legislative Assembly of the Ionian Islands; and when the Government would be able to lay on the table the official documents relating to this prorogation?

THE DUKE OF NEWCASTLE: My Lords, I am now able to state what has taken place in the Parliament of the Ionian Islands. As my noble Friend says, he gave me notice on Tuesday last of his intention to ask me a question on this subject, and I told him that I had then no information. However, a despatch was received yesterday, and I am in a position to give him an answer. The Parliament was opened in the ordinary course on the 1st of March, and the Lord High Commissioner delivered his Speech as usual on such occasions. I believe that a report of that Speech has appeared in the newspapers. I presume, therefore, that it has been read by your Lordships, and I am sure you will concur with me in saying that there was nothing in it calculated to raise angry feelings, or that was in any respect at variance with those opinions and expressions which ought to have fallen from a person in the position of the Lord High Commissioner. Your Lordships are probably aware that in the Ionian Islands it is not the custom, as in this country, to answer a Speech by an Address on the same day as that on which it is delivered. The habit in the Ionian Islands is to appoint a Committee to draw up an answer. That course was taken on this occasion. The Parliament met on a Friday, and the whole of the following week was taken up with desultory and unproductive discussions of various kinds. At last, on Saturday, a draught Answer was prepared. I am unwilling to characterize this draught by any strong expressions; but I can only describe it as a Bill of indictment against the protecting Power. The statements are in every respect so utterly at variance with the truth, the accusations are so monstrous, that they carry on the face of them their own refutation. The draught states that affairs have arrived at the culminating point of the grievances of the Ionian Islands; that the people may trace to British Protectorate most of the evils that exist in those Islands; that personal liberty is at an end, and that there is no freedom either of speech or of the press. It also states that the social and material interests of the Ionians have been neglected. The document represents a state of things which might possibly have existed a year ago in a southern country, but which could never have existed in the Ionian Islands under a British Protectorate. Notwithstanding the violence of this language the Session might have been continued. I think it imposible that the Lord High Commissioner could have received such an answer; but means might have been taken if it had not been resolved by the Assembly to push matters to extremity, to prevent that step the avoidance of which was so much to be desired—I allude to a prorogation of that body. But the leaders of a party who, I am sorry to say, exercise too much influence in the Assembly apprehended that some such course might have been adopted, and took their measures accordingly. Two members of the Assembly, Signor Paconis and Signor Lombardo, gave notice on Saturday of their intention to introduce two documents. One of them called on the House of Assembly to invite the whole of the inhabitants of the Ionian Islands to vote by universal suffrage for the annexation of the islands to Greece, and for other purposes. The second was full of empty and foolish phrases, but its pith and substance consisted of an appeal to the Governments and Christian philanthropists of Europe to unite in one great empire, and to drive the Turks out of Europe—in short, to revolutionize the whole eastern world. The Lord High Commissioner feeling that both these documents—but, under the circumstances, the first particularly—were utterly at variance with the constitution of the Assembly, it being an utterly unheard-of proceeding that one branch of the Legislature should attempt to supersede the other two, felt it his duty not to allow these documents to be submitted. Accordingly, on the day on which they were to be brought forward for discussion, he sent to the Assembly the following Message:—

> "The Lord High Commissioner has perceived that two documents have been laid on the table of the Most Noble the Legislative Assembly, and now stand on the order of the day for discussion; one inviting the Legislative Assembly to call on the Ionian people to declare by universal suffrage the national desire to be united to the Kingdom of Greece; the other purporting to be an address from the representatives of the Seven Islands to the representatives of the peoples, to the Governments and philanthropists of Christian Europe. The Lord High Commissioner is desirous of carrying forbearance to the utmost limits of his duty as the representative of the Sovereign Protectress of these States. His Excellency, therefore, warns the Legislative Assembly that the proposals now standing in the order of the day are clearly contrary to the Constitution, and, as such, cannot be entertained or discussed. The Lord High Commissioner hopes that nothing will be permitted to divert the Legislative Assembly from its true functions of useful legislation for the good of the country, and, having now informed that body that these proposals are unconstitutional, his Excellency trusts to its prudence and patriotism to remove them from the order of the day."

On that Message being received, hopes that some accommodation might be arrived at were entertained; and a proposal was made that the House should adjourn for half an hour, with a view to discuss these matters privately in a Committee-room. That discussion took place; but, so far from any spirit of conciliation being exhibited, a resolution was come to not in any respect to withdraw these documents of Signor Paconis and Signor Lombardo; and when the House resumed, the latter gentleman, in very violent language, proceeded to dilate on the substance of these documents. Finding that all further attempts would be useless, the Lord High Commissioner, under the powers given to him by the Constitution, prorogued the Assembly to that day six months. These are the circumstances of the case. As regards any further information for which the noble Marquess has asked there will be no objection to grant it. I will not undertake to say that every document shall be produced, but I should certainly be glad that your Lordships were supplied with those of which the substance is embodied in the short statement I have just made. The noble Marquess was unable, even in putting a question to the Colonial Secretary, to refrain from having his usual fling at the noble Lord the Foreign Secretary and the Government; and has chosen to trace the events which have occurred in the Ionian Islands to that despatch of my noble Friend at the Foreign Office, which seems to haunt the noble Marquess like a nightmare. The noble Marquess must be aware that a letter was addressed by Signor Dandolo to Lord John Russell, in which — however we may be surprised that an Englishman, and a Member of your Lordships' House, should distort a despatch from the British Government — it was but natural that Signor Dandolo, writing from his point of view, should endeavour to show that, under the terms of that despatch, the Ionian Islands were entitled to emancipate themselves from the protectorate of Great Britain and to attach themselves to Greece. But a refutation both of the opinion of Signor Dandolo and of the arguments of the noble Marquess is afforded by the fact that Sir Henry Storks, having the power of high police in those Islands, of which he could have availed himself, did not in any way interfere to prevent the circulation of that letter, which was published in Greek, in Italian, and, I believe, in English, and was circulated throughout the whole of the Ionian Islands without producing any effect whatever; in fact, the inhabitants did not appear to pay any attention to the matter. But there can be no doubt that this agitation is of long standing. This is, unfortunately, not the first time that a prorogation of the Ionian Parliament has taken place. Last year it was feared that recourse to such a measure would be necessary; but instructions were sent out which were repeated this year, to treat with every consideration, but of course with firmness and resolution, any measures that the Assembly might adopt. Acting under these instructions, some advantage was derived from the sittings of the Assembly last year, though not as much as could have been desired; owing to proceedings of a similar kind to those which have recently taken place. And when the noble Marquess appeals to me and to my noble Friends on the bench behind me, and says he hopes we do not agree with Lord John Russell in the despatch which he has written, I say distinctly that the despatch has no relevance whatever to the state of the Ionian Islands; and, unless the noble Marquess can prove that the circumstances of those Islands are precisely similar to those of the country with reference to which that despatch was written, his whole case falls to the ground. As regards the course which Her Majesty's Government — including Lord John Russell, as the noble Marquess thinks it right to draw a distinction between us —are prepared to pursue, I will state that we approve the course which Sir Henry Storks has been compelled to take in this instance; and with regard to the policy of maintaining the protectorate, I tell him distinctly that we are prepared to uphold it, and that the Government does not shrink from the responsibility which attaches to them under the treaties of 1815. And, although I trust the present and any future Government will always make allowance for the feelings of the Ionian people, and will treat them with the utmost forbearance, consideration, and justice, I trust, at the same time, they will not hesitate to perform their duty with firmness and determination. The noble Marquess seems to regard this question with somewhat of despair. I venture to assert my belief that the Ionian people will before long separate themselves from these demagogues and theorists who have misled them so long. Already there are appearances of their doing so. By the accounts received yesterday, notwithstanding the sudden prorogation of the Assembly, the utmost tranquillity prevailed, not alone in the town but in the neighbourhood of Corfu; and I not only trust, but I will even say I believe, that the inhabitants will feel that Sir Henry Storks was justified under the circumstances in stopping these mischievous proceedings; and although it is, undoubtedly, a great misfortune that legislation should be stopped—for there are many grievances, political, social, and moral, that it would be in the power of the Assembly to obviate, if so disposed—I believe they will perceive that the Assembly was grievously in error, and that their truest friends are those who endeavour to maintain the protectorate of Great Britain.

THE MARQUESS OF NORMANBY said, in answer to the charge of having unnecessarily introduced the despatch of Lord John Russell into the discussion, that that despatch had been made the basis of proceedings in the Ionian Legislature; and that this fact is stated as the only public information which any one had yet seen from thence in a letter from Corfu in the papers this morning. Indeed when such a question was raised, he wished to know how the noble Lord could evade the force of the expression he had employed, that "the people were the only judges of whether their grievances were such as to justify a change of dynasty?"

EARL GREY said, he did not wish in any respect to impugn the accuracy of the statement made by the noble Duke. He entertained no doubt from that statement made by the noble Duke, the Colonial Secretary, that Sir Henry Storks had exercised a wise discretion. But he could not help thinking that the noble Duke had scarcely realized in the remarks which he had just delivered the serious nature of the Ionian question. The state of things in the Ionian Islands was no honour either to this country or to the local Governors who had administered their affairs. The withdrawal of our protection would, no doubt, be the greatest misfortune which could happen to the people of those Islands; but still, believing, as he firmly did, that this country had no interest whatever in extending to them the benefit of our protection against their will; that to us the maintenance of that protection was productive only of burden, expense, and, in some respects, of danger, while all the advantages were on the side of the Ionians, he was of opinion that if the hopes which had been expressed by the noble Duke were not realized, if the people did not abandon the demagogues by whom they had hitherto been led, and support the authority of the representatives of Her Majesty, that protection ought no longer to be continued. This was a question of grave importance, and could not long escape the serious consideration both of the Government and of Parliament.

HER ROYAL HIGHNESS THE DUCHESS OF KENT.

THE QUEEN'S ANSWER TO THE ADDRESS OF CONDOLENCE.

THE LORD STEWARD *reported* the Answer of Her Majesty to the Address of Monday last, as follows: namely—

> "I thank you for your loyal and dutiful Address, and for the Expression of your Condolence on the Death of My beloved Mother.
>
> "The Assurances of your Interest in all that concerns My domestic Relations and your Wishes for the Happiness of Myself and My Family have given Me sincere Satisfaction."

The Marquess of Normanby

ADMIRAL SIR BALDWIN WALKER.

QUESTION.

THE EARL OF HARDWICKE: My Lords, I take the liberty of interrupting the Business of the House for a moment to ask the noble Duke at the head of the Admiralty a question on a subject respecting which a considerable amount of public interest has been excited. I allude to the recent departure of Sir Baldwin Walker in the *Narcissus* frigate. The circumstances of the gallant officer's departure are generally known, as also that it took place at a juncture when the House of Commons desired his presence. Since then it has been stated in quarters which might be supposed to have good information that a gentleman of some distinction, a well-known writer of the day, and supposed to be the editor of a great public journal, mentioned at a table, as a fact within his own knowledge, that the Commander-in-chief at Portsmouth had started early in the morning in his boat for the *Narcissus*, and when on board urged the Admiral to get out to sea as fast as possible, and by no means to look behind him, but to make all possible despatch out of the Channel; for that if he did not get out of the way he might probably find himself wanted elsewhere. I wish to ask the noble Duke at the head of the Admiralty, Whether there is any truth in this statement? and I must certainly add that the circumstances attending Admiral Walker's departure look exceedingly like an anxiety to escape the summons of the House of Commons.

THE DUKE OF SOMERSET:—My Lords, there have been so many mis-statements respecting the appointment and sailing of Admiral Sir Baldwin Walker that I am glad to have an opportunity of stating in my place in this House the real facts of the case. For the appointment of Sir Baldwin Walker to the command of the Cape squadron I am responsible, and solely responsible. It has been imputed to a noble Friend of mine in "another place" that it might be for his convenience that Sir Baldwin Walker should depart to a distant station. I can only say that my noble Friend Lord Clarence Paget was never consulted upon the appointment of Sir Baldwin Walker, and was not informed of it until it had been made. That appointment was made in November, and I then stated to Sir Baldwin Walker that I was very sorry to lose his services, and would much rather have retained him in his position as Surveyor of the Navy; but he informed me that the state of his health rendered it impossible for him to continue to discharge the duties of that office. At the same time I requested that he would at least remain in England long enough to assist me and the Admiralty in preparing the Estimates for the ensuing year, and I told him that as soon as the Estimates were ready he should be allowed to go. The Estimates, in the preparation of which Sir Baldwin Walker was enabled by his long experience to render the greatest assistance, were accordingly prepared, and were presented to the House on the 12th of February, and I then told Sir Baldwin Walker that, as far as I was concerned, he was at liberty to proceed to his station. Circumstances connected, I believe, partly with his private affairs and partly with the preparation of the ship, detained him in this country, and it was not until the 26th of February that the orders for sailing were given at the Admiralty. On the 27th he went to Portsmouth, and I anticipated that he would sail the next day, which was Thursday. However, he did not sail until the Saturday, and on that day the circumstance occurred which has given rise to the report referred to in the question put to me by the noble Earl. On that Saturday Admiral Bruce went out to the *Narcissus*, which was off Spithead, to take out to her some additional ammunition—some Armstrong ammunition—which it was thought would be required on board the vessel; but he writes that he did not see Sir Baldwin Walker, who had then gone on a visit to Her Majesty at Osborne; that he did not see him, that he did not want to see him, and that he gave him no orders. No orders were sent either directly or indirectly to Sir Baldwin Walker to hasten his departure. It was entirely his own doing; and as far as I was concerned I could have no possible motive to desire his departure. On the Saturday Sir Baldwin Walker anchored in Yarmouth Roads, and on the Monday he sailed. I had been informed that on a previous evening some Members of the House of Commons had declared that they did not want the Admiral to be detained, and I had no reason to suppose that any opposite opinion would arise. Indeed I then supposed that he had sailed. One night at twelve o'clock a message was brought to the First Naval Lord at the Admiralty requesting him to send a telegram to stop Sir Baldwin Walker. Now, as noble Lords are aware, the senior Naval Lord always has the distribution and management of the ships. He has authorized me to say that he received that message, but that he considered the proceedings so irregular, it being only a report of what had passed in the House of Commons, without any assurance that any orders were to be sent to the Admiralty from a Secretary of State, that, conceiving that a precedent for receiving orders from the House of Commons might produce inconvenience to the public service, he declined to act upon it, and, therefore, did not that night send off any telegraphic message. In the morning he consulted me upon the subject. I communicated with the noble Lord at the head of the Government, and, being informed that he would address a letter to me upon the subject, I despatched orders to get a vessel ready and send her to look for Sir Baldwin Walker. These are the facts of the case, and I hope I have satisfied the noble Earl opposite that there was no desire to send Sir Baldwin Walker away, and that no order, either direct or indirect, or any hint of any kind was given from myself, or from any one in authority at the Admiralty, urging him to get to sea.

METROPOLITAN CENTRAL HOTEL COMPANY BILL.—SECOND READING.

The Earl of SHELBURNE, in moving the second reading of this Bill, said that its object was to procure a site for the building of an hotel in the neighbourhood of Wych Street and Holywell Street in the Strand, and that the property, for the removal of which compulsory power was sought, was of a most objectionable nature; in fact the Holywell Street nuisance had been for a very long time notorious.

Moved, That the Bill be now read 2^a.

Lord REDESDALE opposed the Motion for the second reading on the ground that it would be a bad precedent to allow persons engaged in a private speculation of this kind to have compulsory powers of taking property. The Bill of the London Bridge Hotel Company was rejected last year on that ground. An offer had been made to forego the opposition to the Bill if the promoters could produce petitions from the majority of the persons affected; but they were not able to do so. It showed how entirely it was a private speculation that one of the parties had told him that if the Law Courts Bill were not passed they would abandon their scheme. He moved that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now" and insert "this Day Six Months."

Lord STANLEY of ALDERLEY reminded the noble Lord that in the case of railways, docks, and other private speculations, compulsory powers of taking property were granted, on the ground that such undertakings were of public advantage. He thought that the same principle should be applied here; and certainly there had been scarcely any private speculation which had been fraught with so much public benefit as this.

Lord EVERSLEY agreed with the noble Lord (Lord Redesdale) in holding that it would be a bad precedent to sanction this measure.

Earl GRANVILLE said, he agreed with the Chairman of Committees and the noble Viscount who last addressed their Lordships with respect to the general principle of the inadvisability of giving compulsory powers to companies to enable them to promote their private speculations; and he thought, moreover, that the title of this Bill did not convey sufficiently accurate information as to its contents. But he was informed by his right hon. Friend at the head of the Board of Works that he considered this scheme was of great importance as a measure of metropolitan improvement, in conjunction with the plan for the erection of new law courts. It was not a Bill merely for the building of an hotel, but for widening a crowded thoroughfare, giving access to the proposed courts, and destroying a locality notorious from the character of the publications which used to be there exhibited. He hoped the House would allow the Bill to be considered by a Committee, and defer judgment upon it until the Third Reading.

The Earl of DERBY said, that in all his experience in the House of Lords he had never before known an occasion when two Cabinet Ministers had successively risen to take an active part in favour of a private Bill. It was most extraordinary that the support of the Government should be given in opposition to the opinion, on public grounds, of authorities so high as the late Speaker of the House of Commons and the Chairman of Committees, and he hoped that the practice of bringing the influence of the Government to bear on the discussion of a private Bill would not be drawn into a precedent. He trusted that on this occasion their Lordships would not allow themselves to be influenced by the course the Government had taken.

The LORD CHANCELLOR said, he was another Cabinet Minister who supported this Bill; but if he had considered it a private Bill he should not have taken any part in the discussion. This Bill was, in fact, one of a public nature, upon which the health and comfort of many of the inhabitants of the Metropolis would depend. He entirely agreed with the principle laid down by the noble Chairman of Committees and the noble Viscount on the cross benches (Lord Eversley), but though this Bill was of a private nature it would provide great public advantages. It would not merely widen the Strand, but it would purify the locality in the neighbourhood of the contemplated new courts of law.

Lord TAUNTON said, the question was whether this was primarily and essentially a Bill to promote a private speculation. He thought it most undoubtedly was, and if they allowed private speculators to come to the House and obtain compulsory powers to deal with the property of others on the ground that the public would receive some indirect advantage, there would be no end to this kind of thing. He should certainly oppose the Bill.

The Marquess of CLANRICARDE agreed in the general principle laid down that compulsory powers should not be given for private objects; but in this case their Lordships should not lose sight of the fact that this measure was calculated to effect a great public improvement in the Metropolis by removing a number of disreputable houses, by widening the Strand, and facilitating the passage of the traffic to and from the new law courts; and all this without putting the public to the expense of a single shilling. These objects were so desirable that he should support the Bill.

Earl GREY said, if this Bill was to make an improvement in the thoroughfares leading to the courts of law it ought to have been introduced by the authorities who had the construction of the new courts in hand—namely, the Government. If they had asked for power to remove certain buildings there could have been no objection to it; or if the local authorities of the Strand had asked for such a power no one could have objected to it; but he saw no sufficient reason why they should give compulsory power to a mere joint stock hotel company to pull down houses, the primary object being their own private advantage. It had been said such powers were given to railway and dock companies; but in all cases railway and dock companies had to show their primary object was in some way for the public convenience. Any one could make a railway without coming to Parliament, by the consent of all parties interested; and compulsory powers were only given when they could show that the railways were of primary public importance. He did not think the establishment of an hotel a matter of primary importance to the public, and if Parliament should grant compulsory powers in this case it would be setting a very dangerous precedent. He should, therefore, vote against the second reading of the Bill.

THE EARL OF SHELBURNE briefly replied, expressing a hope that their Lordships would not give so great a weight to precedents as to induce them to throw out this Bill, which would effect great public improvements.

On Question, That "now" stand Part of the Motion? their Lordships *divided:* —Contents 25; Not-contents 33: Majority 8.

Resolved in the *Negative.*

DWELLINGS FOR THE LABOURING CLASSES. STANDING ORDER No. 191.

ADDITION MOVED.

THE EARL OF SHAFTESBURY, in moving an addition to Standing Order No. 191, for the purpose of providing that the report made by the promoters of railway and other Bills of the number of houses and inhabitants displaced shall be referred to the Select Committee on each Bill, who shall inquire into and report on the same, said: My Lords, the proposal I now make is a necessary supplement to the Resolution carrried by the noble Earl (the Earl of Derby) below me, which was granted for a special and particular instance, and to the Standing Order which I carried some years ago. It cannot be said that it will act in any way as an obstruction to public improvements; it is neither intended nor adapted for that purpose. I am ready to admit the great advantage of many improvements made in London, and the great benefits conferred in opening large thoroughfares for ventilation; all I ask is, that we should have the means of obtaining accurate information as to the number of houses and inhabitants displaced. My great object is to reduce the amount of an evil which presses upon a vast mass of the population, and to see whether, by continually bringing the subject before the public mind, we cannot at last devise some remedy for it. Improvement Bills are now increasing in number and area so much, both in London and the provinces, that unless something be speedily done great moral, financial, and even political mischief will accrue. Since this subject was last before your Lordships I have personally gone through the two districts which were then referred to, in the parish of St. Giles, Cripplegate. I have visited the courts and alleys through which this railway will pass, and I have conversed with a great number of the people, and the conclusion I have come to is that a greater misrepresentation never was made than the character which was given of the locality which will be affected by this scheme. It is not the abode of thieves and of vagabonds, but of decent, well-conditioned people, who have resided there for a considerable time, and who, if displaced, would suffer a very grievous wrong, and a very grievous injury. Again, your Lordships will find that in these districts the worst places are not those proposed to be taken for these railways. With a few exceptions, the worst places are left untouched, and even those worst places are infinitely better than a vast number of places within a few minutes' walk of this House, for instance, which will remain untouched. Thus I find that in King's Arms Yard eleven of the houses are in good condition, airy, and spacious. In King's Head Court the houses are in good condition. In Half Moon Alley they are very narrow, but good compared with many places. In Bowling Alley they are small and very bad. In Bowling Square there are three houses to be taken, and these are very airy and spacious. Cradle Court is new, airy, and spacious. We were told that none but the most filthy and the most overcrowded dwellings were to be removed, and that nothing but benefit would arise from driving a railway through the midst of them. Now, I find, not in the line of railway, Castle Court, which is very bad, with no opening at the end, and White Rose Place, which is very narrow and a *cul de sac.* In St. Bartholomew district I find Honeysuckle Square, which is full of new buildings, constructed only in 1859, and model lodging-houses, very large, new, airy, and spacious, two large rooms being allotted to each family. All these are to come down. Maidenhead Court is airy, spacious, and in excellent condition. Green Arbour Court and Half Moon Alley are inferior to some others, but vastly superior to a great many localities which are left untouched. Angel Alley and Union Buildings are both bad. In Moor Square the houses are spacious and not bad. Carr Square is by no means bad. In New Court the ventilation is pretty good, the drainage bad; while Sun Court, not in the line of railway, is exceedingly bad. All these places are to be disturbed by the proposed railways, and it is very desirable to know the extent to which you will allow a quiet, orderly, decent, comfortable population to be affected in such a way. Consider the character of this population. It comprises a large number of skilled artisans, and a number, too, of ordinary working men. There are none of the migratory population who remain but a very short time in their houses. On the contrary, I found many persons who had resided in their houses for more than twenty-five years, and who contemplated with horror their sudden enforced removal. No notice has been given to these poor people. The proprietors have received notice, but not the occupants of the houses. On the contrary, what has been done has tended to lull them into a false security. To almost every house notices have been sent, in which the lodgers were asked whether they assented to or dissented from the proposition that a railway should pass through their dwellings. A large portion of the persons thus appealed to expressed their dissent; and when I told them that their houses were to come down they replied, "It is impossible, because we have had papers to fill up, and in them we refused our assent to the removal of the houses." The proprietors have given no notice to their lodgers, nor will they do so until within a week of the time when demolition begins, and then these poor people will be full of confusion and dismay. This process of demolition will operate very injuriously upon all, but upon many it will inflict absolute ruin. All who are displaced must be pressed into the already overcrowded houses of the neighbourhood, and many who are now living in houses and rooms of their own will be compelled to descend in the social scale, and to become inmates of a room in which another family is located. But this demolition will press still more heavily upon the skilled artisans. They cannot possibly go any distance from their work. I have seen many of these men living in comfortable well-furnished houses of their own, and they must be turned out, with their furniture and their families, it not being possible that they should find another house in the neighbourhood. If they go to a distance, they must leave their work, for they are under engagement to their employers not to live more than a certain distance from the warehouse, in order that orders may as soon as possible be transmitted to the workman, and not a moment may be lost in executing them. Thus your Lordships will see how seriously such removals press upon the skilled artisan. A Committee which sat upon this subject reported that they had done what they could to alleviate this pressure by introducing a clause into the new railway Bills for the establishment of cheap and constant trains for the benefit of the working classes. The people will receive the assurance with gratitude, as a mark of sympathy on the part of Parliament; but it is giving them a stone when they asked for bread. The cheap railway trains will lead to nothing; for the railway is there, but there are no houses; a long period must elapse before any can be constructed, and no spots can be found without going to a very considerable distance. I shall not speak disparagingly of the proposal to build suburban villages. But what is the use of talking of them in the present crisis? The houses are not built, the land is not purchased, the site is not yet fixed upon; and even when these villages are forthcoming it will be very difficult indeed to persuade the people to leave the neighbourhood of their work, where they now live, and go to so great a distance. I do not, however, despair of these suburban villages being brought into general use. The overcrowding of London is caused partly by the natural increase of population and partly by a large immigration every year into those parts of the Metropolis which are already overcrowded. These suburban villages may probably be so arranged as to catch the immigrants and prevent them from crowding in upon the overcrowded districts, while the societies which now exist may do much to improve the domiciles already existing. It is necessary, however, that we should have ample time, as well as great zeal and energy in the cause; and it is with a view of creating that zeal and setting in movement that energy that I am anxious to lose no opportunity of laying before the House information bearing upon this great, this increasing, and this dangerous evil. I believe that much good may be done by keeping the real state of things constantly before the country, by showing the operation of these various improvements, where all the evil is on the one side and all the benefit is on the other, and by proving that, although such improvements must go on, it is at the cost of much human happiness, which result may be obviated if proper measures were adopted. By constantly bringing before the country this information we shall stimulate the efforts I have indicated, and thereby make these improvements a source of unmingled good to the community. I hope your Lordships will pass this Standing Order, and I hope its result will be to impress men's minds with the absolute necessity of directing their attention to the remedy of this great and oppressive evil. It is an evil you cannot estimate by report ; you must hear the evidence with your own ears ; you must take the evidence of the working men themselves; they alone can enter into the minute details that make up the sum and substance of their existence. And when their story is told to the country at large, I am sure it will be roused to something like a great and magnanimous effort. If it is not so roused to that effort, I must say we have come to the time when we must declare there is no foundation of truth whatever in the professing philanthropy and self-glorifying language of the Nineteenth Century. The noble Earl concluded by *moving* that the following words be added to the Standing Order No. 191.

"And that such Statement be referred to the Committee on the Bill, and that the said Committee do inquire into and report thereon."

LORD REDESDALE said, he had no objection to the proposed addition to the Standing Order. One of the Bills that had been referred to, the Metropolitan Railway, had come before him as an unopposed Bill, and he had that day made a detailed report to the House upon the matter. With regard to the subject on which the noble Earl had just spoken, it was very difficult to arrive at the truth on it. He had no doubt the noble Earl had been taken to many places where the inhabitants were likely to give answers favourable to the party who opposed the Railway Extension Bill. He was obliged to say this ; for very different evidence on the same subject had been given before him. He had no reason to doubt that the witnesses he had heard gave honest evidence, and believed they were speaking the truth ; but their statements differed materially from what the noble Earl had described as the character of the population of the localities that would be affected by the Bill. They stated that this population was of a migratory character ; that it was largely composed of Irish and other strangers, who came from different parts of the Metropolis ; and that if a census of the district were taken, in three years another return would show that not one-fourth of the same people remained. If that were the case they could not suffer in the same way from removal as those who really belonged to the locality. These must suffer, more or less, by any change ; it was to be regretted, but it was unavoidable, if any railway improvements were to be carried out at all. The noble Earl said that the Railway Company had rather taken the best districts than the worst. But the line must run according to the level of the ground ; and as it was the great object of the companies to take the cheapest land, they would not take more of the most expensive land than was absolutely necessary. As to the returns of the number of people who would be displaced, he believed that the number would not be half of that named in the return, because where land was so expensive companies would not take more than was necessary, and the returns included all the people who lived within the limits of deviation allowed to the companies. With the perfect concurrence of the company to which he referred, he had introduced two clauses into the Bill—one similar to that introduced by the Committee on the North London Bill, providing that the company should run a cheap train every day, with this difference—in the North London Bill if the average of six months showed that 100 persons did not travel by it the train was to be discontinued. In the clause as he had framed it the Board of Trade might refuse to permit its being given up. It appeared to him that six months might not afford sufficient time for the labouring classes to acquire the habit of using the train. By another clause the company was bound to make provision for dwellings for their own labourers and servants, which would diminish the pressure on the crowded centres. He thought good might arise out of the inquiry secured by the addition of the Resolution of the noble Earl, and he should offer no opposition to it.

EARL GRANVILLE thought that the

noble Earl had taken somewhat of an exaggerated view of this matter, though, no doubt, he had done so under the influence of the most benevolent feelings. He might mention that when Prince Albert went to see some houses belonging to the Duchy of Cornwall, he found them to be in a state which was disgraceful to property of his son, and he caused fresh houses to be built; but when he had done so he found it impossible to persuade the people to leave the old houses to which they had been accustomed. As to the Amendment which had been proposed, he thought there was no objection to it, for, on the contrary, he believed it would cause additional inquiries to be made; but he would suggest that the matter should be referred to the Standing Orders Committee.

The Earl of SHAFTESBURY assented.

Motion *agreed to;* and the said Words added accordingly.

RED SEA AND INDIA TELEGRAPH BILL

THIRD READING.

Orders for the third reading read.

Lord LYVEDEN said, that a perusal of the evidence on the subject of the contract with the company had removed his objection to the wording of this Bill. He hoped, however, that Her Majesty's Government were prepared to say, through his noble Friend the Postmaster General, that they would not enter into any future engagement of a similar character with this or any other company without notice to Parliament, and that they would not incur any expense, either in attempting to recover the cable or setting this company on its legs again, without giving Parliament an opportunity of expressing its opinion on such proceeding.

The Earl of CAITHNESS said, he did not wish to prolong discussion on this subject, but still he wished to bring shortly under the notice of their Lordships the great danger incurred in giving guarantees to companies of so precarious a nature as electric telegraph companies, especially when connected with submarine operations. As a director of an electric telegraph company he could speak on the subject to his cost, and the cost of the company with which he was connected. It was thought that the wire when covered with a coating of gutta percha was quite safe, but experience showed that the cable was very destructible. He held a statement of the late Mr. Robert Stephenson in his hand, in which he said—

> "I have no doubt the experience which we have now acquired with regard to the durability of marine cables is very unfavourable, that is, as regards their present form and shape; but with greater lightness and less gravity I have no doubt that submarine cables will eventually be extended over a large portion of the world. The vitality of the cable is the great question. Some are worn out and decay in five or six years, some endure for ten years, and some extend to twelve, fourteen, or fifteen years."

He thought it unwise, therefore, to guarantee for fifty years such a company as the Red Sea Company, unless that Company was also bound to keep the line in good and effective working order. He certainly should have desired a large guarantee for his own line, because when the works were stopped, and there were no outgoings, the company would have nothing to do but to receive and pocket their money. There was a great difference in the cost of overland and submarine telegraph lines. The cost of construction for an overland telegraph was £30 per mile, of a submarine telegraph £300, and of an underground one £120. The cost of maintaining an overland telegraph was £8 per mile, and of a submarine telegraph £25. But the matter was still worse when there was a bad cable, and consequently no profits. He thought that the Government ought not to enter into a guarantee without at least requiring a counter guarantee for the maintenance of the cable in effective order.

Lord STANLEY of ALDERLEY said, he had already explained to their Lordships what the object of the present Bill was—that was, simply to correct an omission in the original contract. The conditions of the contract as between the Government and Company would remain exactly as before. He could assure his noble Friend (Lord Lyveden) that Her Majesty's Government had learnt a lesson from the unfortunate case of this Red Sea Telegraph, and that they would not give any guarantee to any future company for the construction of any electric lines without previously submitting it to Parliament, and letting the public have a full knowledge of all the circumstances. As to the submarine telegraphs, there were so many difficulties connected with their construction that it was clear we had not yet arrived at satisfactory information on the subject.

Bill read 3ª, and *passed.*

QUEENSLAND GOVERNMENT BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF NEWCASTLE, in moving the second reading of this Bill, said, its principal object was to remove some doubts that existed as to the power and authority which the Legislative Council of Queensland possessed. The territory of Queensland was separated from the colony of New South Wales by letters patent in June, 1859, and erected into a separate colony; and by an Order in Council of the same date it was intended to confer on the new colony the same constitution as was then possessed by the colony of new South Wales from which it was then severed. But in 1858 a local Act was passed by the Legislature of New South Wales altering their constitution to a considerable extent. This local Act was received in this country in the beginning of 1859, but it escaped the attention of the Government at the time when the Order in Council was drawn up. The attention of the principal Judge of Queensland had been drawn to the fact, and he was of opinion that the powers and acts of the Legislative Council of Queensland were invalid by reason of the want of resemblance between the two constitutions, and could only be remedied in the manner now proposed; and his opinion was confirmed by the law officers of the Crown in this country. The object of this Bill was, therefore, to remedy the defect, and to declare all the acts of the Legislative Council valid, as though the letters patent had been in all respects free from doubt. As there were circumstances which frequently rendered it undesirable that a new colony should possess the same form of Constitution as that from which it separated, a clause dealing with that branch of the subject had been introduced. The Bill likewise disposed of the tract of land lying between the 129th and the 132nd degrees, which hitherto had remained practically unappropriated, and annexed it to the province of South Australia, of which it was highly desirable that it should form part.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

House adjourned at half-past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 21, 1861.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (£3,000,000).
2° Admiralty Court Jurisdiction; Smoke Nuisance (Scotland) Act Amendment.

THE MAYNOOTH GRANT.

QUESTION.

MR. WHALLEY said that, seeing the hon. Member for North Warwickshire in his place, he wished to ask him, Whether it was his intention to introduce again this Session the Bill for repealing the Grant to the College of Maynooth?

MR. SPOONER: I beg to inform the hon. Gentleman that it is not my intention to bring on that question. I may, perhaps, be allowed to state, shortly, my reason for not bringing it on. (*Cries of* "Order, order!")

MR. SPEAKER: The hon. Member is not entitled to enter into explanations.

MR. SPOONER: I wish merely to say that my reasons for not doing it are these, that I feel myself totally incapable from the state of my eyes to read those documents which it will be necessary to lay before the House when bringing forward the question.

MR. WHALLEY: Then, I beg to give notice that I shall shortly after Easter ask leave to bring in a Bill on the subject.

LORD CLERK REGISTER IN SCOTLAND

QUESTION.

MR. CAIRD said, he would beg to ask the Secretary of State for the Home Department, Whether the Government have come to any decision with regard to the vacant office of Lord Clerk Register in Scotland?

SIR GEORGE LEWIS said, it was the intention of the Government to abolish the office of Lord Clerk Register in Scotland, in accordance with a communication made by the Treasury to the Home Office two or three years ago, the office being one to which no substantial duties were attached. He was unable to state the precise mode in which the abolition would be carried into effect, but he apprehended it would be necessary to bring in a Bill, and, if so, it would be introduced shortly after Easter.

ELY TIDAL HARBOUR.

QUESTION.

MR. GORE LANGTON said, he wished to ask the President of the Board of Trade, Whether the provisional sanction of the Board of Trade has been given to the Company incorporated by the Ely Tidal Harbour and Railway Act, 1856, to act as a pilotage authority within the Bristol Channel; and if so, can the Local Act, 47 *Geo.* III., c. 33, s. 9, be repealed provisionally, or is a provisional sanction by the Board within the powers granted to it by the Ely Act?

MR. MILNER GIBSON said, that an offer had been made by the Board of Trade to sanction the Company incorporated by the Ely Tidal Harbour and Railway Act as a pilotage authority within the Bristol Channel for a limited time and on certain conditions. The power of giving that sanction was within the Ely Act, which was subsequent to the Act 47 *Geo.* III., and, therefore, the power could be exercised by the Board of Trade without infringing the latter act.

BRITISH SUBJECTS IN JAPAN.

QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the Secretary of State for Foreign Affairs, If he can inform the House of the circumstances under which a British subject has been tried at Kanagawa by a Court composed of the Vice-Consul and three Merchants as assessors; whether the Court so composed agreed in the decision come to, and if the sentenced pronounced by the Vice-Consul was fine, deportation from Japan, and three months' imprisonment at Hong Kong; and, lastly, whether the Court at Hong Kong have pronounced the imprisonment unjust and illegal, in consequence of which the British subject referred to has been discharged from imprisonment?

LORD JOHN RUSSELL said, in answer to the question of his hon. Friend, that the circumstances under which a British subject was tried at Kanagawa were briefly these:—Mr. Moss, the British subject referred to, had gone out shooting, and had killed a wild goose or some other bird. On his way home, when he arrived at Kanagawa, he met certain persons employed by the police of that district, who advanced towards him with their swords. He cocked his gun, and threatened to fire if they advanced; but some other persons behind, employed by the same authorities, took away his gun, which in the struggle went off, and inflicted serious wounds on one or two persons who tried to take it from him. The Japanese seized him and carried him to a place of confinement, from which he was rescued by the British Vice-Consul, who took him to his own house. According to the Treaty and to the Orders in Council he was there tried for the offence of having gone out with his gun, and also for the offence alleged by the Japanese, of having deliberately fired at those Japanese who were wounded. The British Vice-Consul had two assessors for the purpose of this trial. It did not appear that the Vice-Consul thought Mr. Moss guilty of the crime alleged by the Japanese—namely, that he had fired deliberately at these persons—but the Vice-Consul referred to an order for notification, issued in 1859, to the effect that it was not lawful, according to Japanese laws and customs, either to carry firearms or to go out in pursuit of game without permission, and he also found that his resistance to the police authorities was likewise a violation of the general order which had been given by the Government. The Vice-Consul, in consequence of these offences, condemned Mr. Moss to deportation from Japan, and also to pay 1,000 dollars as a fine. The two assessors dissented from this judgment, and refused to concur in the sentence. The matter was, therefore, according to the treaty, referred to the Consul General, Mr. Alcock, who said that the two assessors were not competent in any way to give an opinion on the guilt or innocence of the accused. Mr. Alcock thought the punishment too mild, and he added to it three months' imprisonment at Hong Kong. Mr. Moss was accordingly sent to Hong Kong; but when he arrived there it was found that the warrant of the magistrate was informal. It professed to be given upon the authority of the Order in Council, which Order in Council was repealed, and there was not, therefore, any justification for the sentence of imprisonment. Mr. Moss was thereupon liberated, not at all upon the merits of the case, but from this technical defect. He was sorry to say that the conduct of Mr. Alcock on one side and the opinion of the British merchants on the other had led to a good deal of discussion and ill-blood in Japan. Mr. Alcock's representation was that between the question of conforming to the Japanese laws and customs on the one hand, and a certain liberty to the British subjects on the other, a line ought to be drawn; but he said that many of the British subjects in Japan thought themselves entitled to violate the laws of that country, whereby they excited on the part of the Japanese a great deal of resentment and complaint. The merchants, on the other hand, said it was absurd to suppose that all the Japanese customs, their mode of dress, and various other things were to be observed by English residents. That might be perfectly true on their part, but he must say he thought that Mr. Alcock was quite right in saying that while on the one hand a fair liberty should be allowed to British merchants and others engaged in their common pursuits, yet that to set at defiance the laws and customs of the Japanese was a course of conduct that was calculated to lead to very serious results. With respect to the legal question, that must be referred to the Law Officers of the Crown, and he could, therefore, offer no opinion upon it, nor could he give the papers until that opinion was given. These, however. were the facts, and he must say he should very much lament if the conduct of the English residents in Japan should neutralize the good effects which the active commerce springing up between the two countries could not fail to produce.

IONIAN ISLANDS.—QUESTION.

MR. MAGUIRE said, he would beg to ask the First Lord of the Treasury, Whether it is true that the Reply to the Message of the Lord High Commissioner of the Ionian Islands to the Representative Chamber of the Legislature declared that the English Protectorate ought to be regarded as the only cause of the miseries of the Ionians; that a Deputy demanded that the question of Annexation to Greece should be put to the vote; and that, in consequence of these and similar manifestations of opinion, the Ionian Parliament, which had only just met, was prorogued for six months by the Lord High Commissioner; and whether he has any objection to lay upon the table any official information which the Government may have received with respect to such prorogation?

MR. CHICHESTER FORTESCUE said, it was true that the Lord High Commissioner had prorogued the Ionian Assembly, which met on the 1st of the present month, and he would briefly state the circumstances which led to that prorogation. The Address in answer to the Speech of the Lord High Commissioner was brought up by the Committee of the Assembly, and it stated various vague and unfounded charges in respect to the Protectorate, against which the Lord High Commissioner was prepared to protest when the Address should be presented, but which did not form the ground of the prorogation. In the meantime, however, two long documents were laid on the table, and stood among the Orders of the Day for discussion. These had been presented by two Members—one proposing that the Assembly, acting without the other branches of the Legislature, should call on the Ionian people to declare, by universal suffrage, their desire for union with Greece; and the other proposing an Address to the peoples and Governments of Europe, invoking the aid of Christian Europe in favour of the emancipation of the Hellenic race and the removal of the Turkish Government from Europe. Upon this the Lord High Commissioner addressed a Message to the Assembly, warning it of the unconstitutional nature of the proposals, and appealing to its prudence and patriotism to remove those propositions from the Order of the Day and proceed to the business of legislation. That appeal did not succeed, the Assembly not complying with the advice given it, upon which the Lord High Commissioner reluctantly exercised his constitutional power and prorogued the Assembly for six months, a measure which the Lord High Commissioner stated was favourably received in Corfu and produced no sensation whatever. With respect to production of the information asked for, he assured the House that the correspondence would add little or nothing to the statement he had made, and to what had appeared in *The Times* of that morning, but if the hon. Member moved for copies of the correspondence the Government would have no objection to lay on the table the substance of the information.

MR. MAGUIRE then gave notice that, as early as possible after Easter, he would move for papers and correspondence relative to the mission of the right hon. William Ewart Gladstone to the Ionian Islands in November, 1858; also for Papers and Correspondence in continuation—namely, from the arrival of Sir Henry Storks in Corfu on the 16th of February, 1859, to the latest period, including those in relation to the prorogation of the Legislative Assembly in March, 1861.

NEWFOUNDLAND FISHERIES.

QUESTION.

MR. ARTHUR MILLS said, he wished to asked the Under Secretary of State for the Colonies, Whether the consent of the Legislature of Newfoundland has been or would be asked before concluding the Convention now in course of negotiation between the Governments of England and France on the subject of the Newfoundland Fisheries?

MR. CHICHESTER FORTESCUE said, the hon. Gentleman, no doubt, alluded to the assurance given to the people of Newfoundland in 1857 by Lord Taunton, then Secretary of State for the Colonies, to the effect that no modification of their territorial or maritime rights should take place without their consent being first asked and obtained. The Convention in course of execution with the French Government was for the preservation of the national maritime rights of France, and did not interfere with the territorial or maritime rights of Newfoundland. The object was to define and secure to each country its just rights. Lord Taunton's promise was not in the least interfered with by the negotiations, nor was there anything in them, in the opinion of Her Majesty's Government, at variance with its spirit. The Convention, therefore, would not be submitted to the Legislature of Newfoundland.

DEATH OF THE DUCHESS OF KENT.—CLOSING OF PLACES OF AMUSEMENT.

QUESTION.

MR. BERKELEY said, he rose to ask the Secretary of State for the Home Dement, Whether he is aware that all the London Theatres under the jurisdiction of the Lord Chamberlain were closed on last Saturday evening out of respect to the memory of Her Royal Highness the late Duchess of Kent; whether he is, likewise, aware that all the Music Halls, Salons, Casinos, and the Alhambra in Leicester Square were open upon that day; and whether any attempt will be made by the Executive to prevent the opening of such places on the evening of the funeral of Her Royal Highness; and, if legal means are not existing to accomplish this, whether it is his intention to bring in a Bill for the better ordering of such places of amusement?

SIR GEORGE LEWIS said, that instructions were given by the Lord Chamberlain for closing the theatres on Saturday last, and he had no reason to doubt that those instructions were all duly complied with. As to that class of entertainments afterwards referred to in the question of his hon. Friend, he could only say that neither the Lord Chamberlain nor the police had any control over them for the purpose of closing them upon such occasions, and, therefore, no steps were taken to close them on Saturday last; and for the same reasons no steps would be taken for closing them on Monday next. With respect to the final question of the hon. Member, he observed that near the end of last Session he introduced a Bill, giving to the Lord Chamberlain certain powers with respect to places where theatrical entertainments were performed, but which did not come within the definition of theatres. That Bill was not proceeded with on account of the late period of the Session, and of objections made to some parts of it, but it would be his wish to ask for leave to re-introduce it after the holidays.

BANKRUPTCY AND INSOLVENCY (STAMP DUTY).—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

THE ATTORNEY GENERAL said, he had to move the following Resolution:—

> "That, in addition to the ordinary Stamp Duty, there shall be charged an *ad valorem* Stamp Duty of seven shillings upon every hundred pounds of property comprised in every Trust or other Deed or Instrument required to be registered by any Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England."

The object of the Resolution was to fix *maximum* of duty; but its precise amount would be open to discussion when the clause was brought up to be added to the Bill.

MR. CRAWFORD said, he objected to the amount being 7*s*. as excessive, and he would propose that 5*s*. should be substituted for 7*s*.

SIR HUGH CAIRNS said, he must remind the hon. Member that 7*s*. was not the *minimum* but the *maximum* amount.

MR. CRAWFORD said, he would withdraw his Amendment.

Resolved,

> "That, in addition to the ordinary Stamp Duty, there shall be charged an ad valorem Stamp Duty of seven shillings upon every hundred pounds of property comprised in every Trust or other Deed or Instrument required to be registered by any Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England."

House *resumed*.

Resolution to be reported *To-morrow* at half-past four of the clock.

BANKRUPTCY AND INSOLVENCY BILL.

CONSIDERATION.

MR. BRISTOW proposed the introduction of the following clause to follow Clause 138:—

> "No bankrupt shall, after an adjudication in Bankruptcy, be liable to any action at law or suit in equity (whether commenced prior or subsequent to such adjudication), for the breach or non-performance of any covenant or agreement entered into by such bankrupt in any existing lease or agreement for a lease."

Clause *brought up* and read 1°.

Motion made, and Question proposed, "That the clause be now read a second time."

THE ATTORNEY GENERAL said, the state of the law upon the subject was that if a bankrupt had a lease it was competent to the assignees to decline to accept it. In that case the lease remained in the bankrupt, and he was still liable to all claims that might arise out of the covenants of the lease. That was rather hard. The clause, however, was imperfect, because if the assignees rejected the lease and the bankrupt was to be released from his covenants it ought to be surrendered to the lessor. He (the Attorney General) would take care that the subject should be considered in "another place" if the hon. Gentleman would agree not to press the clause at the present moment.

MR. HENLEY said, he hoped the hon. and learned Gentleman would look well to the clause, as it might well be that it would give the bankrupt a power to retain possession of the premises without paying rent. The clause provided that the bankrupt was not to be held liable for breach of covenants; and they all knew that the payment of rent was a material part of most covenants. It ought to be fixed that the lease should in all such cases be surrendered to the lessor.

SIR FITZROY KELLY said, he would suggest to the hon. Gentleman opposite that he should leave this matter in the hands of the hon. and learned Attorney General, who would either in that House or in "another place" introduce a clause to give effect to the principle which had been enunciated either here or afterwards in "another place." There was another point to which he wished to call the attention of the hon. and learned Gentleman, and which might be effected by the insertion of three words. It might happen that a bankrupt had borrowed money and insured his life, giving a bond to pay the premiums as a collateral security. The bankruptcy would, of course, dispose of the debt; but unless some provision were introduced the creditor might still compel the bankrupt debtor to continue to pay the premiums, although he held the policy as security for a debt which no longer existed. Now, he thought that from both liabilities the bankruptcy of the debtor ought to free him, and that his hon. and learned Friend would do well to prepare a clause giving effect to that view.

MR. BRISTOW said he would, on the understanding that the hon. and learned Attorney General would attend to these points, withdraw his clause.

Motion by leave *withdrawn:* clause *withdrawn.*

MR. MALINS said, he would propose that the following clause should follow Clause 163:—

> "With respect to all persons heretofore bankrupt, and whose certificates of conformity shall have been refused, it shall be lawful for the Court, at any time after the expiration of three years from the time of, and notwithstanding such refusal, to hear and determine the application of any such bankrupt for an order of discharge; and thereupon, if the Court shall think fit, to grant an order of discharge either absolute or subject to any condition or conditions, in the same manner as if the bankruptcy of such applicant had taken place after the commencement of this Act."

According to the present practice of the Courts, one Commissioner would refuse five times as many certificates as another; and the Court of Appeal had no power to give relief where a Commissioner had refused a certificate. The consequence was that the greatest hardship had to be endured. He knew of a case where a gentleman who had been a partner in a bank had been unfortunate and he failed. The Court of Appeal was unable to reverse the decision of the Commissioner, although the only charge brought against the bankrupt was that the Bank had given credit too freely, and the result was the unhappy gentleman had been an exile during ten years, and was not in a position to do anything to earn a livelihood. He contended that, however great a man's crime might be, there was a time when he ought to be set free from the consequences of it. There was a term to the punishment of a felon, and he saw no reason why a bankrupt should not have his capacity to trade restored to him after the lapse of a certain period.

THE ATTORNEY GENERAL said, the present Bill altered altogether the system of granting certificates, and, unless something were done with regard to bankrupts who were now refused certificates, it would be impossible for them to make an application to the Court. He thought, therefore, that the proposed clause was reasonable and just, as well as merciful, and he had much pleasure in giving his assent to it.

Mr. MURRAY said, the hon. and learned Member for Wallingford (Mr. Malins) had done a work of charity and mercy in proposing such a clause.

Clause *agreed to.*

Mr. LEVESON GOWER moved the insertion of the following clause:—

> "The Court out of the estate and effects of the bankrupt, shall order payment of all such parochial rates as may be due from him at the time of his being adjudicated a bankrupt."

At present Queen's taxes were entitled to a priority in the distribution of a bankrupt's estate, but no provision was made for the payment of local taxes. The object of his clause was to do away with that distinction.

Clause *brought up*, and read 1°.

The ATTORNEY GENERAL said, if the hon. Gentleman would add to his clause the words "provided such rates shall have become due during the twelve months immediately preceding the bankruptcy," he had no objection to it.

Mr. MALINS said, he thought the collector of rates should not have longer grace than a landlord, who was only entitled to six months' rent in cases of bankruptcy.

Mr. HENLEY said, he also thought taxes and rent ought to go together. If six months were given to the landlord the same period should be allowed to the parish. He must say he thought six months would be a much fairer time than twelve months; because no parochial rates ran on for more than twelve months, at least they ought not. He should move to substitute "six months" for "a year."

Sir WILLIAM JOLLIFFE said, he hoped the Attorney General would adhere to his own proviso.

Amendment, by leave, *withdrawn.*

Clause read 2°, *amended*, and *added.*

Mr. HADFIELD said, he would move a clause authorizing the trustee or assignee under any deed to sue in his own name for the debts and demands of the bankrupt or insolvent, and providing that the production of every such deed shall be evidence of the due execution thereof without further proof.

Clause *brought up*, and read 1°.

The Attorney General

The ATTORNEY GENERAL explained that provision was already made by the Bill for effecting the object to which the first part of the Amendment referred. It was expressly declared that the trustees and assignees should have the same powers, rights, and privileges with respect to the recovery of debts as were exercised by the assignees in bankruptcy. The assignees in bankruptcy could sue in their own name, and, therefore, the clause he had quoted gave power to the trustees appointed by this Bill to sue in their own names. He must, however, decline to assent to the proposal at the latter part of the Amendment with respect to the production of the deed being evidence of the due execution thereof, as it went far beyond the scope of any clause in the Bill.

Motion made, and Question, "That the said clause be now read a second time."

Put and *negatived.*

Sir HUGH CAIRNS said, he rose to move the following additional clause:—

> "If any debtor shall at the time of adjudication, be liable upon any bill of exchange or promissory note in respect of distinct contracts as member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in Bankruptcy, the circumstance that such firms are in whole or in part composed of the same individuals shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts."

The object of the clause was to alter a rule which had been established in bankruptcy by a course of decision, and which had been regretted by almost every Judge, because it placed the bills of exchange of this country in an unfavourable position in the market as compared with those of other countries where no such rule of law prevailed.

Clause *brought up*, and read 1°.

The ATTORNEY GENERAL said, that he approved of the clause, and was obliged to his hon. and learned Friend for his suggestion. By the existing practice a man might hold a bill of exchange against traders who were members of two distinct firms, thinking that both firms were liable to him for his debt; but if they both happened to become bankrupt the unfortunate creditor could come upon the estate of one only. The English law did not recognize a partnership as a legal person. They could not take out a fiat in bankruptcy against a partner, *quâ* partner; they must make the person individually liable. Hence arose the difficulty in the matter. He thought that the clause ought to be carried even further than his hon. and learned Friend proposed, in order to meet the case in which a debtor was both a sole trader and a member of a firm. He would, therefore, move the insertion after the words "wound up in bankruptcy," of the words "or as a sole trader and also as member of a firm;" and, likewise, the insertion after "the same individuals" of "or the sole contractor is also one of the joint contractors."

Clause read 2° amended, and *added.*

Clause 12 (Appointment of additional Registrars),

SIR FITZROY KELLY said, he wished in line 7 after the word Bankruptcy to insert the words "or the additional duties imposed upon the Registrars by this Act."

THE ATTORNEY GENERAL said, he thought it would be sufficient to state "having regard to the state of business."

Amendment *negatived.*

Clause 18 (Duties of the Taxing Master),

MR. MURRAY said, he wished to propose Amendments the effect of which would be that the taxation of solicitors' bills in the district court, instead of being settled by the local registrars, as proposed by the Bill, should be in all cases settled in London. He had before him a report of a case from which it appeared that a local registrar, whose name he would not mention, had improperly allowed himself certain fees, and the bill allowing such charges fell to the registrar's own duty to settle. The Commissioner had acknowledged that the registrar was in fault; but he said that the money having been refunded that was enough, and no more notice need be taken of the matter. Such a state of things ought to be avoided. His object also was to secure uniformity of charge in London and the country.

Amendment proposed, in page 5, line 7, after the word "Act," to insert the words "or any other Act in force relating to Bankrupts, and also."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL said, he was not sufficiently experienced in the subject of taxation of costs to pronounce at once a decided opinion. There would be, no doubt, some convenience accruing from the hon. Gentleman's proposition, but it would also involve additional expense. Whether the benefit would outweigh the additional expense was the point to be considered, and he should wish to hear the opinion of other gentlemen connected with the legal profession.

MR. LOCKE said, he wished to call the attention of the Attorney General to the direction in the 27th Clause, that the taxing master of the Insolvent Debtors' Court should be transferred to the Court of Bankruptcy to be employed in such manner as general orders should direct. He wished to know what duties that gentleman would have to perform.

MR. HADFIELD said, that with reference to the proposition of the hon. Member for Newcastle-under-Lyme (Mr. Murray) he begged on the part of the profession in the country to say that there were strong objections to it. If all the law charges of the various bankruptcy cases throughout the country were to be referred to the metropolitan office, the consequence would be that in the majority of instances there would be *ex parte* taxation, as there would be no person opposing the party who sent in the bill, and who would, therefore, have the ear of the master. In every minute case a bill would have to come to London to be taxed, and he was sure the cost thus incurred would be greater than the benefit.

MR. MALINS observed that all common law bills were taxed in London, and there would be some advantage in having an uniform system of taxation.

THE ATTORNEY GENERAL said, amongst other reasons, as the notice of the Amendment had been given only that morning he could not accede to it.

MR. MURRAY said, he would withdraw his Amendment.

Amendment by leave, *withdrawn.*

Clause 40 (Retiring Pensions to Officers),

MR. MALINS said, he wished to propose an Amendment with reference to retiring allowances. As the matter now stood, retiring allowances were only to be given to those who had seen twenty years' service and had reached sixty-five years of age. He could instance the case of gentlemen, however, who had served since 1832, and yet, in consequence of not being sixty-five years of age, they would not be entitled to any retiring allowance. He suggested, therefore, that words should be inserted which would make thirty years' service equivalent to being sixty-five years of age. His Amendment was to insert the following words:—"Or shall have been appointed to such office in or previous to the year 1832."

MR. MURRAY said, he should support the Amendment.

MR. CRAWFORD also expressed his approval of the Amendment.

THE ATTORNEY GENERAL said, there was some difficulty in regard to laying down a principle of this kind. The House had already laid down the principle that an officer should not be entitled to retire with a retiring allowance unless two conditions were fulfilled; one, that he should have served twenty years, and the other, that he should have attained the age of sixty-five. The proposition of his hon. and learned Friend was to introduce into the clause a *privilegium* in favour of A. B. or C. D. If the House chose to introduce those words for the purpose of meeting particular cases he, individually, would make no further objection. He had discharged his duty to the House in pointing out to it the exceptional character of the Amendment.

MR. HENLEY said, the Committee were now suffering from the inconvenience of the Bill not having been reprinted since it had passed through Committee. Such exceptional legislation was very objectionable, and the Government ought to inform the House what officers would be affected by the Amendment.

THE ATTORNEY GENERAL said, he thought that such explanation should come from the hon. and learned Member who had moved the insertion of the words.

MR. MALINS said, that the Amendment he had moved referred specifically to Mr. Whitmore, one of the official assignees, who had served the country for twenty-nine years, and was now anxious to retire.

Amendment *agreed to.*

Clause 62 (Parties, &c., not attending liable for contempt),

THE ATTORNEY GENERAL said, he wished to amend the Clause by striking out the words "sitting at chambers," so as to give the registrar authority to take the oath wherever he might be employed at the time.

Amendment *agreed to.*

Clause 82 (Act of Bankruptcy by Non-Trader),

SIR HUGH CAIRNS said, that the clause mentioned certain Acts which in the case of persons not traders might lead for the first time to an adjudication in bankruptcy. The difference between the trader and the non-trader had already been pointed out. It was the duty of a trader to be at his place of business, and in his absence to leave his servant or some other person there to represent him. But a non-trader was under no such obligation, and no suspicion need necessarily arise from his being out of the country. Although, therefore, it might be desirable to introduce non-traders into this Bill, the Committee ought at the same time to proceed with caution, and to take care that sufficient safeguards were provided for their protection. The clause as it stood, however, appeared to him to be deficient in this respect. If a non-trader, who might be a Member of that House, happened to be out of the country, a statement might be made behind his back to the effect that he had gone away with the intention of defrauding his creditors. All the person who made that statement would really have to do would be to say that he did not know in what part of the Continent the non-trader was to be found, and then he would ask the Judge to be allowed to serve the petition at his dwelling house, which might be shut up, or only in charge of a servant. The consequence might be, therefore, that when the gentleman returned from his continental tour he might find that he had in his absence been adjudicated a bankrupt, though he had not left the country with any idea whatever of defrauding his creditors. By the Amendment, which would give an additional safeguard, he simply proposed that in all cases there should be a personal service upon a debtor. The debtor would thus have an opportunity of coming forward and being heard before he was adjudicated a bankrupt. As they were bringing non-traders for the first time under the operation of a law of this description he thought the proposal was a very fair one, and he hoped it would be agreed to by his hon. and learned Friend. He would, therefore, propose after "Provided always" in line thirty-one, to leave out to the end of the clause and insert—

"That before any adjudication in bankruptcy shall be made against the debtor under this section the following rules shall be observed:—1. A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction, or in such place or country, or within such limits abroad, as the Court shall, upon application for that purpose, direct. 2. Such copy petition shall have endorsed thereon a memorandum, in a form to be settled by the general order, specifying the time within which the debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made. 3. In no case shall the time for appearance be less than thirty days after service. 4. If at the expiration of the time limited for appearance the Court shall, on the hearing of such petition, be satisfied that an act of bankruptcy has been committed within the meaning of this section, it may adjudge such debtor to be a bankrupt."

MR. HADFIELD said, he hoped the hon. and learned Gentleman would not press the Amendment. He could not understand why non-traders should be allowed to contract debts to any amount, and then have so many privileges thrown around them. The payment of just debts ought to be as strictly enforced against the aristocracy and professional men as against any other class. A trader was presumed by law to be always at his place of business, but a non-trader who was up to his ears in debt might be wandering up and down the country like an Arab, and there would be the greatest difficulty in finding his *locus in quo.* He held the doctrine that every man who had contracted a debt ought to pay for it, and he had no right to go from home on pleasure until he had done so. They ought to make a non-trader keep books like a trader, and if he could not pay his debts he ought to be brought before the Bankruptcy Court. Sir Samuel Romilly was the first person who had tried to break in upon the existing system, and carry out the principle contained in this Bill. He hoped the hon. and learned Attorney General would not agree to the Amendment.

SIR GEORGE BOWYER said, he had no doubt that the additional safeguards proposed by the hon. and learned Member for Belfast in the case of non-traders would be useful, and he trusted they would be agreed to. They showed, however, the inexpediency of including non-traders under the bankruptcy law, inasmuch as they could not be dealt with in the same manner as traders. No one denied that the non-trader should pay his debts as well as the trader, but that was not the question. The question was whether non-traders ought to be brought within an exceptional system of legislation intended for traders? With respect to persons not traders the ordinary law of the land was applicable, which compelled a man to pay his debts, and if it was shown that the law of debtor and creditor was in any way deficient, he was ready to assent to further powers being granted; but it was another thing to apply to a non-trader that peculiar system of bankruptcy, which was founded on the exigencies of trade. It appeared to him that the non-trading clauses ought not to be introduced into the present measure, which was a Bill for the amendment of the law of bankruptcy, but the hon. and learned Attorney General, if he desired to pass those clauses, should embody them in a separate Bill. He trusted that there would be another opportunity for considering this important subject, and that the Bill would be reprinted.

MR. HENLEY said, he hoped the hon. and learned Attorney General would agree to the Amendment proposed by Sir Hugh Cairns.

THE ATTORNEY GENERAL expressed his intention to do so.

MR. HENLEY said, he was very glad to hear that, because no man ought to be condemned as a bankrupt before he had been heard. No doubt all persons ought to pay their debts; but there was this difference between trading and non-trading debts —that time was the essence of a trading debt, it being always contracted to be paid within a certain time; but with a non-trader's debt it was not so, there was no specific contract to pay in any given time.

MR. ROEBUCK said, he wished to put this case:—Suppose an officer in the army was sent to India for a lengthened period, and suppose some one out of pure malice should say that officer owed him £100, and should serve him with a notice such as that proposed by the Amendment of the hon. and learned Member for Belfast, to return home and answer the accusation brought against him;—if through being under orders to stay in India he was unable to answer the citation, would he be made a bankrupt?

THE ATTORNEY GENERAL said, that out of respect to the hon. and learned Member he would answer his question. It would be utterly impossible to declare the officer bankrupt if he were abroad on foreign service, because no man could be declared a bankrupt who was not proved to have gone abroad and to be remaining abroad with intent to delay his creditors. It would be just as preposterous to attempt to make a man who was abroad in the service of the Crown a bankrupt as it would have been to have taken out process against the hon. and learned Member (Mr. Roebuck) when he visited Austria the other day. With respect to the observations of the hon. and learned Member for Dundalk (Sir George Bowyer) if he had read the Bill with attention he would have seen that the trader and the non-trader were placed on entirely the same footing.

The only question involved in the present discussion was how to fix the intent of the debtor to defeat or delay his creditor—what evidence should be required. Given the intent, then all sides agreed upon the course to be pursued. But it was contended that the evidence applicable to a trader ought not to be applicable to a non-trader as to the intent. Now, he had admitted the justice of the Amendments proposed by the hon. and learned Member for Belfast (Sir Hugh Cairns) and that personal notice should be given to the debtor of the proceedings against him before adjudication was made, but he did so on one condition—namely, that the hon. and learned Member would agree to an addition which he would propose, and which should form the fourth rule, to the effect that if personal service had not been effected the Court must be satisfied that every reasonable effort had been made to effect the same, and that the attempts to serve such person had come to the knowledge of the debtor and had been defeated by his conduct."

Sir HUGH CAIRNS said, he was willing to make such addition to the rules. Where a person was endeavouring to avoid a bankruptcy he thought a substituted service might be allowed.

Mr. WALPOLE remarked that he also concurred in the addition proposed by the hon. and learned Attorney General.

Sir FITZROY KELLY said, that although he wished to see the Bill passed with all reasonable expedition, still he deemed it desirable that the particular clause under discussion should be carefully considered. It had been assumed by his hon. and learned Friend the Attorney General that no process in bankruptcy could be issued against a naval or military officer on foreign service unless he had either gone abroad or could be proved to be remaining abroad for the purpose of defeating his creditors. But even under the present clause there was another ground upon which all persons, whether traders or non-traders, residing in England or in a foreign country might be made bankrupts, and that was if they should, with the intent of defeating their creditors, make what was termed under the bankruptcy law a fraudulent conveyance or gift of their goods or estates or any portion of them. Thus, if an officer employed in India, being obliged to remain there for a considerable number of years, should convey away any portion of his property, or should make a settlement upon his family which though looked upon as entirely blameless among persons in ordinary life were yet under the operation of the law of bankruptcy deemed fraudulent as against his creditors, he would be liable, under the present clause, to be made a bankrupt. Such a person, moreover, was to be served with a notice, not to show cause by affidavit, but to appear personally in this country, under the penalty of having a judgment obtained against him. He trusted the hon. and learned Attorney General, before the Bill was sent to the other House, would consider the condition in which such an officer would be placed. The hon. and learned Gentleman should remember that the clause before the House applied not only to naval and military officers on foreign service, but to all descriptions of persons employed under the Crown whose duties might oblige them to go abroad and remain abroad for a considerable time, as well as to a number of individuals who, although not in the public service, might have occasion to reside abroad, but without any desire to evade the payment of their just debts. He entirely concurred in the Amendment of his hon. and learned Friend the Member for Belfast. It would do something, but he was afraid too little, because it provided only one among the many safeguards without which an important and excellent Bill would be productive of numerous evils to many classes of persons in this and other countries.

Mr. MALINS said, he wished as a strong supporter of the non-trading clauses to congratulate the Committee and the country upon the fact that they had at last arrived at a general concurrence that sufficient safeguards were thrown around non-traders. No doubt persons who were not in trade were to be treated more leniently than those who were; but, with that exception, the principle was now generally recognized that those who were unable to pay their debts, having had a reasonable opportunity of arranging with their creditors, and having failed to do so, should be compelled by process of law to cede their property for the benefit of their creditors. He thought what had fallen from the hon. and learned Member for East Suffolk proceeded very much on a misapprehension of the language of the Bill. He had proceeded on the assumption that personal appearance was meant. He did not mean anything of the kind. Every bill in chancery, every writ in common law, as served, had an endorsement to the effect that the person who was served must appear within a certain time, or judgment would be given against him; but it did not mean that he must appear in person. The particular clause referred to did not come into operation against a non-trader unless it was proved he had gone abroad to defraud his creditors; and then he had not less than thirty days to enter an appearance by his lawful agent or solicitor.

Sir GEORGE BOWYER said, he wished to know who would have to pay the expenses of the service abroad of the petition. Those expenses would, doubtless, be considerable. He would not assent to the definition of the word "appear," which had been given by the hon. and learned Member for Wallingford (Mr. Malins), that the appearance might be by attorney or agent. At all events, the doubt which existed on the point ought to be cleared up. He believed that such a power of bringing a debtor from abroad might be improperly made use of for vindictive purposes—in fact, a man might be ruined by being brought back, although he was at the time a solvent man. If the Attorney General wished to bring the non-trader under the operation of the bankrupt law, he should do it in a Bill restricted to that one subject, and not at the fag-end of a Bill to Amend the Laws of Bankruptcy.

Clause *amended* and *agreed to.*

Clause 83 (Lying in Prison and escaping out of Prison),

The ATTORNEY GENERAL said, he wished to add at the end of this clause—

> "No debtor shall be adjudged bankrupt on the ground of having lain in prison as aforesaid during fourteen days, unless after he shall have been summoned he shall not offer such security for the debt or debts in respect of which he is imprisoned or detained, as the Judge, commissioner, or registrar, whose duty it would otherwise be to adjudicate, shall deem reasonably sufficient."

Mr. HENLEY said, he was much obliged to the hon. and learned Attorney General for the fair spirit in which he had met the objections which had been made to portions of the Bill. He had now made it uniform, and no person was now to be adjudged a bankrupt until he had been heard.

Sir GEORGE BOWYER said, it was clear from the 94th section that the appearance of the person charged with an act of bankruptcy must be personal; and, therefore, he repeated that if a man went abroad he would always be liable to be brought back by any ill-conditioned person who chose to swear that he had left the country for the purpose of evading the payment of his debts.

Sir HUGH CAIRNS said, that would be a very serious thing if the fact were so; but Section 95 expressly declared that no person should be obliged to appear personally who could allege a lawful impediment. He would, therefore, only have to send home an affidavit stating the fact.

Sir FITZROY KELLY said, he was much obliged to the hon. and learned Baronet for calling attention to the point; and he should be glad to know how it was to be made to appear whether an impediment was a lawful one or not. He hoped the question would be clearly settled.

The ATTORNEY GENERAL said, the whole case had been fully heard in Committee, and, he submitted, it was not competent to raise another discussion on the question now.

Mr. ROEBUCK said, he thought the hon. and learned Gentleman rather hard and sharp in his practice. He had brought in a very large Bill on a very important subject, and it had been carried through the House at a pace almost unprecedented. ["Oh, oh!"] They might say "Oh, oh!" but he should like to know how many Gentlemen understood the Bill. The Attorney General was going actually in the teeth of justice; but when the Bill went to "another place" it would be treated in a very different manner. It would undergo a great deal of discussion elsewhere, and if it were now passed hastily when the Bill was sent down to them again they would have another opportunity of discussing it.

Mr. SPEAKER: The hon. and learned Gentleman has had the opportunity of discussing it.

Clause *agreed to.*

Clause 101 (Debts contracted before the Act not to support an adjudication in case of Non-trader),

Mr. MALINS said, he rose to move the omission of this clause, which, so far as non-traders who had contracted their debts before the passing of the Act were concerned, rendered the Act a nullity. It was now settled that non-traders were to be subject to the bankrupt laws, and that if a non-trader went abroad for the purpose of defeating or delaying his creditors, that that was to be considered as an act of bankruptcy on his part. Well, it was a fact that there were a great number of persons who, having property and having debts, had already departed the country, keeping their property, but leaving their debts. That was a great evil; and it was with a view of meeting it that he proposed the omission of the clause. It was said, however, that they ought not to make *ex post facto* laws; but were they not creating *ex post facto* legislation every day? He had lately brought before the House the case of a gentleman whose salary they had cut down by two-thirds after forty-two years' service, and his right hon. Friend (Mr. Henley) had thereby saved a little money, but at the expense of a great injustice. Or let him take the case of a felony. Suppose that an act was made felony, that a man would never be allowed to escape on the ground that his offence had been declared to be such by an *ex post facto* law. It was altogether a maudlin sentiment. He did not know how the clause got into the Bill, or how it was supported by his hon. and learned Friend. He was sure it was utterly beneath the breadth of his mind. He was as anxious as any man to maintain vested rights, but when he knew that men were living abroad defying their creditors, and living in the daily practice of fraud and chicanery, then he cared not for the name of an *ex post facto* law—he would make the law strong enough to reach them.

Amendment proposed, to leave out Clause 101.

Mr. HENLEY said, the hon. and learned Gentleman had chosen to make a personal allusion to him. He talked of a gentleman whom he (Mr. Henley) had helped to deprive of his salary. [Mr. Malins: Emoluments.] The gentleman to whom allusion had been made had not been in the receipt of a salary but of fees, which from accidental circumstances had grown much more remunerative than when he first took his situation. He could not, therefore, blame the Legislature for restoring matters to a proper footing. But what was the hon. and learned Gentleman's next illustration? He said that if a certain act were created a felony it would have a retrospective effect. Now, he would put it to the hon. and learned Gentleman — he was a lawyer, an hon. and learned, and he ought to know—did he ever know a case that when a new felony was created it was made to apply to persons who had done that act before the passing of the law? He had not intended to take any part in the discussion of the clause, but after the hon. and learned Gentleman had appealed to him, and after the curious illustrations he used in support of his argument, he could not avoid saying a few words. He would only further remind the hon. and learned Attorney General that when he introduced the Bill he said that, with regard to certain matters, and this one now under discussion among them, the Bill would not have a retrospective bearing. That was in the nature of a pledge, in reliance on which the Bill had met with little opposition.

Mr. VANCE said, he should support the omission of the clause, as he did not see that its continuance was in accordance with either justice or equity. He knew that the Chamber of Commerce in the city he represented complained year after year of a law which protected persons holding judicial offices in courts of law from arrest as they were going to or returning from court, which enabled them to evade their creditors, and this applied to several persons about the courts in Dublin that it would not be convenient to name. He could not see any possible hardship in the omission of the clause.

Sir MORTON PETO said, he hoped the Attorney General would yield to the hon. and learned Member for Wallingford and omit the clause. The real fact was that if it were not for the large class of non-traders who evaded payment of their debts, there would be no necessity for the non-trading clauses at all. Gentlemen resident in the country had nothing whatever to fear from the operation of the clause. Before sitting down he must say a word as to the hon. and learned Member for Sheffield's observations about the sharp practice in passing this Bill. There was no sharp practice at all; and he could only say it would be well if the courtesy and urbanity shown by the hon. and learned Attorney General were imitated by other hon. Members.

Mr. ROEBUCK said, he had made no charge of discourtesy against the hon. and learned Attorney General. He believed there was in the House a pretty strong feeling as to the general demeanour of the hon. and learned Gentleman, and in that feeling he for one concurred. He understood the English language well enough to know that this praise of the Attorney General was a covert attack on him (Mr. Roebuck). He knew very well that when a gentleman had nothing else to do in the House he could always gain a little popularity by abusing the Member for Sheffield.

Mr. WALPOLE said, he thought it would be better to retain the clause.

They were now about to make a material alteration in the law, of which he for one had always been a warm supporter, as he had no fear whatever of the consequences of assimilating the law that applied to traders and non-traders. Still, as it was a considerable alteration in the law, he entreated his hon. and learned Friend not to depart from that form of the Bill which had been rightly adopted in the first instance. Much unnecessary indignation had been expressed about the non-trading portion of the community wishing to evade payment of their debts. The clause simply said that no debt incurred anterior to the Bill should be sufficient to support a petition for an adjudication of bankruptcy, and the House should remember that it would not preclude a creditor from bringing an action against a debtor; and if he obtained a judgment, then all the machinery of the Act would apply. All that the retention of the clause would do would be that the creditor could not obtain an adjudication of bankruptcy without bringing an action.

MR. CRAWFORD said, he thought that if the Bill were made retrospective in one case it ought to be made retrospective in all. He was glad to see that the majority of hon. Members were in favour of expunging the clause.

MR. HALIBURTON denied that a debtor's power of going or remaining abroad to defraud his creditors was a vested right. He called it a vested wrong. He trusted that the clause would be withdrawn. The objection now raised was not admitted when they abolished arrest for debt on mesne process, and yet that was as much an *ex post facto* law as the one before them. The class of persons to be affected by the clause were people who had contracted debts and left the country for the purpose of evading their debts and drawing their substance in this country. They were a class who were no credit to their country, and were no credit to any nation where they resided. Everybody acquainted with the Continent must be aware that English debtors living there were a disgrace to this country.

THE ATTORNEY GENERAL acknowledged that in bringing forward the Bill he had used the expression referred to by the right hon. Member for Oxfordshire. He had then been apprehensive whether they could settle in a satisfactory manner the terms and conditions on which non-traders should be subjected to bankruptcy. Undoubtedly, however, if the clause remained in the Bill, the benefit of the measure might enure to the next generation, but would be comparatively lost to the present. That conviction had been strongly impressed upon him by numerous letters which he had received from tradesmen representing that many persons, some of them of considerable rank, had gone abroad, and from their place of refuge there sent word to their creditors that they meant to stay away until they accepted 5*s*. or 3*s*. in the pound. The objection had been taken that the omission of the clause would render the Bill retroactive. It was the first time he had heard the complaint against retrospective legislation urged in regard to mere improvements in procedure. For the last twenty years we had been amending and simplifying the procedure of our courts in relation to the enforcement of contracts. The rules of evidence, too, had been revised, and a man could now be called as a witness in his own case. But nobody had contended that that change should not apply retroactively to existing debts or contracts. There could be no earthly reason why, in simplifying and amending the procedure in bankruptcy a principle should not be applied which had been recognized in every other case. He should therefore submit the question to the unfettered judgment of the House, expressing his individual opinion that the benefit of the Bill should be felt immediately, and not postponed to an indefinite period.

Question, "That Clause 101 stand part of the Bill,"

Put, and *negatived*.

Clause 116 (Persons imprisoned under County Court Acts not to be released),

MR. AYRTON said, he should move the omission of the clause as unjust to small debtors. At present the law provided that no non-trader could be discharged from the payment of his debts. He might be protected from imprisonment, but his property for all time to come was liable to make good the claims of his creditors. The change proposed was that no person owing more than £20, who surrendered his property, should be liable for his debts unless he had contracted them by fraud, or had committed some fraud upon his creditors. In those cases the Court might order discharge, on condition that the future property of the bankrupt should be liable. But persons who owed less than £20 who had no property to surrender, and who were subject to the jurisdiction of the county courts, remained liable to be ordered to pay their debts by instalments out of their weekly earnings and to be imprisoned from time to time for periods not exceeding forty days each time, if they were in default, so that two persons might be in prison. He would put a case. Suppose one man who had contracted a debt of £5, and had been committed by a County Court Judge; and another who had contracted two debts of £5 and £20, and had, likewise, been committed. The man who owed £25 upon the two judgments would be visited by the registrar in bankruptcy, and invited to leave the gaol, but the man who owed £5 would not be noticed by the registrar, and would be left in prison. The law would subject the poor debtor to long terms of imprisonment and make all his future property liable for the payment of his debts, while any debtor who had the opportunity to incur debts above £20 would be exempted from future imprisonment and entirely acquitted of his debts, if he surrendered the property of which at the time he happened to be possessed at any moment he choose to elect for making himself bankrupt, or when his creditors chose to do so by demanding payment. It would be deplorable if it went forth that they were going to legislate in that manner. He proposed to place all classes of Her Majesty's subjects upon the same footing. The Attorney General, when making the change with regard to debtors above £20, could not defend upon moral grounds, the proposition to leave the law with regard to small debtors exactly as it was before, and he hoped, therefore, the hon. and learned Gentleman would assent to the omission of the clause.

Amendment proposed, to leave out Clause 116,

Mr. CONINGHAM seconded the Amendment.

The ATTORNEY GENERAL said, that the Acts of Parliament which had established county courts had introduced, whether rightly or wrongly, also the principle of penal imprisonment, and he could not, in a Bankruptcy and Insolvency Bill, deal with penal imprisonment as with ordinary imprisonment for a breach of contract. But the Amendment, moreover, was not limited to the removal of the anomaly, if it were possible, between the position of the poor man and the position of the wealthier man, but would place him under the obligation of delivering from prison every person who was committed to prison by a County Court Judge. The County Court Judge, it should be remembered, had no power to imprison for debt simply, but only when he found the debtor, in incurring the debt, had obtained credit under false pretences, or by means of fraud or breach of trust, or had wilfully contracted the debt without any reasonable expectations of being able to pay it. Unless the whole county court system was to be pulled up by the root it would be impossible to alter that. A man was committed to prison by the County Court Judge for debt, who founded his order upon some malpractice on the part of the debtor. The hon. and learned Gentleman proposed that such a man should be discharged by the registrar under the Bill then before the House, but the machinery of that Bill was inapplicable, because debtors could only be discharged under it after a declaration of bankruptcy, and where would be the use of declaring a man a bankrupt who probably had not *5s.* in the world. It had been deemed right to accompany the county court jurisdiction with peculiar powers, and to adopt the suggestion of the hon. Gentleman would be to destroy that jurisdiction by a sidewind. The question must be brought before Parliament in a different shape. He could not assent to the proposition of the hon. and learned Gentleman, and he hoped the House would agree that this question should not be dealt with in this incidental manner.

Mr. ROEBUCK said, he thought the hon. and learned Attorney General was right in saying that the proposition of the hon. Member for the Tower Hamlets would destroy the county court system; but there was one way in which the object of the hon. Gentleman to place rich and poor debtors—so to speak—upon the same footing could be attained. Under the county court system men were committed to prison not only for fraud, but also for contracting debts without at the time having reasonable expectation of being able to pay them. In the Bill before the House provision was made for fraud, but why should it not be made a penal offence on the part of the bankrupt to have contracted debts without reasonable expectations of payment? A provision of that kind would place both classes upon the same footing.

Mr. HENLEY said, he thought if the Bill passed in its present shape there would be such an anomaly between the condition of the poor debtor and the richer debtor that it would soon have to be remedied. The hon. and learned Attorney General had stated that there were two causes for imprisonment by County Court Judges—fraud or contracting debts without reasonable expectation of payment; but unless he (Mr. Henley) was mistaken there was another power of imprisonment exercised by County Court Judges, in cases where they thought the debtor had the power to pay and did not pay. It was a difficult thing for a Judge to know whether a poor man earning weekly wages was in a position to be able to pay. As a visitor of the gaol of the county with which he was connected, he could state that one-half of the persons confined for debt were detained under county court commitments. Now, when they were providing a stringent remedy in respect of property, he thought all imprisonment for debt should be got rid of, except for fraud in its largest sense. A County Court Judge at present made an order upon a man to pay, and if he did not pay he was, by a very summary process, sent to the county goal for a certain number of days, and when they had expired he did not get free, for he might be committed over and over again. He hoped the hon. and learned Attorney General would consider that subject.

THE ATTORNEY GENERAL said, he wished to inform the right hon. Gentleman that the commitments which he was referring to were made because the County Court Judge found that after the order for payment the debtor had sufficient means of satisfying the debt. In the 117th Clause of the Bill before the House he had introduced a provision for the purpose of mitigating the hardship, by directing the County Court Judge, in inquiring whether the party since the judgment obtained against him had had sufficient means to satisfy that judgment, should take into consideration all other debts and liabilities which were pressing upon him.

MR. HENLEY said, he did not think the statement of the Attorney General exactly met the case. To talk of other debts and liabilities on the part of a poor labouring man was out of the question. Often when a poor debtor was brought before the County Court Judge, the Judge, with uncertain knowledge, decreed that the debt should be paid in a certain manner, and if the debtor failed to so discharge it he was imprisoned.

MR. CONINGHAM said, it was evident that there existed a distinction between two classes of debtors which the Legislature ought not to sanction. The contractor of a large debt was whitewashed by the Bankruptcy Court, but the small county court debtor was liable to be continuously committed to prison at the discretion of the Judge. This was a hard case where there was no fraud, and the anomaly ought to be removed. The object of getting this clause struck out was for the purpose of introducing another that would meet the case.

Question put, "That Clause 116 be part of the Bill."

The House *divided*:—Ayes, 84; Noes, 53: Majority, 31.

Clause 141 (Pay, Half-pay, and Pensions of Bankrupt to be applicable for Creditors),

MR. AYRTON said, he wished to amend this and the following clause which had reference to debtors holding positions in Government departments. The Bill provided that all persons holding situations in public companies, or private firms, or any other situation, should obtain the benefit of the present Bill, and should not be liable to pay their debts out of their future earnings. But he could not understand upon what principle one class of the community should be exempted from its operations. Why should a distinction exist between those employed in the public service and those employed in the offices of a bank or railway company? How could they distinguish between a man who earned a salary and a professional man or trader? After a discharge every person ought to be in precisely the same condition. But with regard to persons in the public service conditions were attached, they were to be absolutely on the discretion of the Judge and liable for the payment of their debts out of any future salary they might receive. No other class was placed on that footing, except that if they had contracted a debt fraudulently, their future property was made liable. He proposed to amend these clauses by inserting at the commencement: "When the discharge of a bankrupt shall be conditional, as hereinafter provided," that then the future salary should be made liable for the payment of his debts, but if he obtained an unconditional discharge that then the clause should not apply, thus getting rid of this unjust and anomalous distinction.

Amendment proposed, at the beginning of Clause 141, to add the words "When the discharge of a bankrupt shall be conditional, as hereinafter provided."

THE ATTORNEY GENERAL said, he would ask whether it was right that a public servant with say a salary of £1,500 a year, who had passed through the Bankruptcy Court, should be left in possession of his whole income. The clause provided that in such a case the Judge should be empowered to appropriate a portion of the bankrupt's pay, emolument, or pension for the benefit of his creditors. In the case of an annuity held independently of office it would be sold for the benefit of creditors, and if a man had an annuity subject only to the performance of certain services he ought not to be exempted. The hon. and learned Gentleman proposed to give the Judge power to divest the bankrupt of part of his annual income only in the event of misconduct. To that he could not agree, believing that a man with a settled income who had incurred debts should be forced to reduce his expenses, and to devote a portion of his future salary to the payment of his debts. As to clerks or others in private establishments, they held their offices at the will of their employers, but a public servant continued in his office *quamdiu se bene gesserit*, that was practically for life.

Mr. ROEBUCK said, that when a poor man, whose wages were 20*s.* a week, came into the County Court the Judge would, perhaps, order him to pay 10*s.* a week towards discharging his debts. Why should not the same rule be applied to persons in receipt of salaries? For his part he did not understand the difference between wages and salary. No doubt salary was a finer word, and some people liked to use fine words; but they ought to deal equally between the rich and the poor.

Mr. BARROW said, he wished the hon. Gentleman would withdraw his Amendment, to show that the House was ready to do justice between the rich and poor. A sinecure was to be created by this very Bill; if the holder of that sinecure should be an extravagant man and be unable to pay his debts, would the hon. Gentleman allow him to enjoy his sinecure without deduction?

Question, "That those words be there added," put, and *negatived.*

Clause 159 (Proof in respect of Unliquidated Damages),

Mr. MURRAY said, he would move the insertion in the clause of the words, "Provided that in case all necessary parties agree, the Court shall have power to assess such damages without the intervention of a jury or a reference to a Court of law."

The Attorney General

Amendment *agreed to.*

Clause 163 (Rules as to granting Orders of Discharge).

Mr. AYRTON moved, in lieu of the word "property," to substitute the words "touching any salary, pay, emoluments, profits, wages, or earnings, which may afterwards become due to the bankrupt."

Amendment *agreed to.*

Clause 207 (Creditors of deceased Debtors may petition the Court of Bankruptcy for distribution of the Estate of the deceased),

Sir HUGH CAIRNS said, he was about to propose the omission of the Clause 207, which, together with the next eleven clauses were called the dead men's clauses. The clauses extended to non-traders as well as traders. They provided that in the case of every man who died owing debts there should be the power, within three months after his death, of summoning his executor before a commissioner in bankruptcy, or the county court nearest the place where he had resided. The executor would be obliged to make it clear to the Judge that the property of the dead man was more than sufficient to pay all his debts, otherwise the Court was empowered to order the estate of the dead man to be wound up in bankruptcy—in other words, by an *ex post facto* operation of the law to throw upon his memory and upon his family the stigma of bankruptcy. There could be no doubt about the extent to which that might be carried. Suppose the case of a merchant at Liverpool who died in large business, and who, perhaps, at the time of his death had outstanding debts in the shape of unpaid bills, &c., to the amount of £300,000 or £400,000; he had a residence in Cumberland or Staffordshire. Three months after his death his executor was summoned before the County Court Judge, and unless the executor could make it clear to the Judge that the property of the merchant, in whatever part of the world it might be, was sufficient to pay his debts, the deceased was liable to be stigmatized as a bankrupt after his death, although during his lifetime he had done nothing whatever upon which you could lay your finger and say that he had made himself liable to the bankrupt law. Such a proceeding was entirely new to our law, and was altogether foreign to the law of bankruptcy, which proceeded distinctly upon the ground that some act of bankruptcy had been committed by a man in his lifetime—that he had done or confessed something in his lifetime which, in the eye of the law, amounted to an act of bankruptcy. What could be a more cruel injury to the family of the man whose case he had supposed than to have it declared after his death that he had been a bankrupt, and that his property was to be wound up in bankruptcy? Again, the clause was unnecessary. In the case of a living man, who was squandering his property, it might be necessary for the sake of his creditors that his property should be placed under the jurisdiction of the Bankruptcy Court. But when a man died there was an end of that necessity. The man being dead, he could no longer spend any portion of his property, and his executor would be answerable to his creditors for the distribution of his property amongst them. While the clauses were undergoing discussion in Committee, some hon. Members were deluded with the idea that it would be an advantage to have a deceased debtor's property who had resided in a country district distributed amongst his creditors by a local court, instead of incurring the expense of coming up to London for that purpose. But the truth was that nothing could be more inconvenient than the state of things which these clauses would produce; for, in the case of a merchant, who had had dealings to the extent of millions with creditors in various parts of the country, or, perhaps, in America, the application might be made to the county court nearest to his country residence; and the consequence would be that all his creditors would be put to the trouble of going to that local court to prove their debts. It might be desirable to give County Court Judges a jurisdiction in the cases of small estates, but it would never do for large ones, and even in the former case the law ought to be amended by a separate enactment. The only result would be that, in order to escape the annoyance executors would resort to the Court of Chancery to administer an estate, and, instead of securing anything like a local administration, most of the large estates would be administered in the Metropolis. For these reasons he hoped the House would reject the clauses.

Amendment proposed to leave out Clause 207.

MR. CRAUFURD said, the clauses had been introduced into the Bill expressly at the wish of the mercantile community, and in fulfilment of a pledge given to a mercantile deputation, and he trusted that pledge would not be departed from, because objections were taken to them. That being so, he thought the country ought to have the opportunity of judging whether the objections were as true in practice as they appeared plausible in theory. It was urged in objection to the clauses that there was a mode of administering the estates of deceased persons, whose property was not sufficient to pay all their debts, in an exceedingly economical and satisfactory way in the Court of Chancery. He was willing to admit that; but why should there not be a means of administering those estates in local courts? Why were people to be dragged into the Court of Chancery, and not to have the opportunity of deciding whether the Court of Chancery was really and truly so beneficial and economical as was contended? There was a strong feeling against that court, founded on the past no doubt. However far recent performance may have gone to remove the opprobrium which had attached to that court, there were still many who would rather lose all their property than go into that court. The only objection which he saw to the clauses under discussion was the introduction of the principle of marshalling debts which held good in the Court of Chancery. That doctrine had no place in the present Courts of Bankruptcy, where the object was to make a fair and equal distribution of the debtor's assets among his creditors. No alteration of that principle was proposed by the Bill in the case of living debtors, and he could see no reason why the assets of a deceased debtor should be subjected to a different rule. With regard to the stigma which it was said would attach to the deceased debtor under these clauses, what was the case in the administration of estates in the Court of Chancery? In that court the names of deceased persons were just as much subject to the stigma of insolvency: for advertisements continually appeared calling upon people to come and prove their debts in the Court of Chancery. The stigma, if stigma there were, could in no case be imposed on any person by the mere operation of the Bill; it could only be the result of his own acts during his lifetime. In the opinion of the mercantile community the clauses would be a most decided boon to the country. The system had been applied in Scotland for many years and had worked well, and he did not see why the experiment should not be tried on this side of the Tweed.

MR. WALPOLE said, he believed that if the mercantile community to whom the hon. and learned Gentleman referred were aware of the full effect of these clauses they would be the first to object to them. The object of his hon. and learned Friend the Attorney General was to provide a remedy for a grievance of a small kind that no doubt existed, but in applying that remedy the clauses were made to embrace cases and would lead to inconveniences that his hon. and learned Friend never contemplated. There were certain small estates in the country that might, on the death of a person, be administered in a local court instead of being taken into the Court of Chancery. To enable that to be done was the real object of the clause now before them, and it was a good object, but it was one which should be carried out by a separate Bill, and in a manner that would not be anomalous to the law of bankruptcy and inconsistent with one of the main objects of the present Bill, which was to give to debtors and creditors the power of adjusting their affairs out of court. Under the clauses executors would be compelled within three months to go into the Court of Bankruptcy, or, if they did not choose to do that, they must go into the Court of Chancery, in order that the stigma of bankruptcy might not be affixed to their deceased relatives. Heretofore, when a person died the law had given his relatives a proper time to look about them, and see how his debts might be paid, and the residue preserved for the benefit of his family. They were now about to say that, instead of allowing a reasonable period, they would only give three months for the purpose. What would be the effect among the mercantile community? A person might have left plenty of assets, but his executors would be compelled to realise. They must accordingly force sales and inflict an injury on the estate, and, moreover, deprive the surviving relatives of that surplus which they ought to enjoy. To avoid that early process against the estate in three months, parties would be driven into the Court of Chancery for self protection; and thus the very thing which it was desired to avoid would be promoted by these clauses. As the administration of deceased debtors' assets were to be administered according to the equitable principles of the Court of Chancery, which required some of the nicest decisions of a court of equity, they would overload the County Court Judges with an equitable jurisdiction of the most difficult kind. Those Judges were not trained up to this administration, and, as a consequence, their decisions would not give satisfaction to the people of the country. If he had continued to practice in that Court, and had wished to see the business of the Court increase, without reference to the public advantage, there was nothing he should have more desired to see than clauses like the present, which would force many of the estates of the kingdom into the Court of Chancery. No one had been more anxious than himself to support the Attorney General in the main objects of his Bill, and if he might make an appeal to the hon. and learned Gentleman, it would be to withdraw these clauses from the present measure, since they had nothing to do with the Bankruptcy law. Let his hon. and learned Friend the Attorney General thereafter bring in a measure dealing with this particular subject, and there could be no doubt he would be supported by the House in carrying it.

Mr. CRAWFORD said, he hoped the hon. and learned Attorney General would not consent to withdraw the clauses. Their effect had been well considered by the mercantile classes, who knew what they were asking for. In proof he might state that he held in his hand a circular with respect to retaining the clauses in the Bill which bore the signatures of upwards of thirty of the principal banking houses in the City of London, in addition to those of bankers and others all over the country. In fact, there was hardly a monied establishment of any position or character throughout the country whose name did not appear on the paper as having given expression to their desire to see the clauses retained, knowing that an attempt would probably be made that night to exclude them.

Mr. HADFIELD supported the clauses, and said that no less than 10,000 mercantile firms in the country were in favour of them. The mercantile community had pressed the hon. and learned Attorney General very much upon those clauses, and no less an authority than Lord St. Leonards was in favour of them.

The ATTORNEY GENERAL said, that undoubtedly the clauses could boast an illustrious parentage. They had been recommended by one of the most illustrious lawyers in the kingdom, now a member of the Upper House. They were introduced with the almost unanimous consent of the great body of mercantile men. He had given a promise, in deference to their representations, to introduce the clauses into the Bill, and that promise he had fulfilled. But if his advice were taken his hon. Friends who approved the clauses would do well to agree that a limitation in point of amount should be set upon the operation of the clauses, which would then work very usefully and economically. Hon. Members would do well to remember how limited would be the utility of the clauses if they were left in unchecked operation. One of the great advantages of the Court of Chancery was that after the decease of a debtor, if the executors had reason to believe that the estate was about to be torn to pieces by actions for debt, they could come into court to save expense, and get an order for the equal administration of the estate. Accordingly the Court of Chancery restrained the creditors from bringing these actions, but the County Court had not that power. At the same time he could not agree that clauses of this kind had no place properly in the Bill, because the clauses were distinctly limited to cases where the estates were shown to be insolvent. It would be seen that by the 211th Clause any attempt to carry an estate into a local court would prove abortive if the executors came forward and showed good reason for believing the estate of the debtor would be of sufficient value to pay the debts in full. Consequently the clause would only apply to insolvent estates. Nevertheless he would earnestly request his hon. Friends around him to accede to the proposition which he was now about to make—namely, that the operation of the clause should be limited to cases where the assets of the deceased debtor did not exceed £500, and were insufficient for the payment of his debts. At the same time, if his suggestion should not be assented to, he would abide by the pledge he had given to introduce these clauses.

MR. MALINS said, that no doubt what his hon. and learned Friend had proposed would be a modification of and greatly improve the clause. He thought it, however, so essentially vicious in principle that nothing would satisfy him but its being expunged altogether.

MR. JACKSON said, he hoped the House would agree to the suggestion of the hon. and learned Attorney General, and he, therefore, would move formally a clause carrying out the suggestion that hon. and learned Gentleman had made.

SIR HUGH CAIRNS said, he should like to ask Mr. Speaker, whether it was competent, upon a Motion being put that a clause should stand part of a Bill, to move an Amendment upon that clause? He apprehended that the only Motion which at present could be decided by the House was, whether or not that clause stand part of the Bill.

MR. SPEAKER said, the question then before the House was whether the clause should stand part of the Bill, and unless the hon. Member who had proposed that the whole clause should be rejected, should consent to withdraw that Amendment, no other amendment or the clause could be proposed.

Question put, "That Clause 207 stand part of the Bill:"

The House *divided:*—Ayes 119; Noes 135: Majority 16.

On the Motion of Sir HUGH CAIRNS, the Clauses from 207 to 218, being the whole of what were known as "the dead men's clauses," were then *struck out.*

Clause 246 (Misdemeanours),

MR. VANCE said, he proposed to add, at the end of the clause, the words—"If, being a trader, he shall, within three months next before the filing of the petition for adjudication, pledge, or dispose of, otherwise than by *bonâ fide* sales, in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit, and remained unpaid for."

THE ATTORNEY GENERAL said, he thought the Amendment unnecessary, but would not object to it, as it would do no harm.

MR. CRAWFORD said, he thought it should extend to non-traders.

MR. MURRAY suggested a verbal Amendment in the clause by inserting the word "transactions."

Clause amended and *agreed to.*

Clause 253 (Definition of Terms, &c.),

SIR HUGH CAIRNS said, that he had an Amendment of considerable importance to propose to the Interpretation Clause. As the Bill stood before the 101st Clause was struck out, no debt contracted by a non-trader before the passing of the Act afforded ground of adjudication under it. It would be unjust to non-traders who had contracted their debts before the passing of this Bill, to tell them that they should be punished by a law which they had not known of or contemplated when they were contracting those debts. It had not been the original intention of his hon. and learned Friend, the Attorney General, to make the Bill retrospective against non-traders, for Clause 101 provided that a debt contracted before the passing of this Act should not support a petition for an adjudication of bankruptcy against any one who was not a trader at the time when such debt was contracted. He was, however, greatly surprised to find that the Attorney General had assented to the proposition of his hon. and learned Friend, the Member for Wallingford, who was somewhat of an enthusiast against non-traders, for the omission of that clause. That omission gave the Bill a retrospective operation against non-traders, which he now proposed to remedy in a simple way, by an addition to the Interpretation Clause. He proposed, in page 68, line 12, after the definition of the word "creditor," to insert these words—"'Debtor' shall, when applied to a person who is not a trader, mean a debtor in respect to a debt contracted after the passing of this Act; and 'Judgment Debtor Summons' shall, as respects such person, mean a summons founded on a judgment, decree, or order, in respect of a debt or liability contracted after the passing of this Act."

Mr. CRAUFURD said, he wished to appeal to Mr. Speaker, whether it was competent for the hon. and learned Member to move this Amendment without giving notice of his intention?

Mr. SPEAKER ruled that the hon. and learned Member was in order, as it was an Amendment and not a new clause.

Mr. MALINS said, he was by no means an enthusiast, as his hon. and learned Friend had asserted; but he thought it was unreasonable to keep up the distinction between trader and non-trader. Indeed, he was somewhat surprised at the course taken by his hon. and learned Friend. The House was not taken by surprise with respect to the omission of the 101st Clause, for notice to that effect had stood in his name for some time past. His hon. and learned Friend was undoubtedly not taken by surprise to-night; for before he left the House, when he said he was going to dinner, he (Mr. Malins) said, "By all means go to dinner, and we will send for you when we want you." His hon. and learned Friend, therefore, with a full knowledge of what was going to take place, elected to go to dinner. But if his hon. and learned Friend had been more prudent and had armed himself with his dinner before coming down to the House, then he would have found that there was but one feeling in the House with regard to the matter, so that when the question was put "that Clause 101 stand part of the Bill," there was not found a single voice to say "Aye." The hon. Gentleman opposite had put the question whether it was regular to introduce an Amendment without notice, and it was decided in the affirmative; but then, was it becoming? It was not becoming, and it was the first instance he had ever seen of the kind. He maintained that it was unreasonable, dishonest, and unjust that a man who had incurred debt and had property to pay it should keep that property, and be allowed to leave his debts unpaid, merely because the debt was incurred before the passing of the Act. He, therefore, hoped most earnestly that the House would adhere to the determination to which it had already come.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 125; Noes 150: Majority 25.

Schedule G (Acts and parts of Acts repealed),

Sir FITZROY KELLY said, he proposed to strike out the words "twenty-five" from Schedule G, the object being to allow bankrupts to retain certain articles of property worth £20, as they had heretofore been allowed to do.

The ATTORNEY GENERAL said, without entering into details, he might inform the House that the right now possessed by bankrupts to appropriate these excepted articles of furniture was a fruitful source of expense. He, therefore, thought it better that the bankrupt should be entitled to such allowance and such articles as the creditors might think proper to award.

Question, "That the words 'twenty-five' stand part of the schedule," put, and *agreed to*.

The ATTORNEY GENERAL said, he then had to move that the Bill be recommitted in respect of Clauses 38 and 201, Schedule A, and any new clauses.

Mr. AUGUSTUS SMITH said, he would move that Clause 8 be also recommitted. There had been an engagement to introduce certain words into that clause, with a view to restrict the power on the part of the Crown to appoint County Court Judges.

The ATTORNEY GENERAL agreed to recommit the clause.

Mr. SOTHERON ESTCOURT said, he also had to ask that Clause 40 should be recommitted, with a view of allowing the retiring Commissioners their full salaries.

SIR FITZROY KELLY said, that some of these Commissioners were over seventy years of age, and it was a hard case not to allow them their full salaries.

THE ATTORNEY GENERAL said, his poverty and not his will prevented him from acceding to the request.

THE ATTORNEY GENERAL then moved that the Bill be recommitted in respect of Clauses 8, 38, 42, 201, Schedule A, and other clauses.

MR. WALPOLE observed that no one could have displayed greater ability than the hon. and learned Gentleman in conducting the Bill through all its stages, his conciliatory tone and admirable explanations had done much to recommend the measure to the House; but he must say that the course which the House was asked to pursue was most inconvenient. First of all, by the Orders of the Day they were to go into Committee for the purpose of setting up clauses in the Bill which must be taken on a subsequent evening; according to the same Orders they were to consider the Bill as amended on Report; and finally it appeared in the Notices, but not in the Orders of the Day, that after consideration of the Report they were to recommit the Bill. In the clauses they had spent six hours considering that night they had gained nothing, but had lost a great deal of time, because every one of the Amendments which the hon. and learned Attorney General was going to introduce would have to be reported to the Speaker and considered on a future day. It was not his intention to offer any opposition, but merely to suggest that in future it would be more convenient that all Amendments should be dealt with in Committee before the Bill as amended was considered on Report.

THE ATTORNEY GENERAL said, he would remind the House that his object in asking for the recommittal of the Bill had been simply to introduce clauses which were discussed and agreed to on a former occasion—in fact, to affirm a foregone conclusion.

MR. HENLEY said, the hon. and learned Gentleman was right in stating that the clauses were agreed to be taken almost *pro formâ*. But the Attorney General had introduced a strange drag-net at the end of his notice, which specified certain clauses, and went on to say, "Schedule A and any new clauses." That certainly was opening up the question with a vengeance. An intimation had been given the other night that the case of the County Court Judges was to be considered, and he must say that the mode of bringing on a question of such importance, if regular, was certainly unusual. His hon. and learned Friend the Member for Suffolk (Sir FitzRoy Kelly) availed himself of the same opportunity to bring on the case of an individual. All this was new matter, and if the hon. and learned Gentleman found it necessary to extend his notice, so as to let in everybody, it would have been better had the Bill been recommitted altogether. The inconvenience of such practices was that they were drawn into precedents.

VISCOUNT PALMERSTON said, that the object of the hon. and learned Gentleman (the Attorney General) in introducing the words alluded to had been merely to enable the noble Lord opposite (Lord Stanley) to raise a discussion on the question he brought forward the other night with regard to the County Court Judges, whose remuneration he was anxious should be increased. By so doing, however, the Government were not to be understood as agreeing to the necessity for that increase. It was a mere act of courtesy to the noble Lord. But there was much force in the observations which had fallen from the right. hon. Gentleman opposite (Mr. Walpole), and he, therefore, suggested that the hon. and learned Gentleman (the Attorney General) might properly omit the words in question.

Motion by leave *withdrawn.*

THE ATTORNEY GENERAL having altered his Motion, so that it stood "That the Bill be recommitted in respect of Clauses 8, 38, 42, 201, and Schedule A."

Bill *re-committed* in respect of Clauses 8, 38, 42, 201, and Schedule A.

Bill *considered* in Committee.

House *resumed.*

LORD STANLEY said, he felt the difficulty in which the House would be placed by continuing the discussion in its present form, and would, therefore, refrain from pressing the claims of the County Court Judges; but he did not admit those claims were at all done away with by the course pursued in reference to the dead men's clauses, although that would lessen the amount of increased duties thrown upon them. He would, if possible, take another opportunity of bringing them under the attention of the House.

SIR FITZROY KELLY said, after the course taken by the noble Lord the Member for King's Lynn, he should also refrain from bringing forward the Motion of which he had given notice; but he trusted that, in some form or other, his hon. and learned Friend the Attorney General would give him the opportunity of calling the attention of the House to the case of the old gentleman to whom the Motion related.

Mr. NEWDEGATE remarked, that while the salaries of the officers of the Bankruptcy and County Courts had been increased, those of the County Court Judges had not been augmented.

The ATTORNEY GENERAL stated that that matter had received attention.

Mr. NEWDEGATE said, he was not aware of that fact, and expressed himself satisfied.

Amendment made.

House *resumed.*

The ATTORNEY GENERAL said, that in consequence of the Report of the Committee on Stamp Duties not having been brought up there still remained one clause of the Bill which he was unable to move that night. He meant that respecting *ad valorem* stamp duties. If it would meet the general convenience, he proposed to bring up the Report and move that clause to-morrow at half-past four o'clock. The Bill would then be reprinted, and read a third time immediately after Easter.

Committee report Progress; to sit again *To-morrow* at half-past Four of the clock.

MUTINY BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 1 to 21 *agreed to.*

Clause 22.

Mr. WHITE said, he rose to move the omission of this clause, which gave courts-martial the power of inflicting corporal punishments. He could not help thinking that as they were debarred from entertaining the question of Parliamentary or organic reform, they could not do better than consecrate the Session to social and administrative improvements; and that amelioration which he had the honour to introduce to the House was, of all others, the one which he believed the public were most anxious to see consummated. He did not arrogate to civilians a monopoly of humanity; on the contrary, he admitted there were many officers in the British army who were as distinguished for their humanity as for their gallantry. But still he maintained that many signal improvements in the administration of the army had sprung from the efforts of civilians. He regretted he had not on that occasion the valuable assistance of the hon. and gallant General the Member for Westminster (Sir De Lacy Evans), the cause of whose absence they all deplored. That gallant General on the Commission of 1836 had pronounced emphatically his opinion that corporal punishments were not only useless and inefficient but absolutely detrimental to the best interests of the service. Their tendency was to degrade and harden but not to reform the offenders, while they disgusted spectators and outraged public opinion. Besides which, doing full credit to the ameliorations introduced into the army by the illustrious Duke, the Commander-in-Chief, he was sorry to find that corporal punishments were on the increase. From a Return he held in his hand he found that in 1847, 42 men were flogged, and the number of lashes was 2,200; in 1852 there were 55 flogged, the number of lashes being 2,250; in 1858, including Militia, Royal Artillery and Engineers, there were 218 flogged, with 9,338 lashes; in 1859 there were 512 flogged, with 22,665 lashes. The average number of lashes per man in 1858 was 42; in 1859 the average per man was 44 and a quarter. In 1858 there was no flogging in 65 regiments, while in 1859 there were only 34 regiments that merited that honourable distinction. In 1858 there were 33 regiments, in 1859 30, in which only one man was flogged. In 1858 there were 17 regiments, in 1859 54, in which two men were flogged. In 1858 there were 7 regiments, in 1859 15, in which three men were flogged. In 1858 there were 6 regiments, in 1859 10, in which four men were flogged. In 1858 there were 3 regiments, and in 1859 3, in which five men were flogged; and in 1858 there were 12 regiments, and in 1859 32, in which more than five men were flogged. When they were so chary of inflicting corporal punishment on criminals it was an obstinate and unreasonable adherence to custom to continue the lash in the army. The punishment of flogging did not exist in the American, Prussian, or French armies; and now that they had incorporated the East India Company's troops with the Royal Army, it was a most invidious distinction that they could flog the British soldier whilst they could not flog the Sepoy. The argument that the abolition of flogging would subvert all discipline was used when it was proposed to reduce the number of lashes from 1,000 to 300; and yet not only had that reduction been safely effected, but the number had since been diminished to 50 with beneficial results. When he remembered that at one time there were no fewer than 250 capital offences, and that Judges were horrified at any attempt to lessen the severity of the laws, he could not cast any reflection on military officers who dreaded a change in the present system of punishment in the army, although he denied the soundness of their apprehensions. The noble Lord at the head of the War Department had admitted that the steady and well-disposed rarely entered the army, and that it was recruited from the young, the thoughtless, and the wild; but if it was desired to raise the character of our recruits, the very best way would be to get rid of this brutal and disgusting punishment. The experience of the last few months had shown that there was a latent military spirit in the country which only wanted cultivation; and he was convinced that the number of volunteers into our army would be adequate if this punishment were obliterated from our criminal code. He moved that the clause be omitted, because he held that the practice of corporal punishment was alike repugnant to common sense, and common humanity, and Christian ethics.

Mr. W. WILLIAMS seconded the Motion. There was no flogging in the army or the navy of France, and would anybody deny their efficiency? In the United States flogging had been abolished several years. In the Crimea the French soldiers looked with disdain upon our men because they were subjected to this degrading system of corporal punishment. Public opinion would insist upon its abolition.

Mr. LOCKE said, he should not have risen to address the Committee had not the hon. Member for Brighton asked him to second the Motion, which he (Mr. Locke) had promised to do, and which he should have done with the greatest pleasure. Whenever the question was brought forward, they were met by the argument that discipline in the British Army was better preserved than in other armies. He believed that arose from the circumstance that the British Army consisted of such excellent materials as it did. That, however, was no reason why such excellent materials should be flogged. He felt certain that the punishment was held in the greatest abhorrence by the working classes of the country by whom the army was recruited. It was a monstrous thing that this punishment, which was inflicted upon no criminals except upon convicted felons and children of tender years, should be employed against the gallant defenders of this country. The argument was that the discipline of the army would be destroyed. But was not the discipline of the army improved instead of lowered by the reduction of the number of lashes? Lord Eldon said he had long felt great doubts about Sir Robert Peel, but when he found him bringing forward measures for the reduction of penalties for criminal offences, he felt satisfied he was no longer to be trusted. But had the security of life and property in this country diminished by such reduction? On the contrary, it had greatly improved.

Mr. T. G. BARING said, he did not think that any exception could be taken to manner in which this Motion had been made, for the speech of the hon. Gentleman the Member for Brighton (Mr. White) was a temperate one, and it was a proper occasion upon which to raise the question. But the matter seemed not to be generally understood, and certainly not by the hon. and learned Member for Southwark. What was the punishment of flogging in the army at the present time? He (Mr. Locke) had dwelt on what he said must be the feelings of the working class, and their fear lest their relatives in the army should be subjected to so degrading a penalty. But the fact was that a soldier who had enlisted to serve Her Majesty could not be flogged for any offence he might commit, excepting for aggravated mutinous conduct, until he had previously been disrated from the first class. Now what were the offences for which he might be disrated? They were desertion, mutinous conduct, aggravated cases of insubordination and violence, drunkenness on duty or on the line of march, embezzling public money, stealing from a comrade, theft, designedly maiming, repeatedly making away with their arms, accoutrements, or ammunition, disgraceful acts showing vicious and unnatural propensities, and indecent assaults. Now a man found guilty of these offences was not for the first offence of that kind liable to corporal punishment, but he was put into the second class, after which, for a repetition of those offences he would be liable to it. And if the hon. and learned Member, when he next met his constituents, would explain that to them, he would find that the working men of his acquaintance were not afraid of their own friends ever subjecting themselves to the degrading punishment of flogging. The hon. Member for Brighton had read some figures and statistics on the matter. Those statistics naturally depended on the increase of the army, and on the circumstance that when a large and sudden increase of the army was made, many of the recruits would probably be of a worse description, and when there was a large bounty offered desertions would be more frequent. The statistics of the hon. Member, therefore, must not be accepted as showing that there was really an increase of flogging in the army; and the effect of that General Order which established the classification that he (Mr. Baring) had described, did not appear in the Returns quoted by the hon. Member for Brighton, having been in operation only a few weeks within the period they comprised. He could assure both those hon. Members that no one could be more anxious than Her Majesty's Government, and His Royal Highness the Commander-in-Chief, to see flogging abolished in the army. He could not, however, admit that it was true that civilians had made all such improvements in the army, remembering as he did what had been done by Viscount Hardinge and the Duke of Wellington, to say nothing of that General Order of His Royal Highness to which he had referred. Her Majesty's Government looked with confidence to a diminution in the number of punishments of this nature, but they could not consent to the omission of these clauses from the Mutiny Act. There were great differences between the armies of this country and the armies of foreign nations; and it was the opinion of the most competent authorities that, if the power were given up, the discipline of our army might be seriously interfered with. In time of peace it might possibly be laid aside, but in time of active service those who were most conversant with the soldier believed that, without excessive severity in other punishments, and those alternatives to which the hon. and learned Member for Southwark had alluded, but which he did not specify, this power must be retained. He should, therefore, oppose the Motion.

Colonel LINDSAY said, one cause of the apparent increase in flogging of late years was not only the increase in the number of the army, but that several ticket-of-leave convicts enlisted and behaved badly. There were half-a-dozen of them at one time in the battalion he commanded, and one of them broke into his tent and stole his watch. He might further state, to show the feeling of the men on this question of flogging, that not long ago a soldier committed an aggravated assault on a non-commissioned officer. The officers who tried the offender did not sentence the soldier to the lash; and it came round to the officers afterwards, through the conversation in the barrack rooms, that there was general dissatisfaction among the men that one who had so disgraced himself should not have been flogged.

Major HAMILTON said, he wished to ask the hon. Gentleman opposite who talked of flogging not being used in the French and American armies, if they knew what punishments were substituted? When he was in Canada he occasionally crossed the boundary line, and there found deserters from the British Army serving in the American ranks, and they appealed to him to know if they could not return, as they had to endure far more severe punishments in the American service than ever they had done in the British. Flogging was the only punishment which could be inflicted on soldiers for misconduct on the march. A man might be flogged and allowed to march within a very few hours; but if he were punished in another way the army would lose an effective soldier. He should vote against the Motion of the hon. Member.

Mr. CONINGHAM said, he must protest against honourable soldiers being employed as public executioners to inflict the lash on the convicts at Chatham. The whole system of flogging was un-Christian and unnecessary, and this country would do well to imitate Russia, where the use of the knout had recently been abolished. [*Cries of* "Divide!"] He must enter his protest against this treatment. The right hon. Gentleman the leader of the Opposition had always given him a fair hearing, and had used his exertions among his supporters to obtain for him the same treatment which he had always extended to other Members. He had never done anything to forfeit his right to fair treatment. He did not trespass on their time. No one spoke more shortly, and he ventured to say few spoke more to the point. It was treatment which he did not deserve, and it was conduct unworthy of Members of that House.

Motion made, and Question put, "That Clause 22 stand part of the Bill."

The Committee *divided:*—Ayes 142; Noes 37: Majority 105.

MR. HENNESSY said, he rose to call the attention of the right hon. Gentleman in the Chair to a point of order. There was a clause in the Bill involving capital punishment, and he found in *May's Parliamentary Practice* a reference to a Resolution of the House passed in 1772 to the effect—"That no Bill or clause in any Bill do pass this House by which capital punishment is inflicted unless the same be referred to a Committee of the whole House;" and Mr. May observed that the rule had fallen into oblivion. He (Mr. Hennessy) wished to know the opinion of the hon. Gentleman upon the point.

MR. MASSEY said, the Resolution of 1772 appeared to be a Sessional Order, and had never been made a Standing Order, and was contrary to the practice of the House for eighty or ninety years. In his opinion the Bill need not be sent to a Committee of the whole House.

Remaining Clauses *agreed* to.

House *resumed.*

Bill *reported*, without Amendment; to be read 3° *To-morrow.*

House adjourned at a quarter
after One o'clock.

HOUSE OF LORDS,

Friday, March 22, 1861.

MINUTES.] PUBLIC BILL.—3ª Charitable Uses.
Royal Assent.—Consolidated Fund (£4,000,000); Inclosure; Red Sea and India Telegraph; Bank of England Payments.

INDIA—FINANCIAL AFFAIRS.

QUESTION.

THE EARL OF ELLENBOROUGH wished to inquire of the noble Earl the Under-Secretary of State for India whether there was any objection to lay upon the table the last despatch received by the Government having reference to the financial affairs of India?

EARL DE GREY AND RIPON said, he did not think it would be desirable to lay the last financial despatch received from the Government of India upon the table unaccompanied by the letters connected with it; but the whole of the Correspondence would be produced as soon as the Government were in a position to lay it upon their Lordships' table.

THE EARL OF ELLENBOROUGH inquired whether the subject of railways would be comprised in the documents which the noble Earl intended to produce?

EARL DE GREY AND RIPON said, that full information as to the state of the railways, financially and otherwise, would be found in the Annual Report which he hoped to be able to lay on the table in the course of about a fortnight.

LORD MONTEAGLE entered his protest against the neglect of the Government in not producing to Parliament the Annual Reports on the financial condition of India, which they were legally bound to furnish. This was no light matter, and every day it became more dangerous that the people of this country should be kept in ignorance of what was going on in India. If after the recess there was not something said or done to account for the refusal to carry into effect the law of the land on this subject, he should, probably, take the liberty of moving an Address to the Crown on the subject.

SYRIA—THE FRENCH OCCUPATION.

QUESTION.

VISCOUNT STRATFORD DE REDCLIFFE observed, that a few weeks ago he had addressed an inquiry to the noble Lord the Under Secretary of State for Foreign Affairs which he was not at that time prepared to answer, having had reference to what were the intentions of the Government relative to the events that had taken place in Syria. His noble Friend was kind enough to say that his only objection to placing papers upon the table arose from the continuance of negotiations at Paris on the subject. He (Viscount Stratford de Redcliffe) had since, in common with their Lordships, heard that the Conference had met, had terminated its deliberations, and that after a reference to the courts from which it received its powers, a decision had been taken on a point of paramount importance—namely, the period of the continued occupation of Syria by the French troops. Not only was it believed that that decision had taken place, but in addition to that circumstance it was understood by the public that the decision was not favourable to the wishes of this country, not favourable to the wishes of Her Majesty's Government, and one which could not be agreeable to the Turkish Government, inasmuch as—however much they might have reconciled themselves to the French view—it implied that the state of Syria was still such as to justify and require a continued occupation by foreign troops. But at the same time their Lordships could hardly fail to perceive that, while Parliament was sitting it was desirable that on a subject of such importance, an opportunity should be afforded for both branches of the Legislature to know what course the Government was pursuing, and delivering, if necessary, their opinion upon a matter involving such great and important considerations. It was evident that if the French troops had been allowed, under the particular circumstances, to continue the occupation, there must be very strong reasons for consenting to such means of restoring the tranquillity of the country, and it would be doing injustice to Her Majesty's Government to suppose that such reasons did not exist. He confessed that he, for one, should take great interest in ascertaining, on the authority of Her Majesty's Government, that they had a certain prospect, even though a distant one, that the continuance of the occupation would not be again prolonged, and that meantime effective measures would be taken for preventing the recurrence of such atrocities as those of last year. He, therefore, took the liberty of asking his noble Friend, Whether it was the intention of Her Majesty's Government to lay any papers connected with that Conference on the table of the House before Easter, or if that could not be done, at least he hoped that an assurance might be given that during the Easter recess they would be presented to Parliament? He thought it would be very desirable to afford Parliament that amount of information which would enable them to take the case into consideration on an early day after Easter. Though he had every confidence in the Government, he felt bound to say that the subject demanded serious and immediate attention.

LORD WODEHOUSE said, it was quite true, as stated by the noble Lord, that the Conference at Paris had terminated its labours, and that it had been agreed that the occupation of Syria by the French troops should be continued until June 5, when the whole of the foreign troops were to evacuate that country. On the first day when the House met after the Easter recess papers on the subject would be laid upon their Lordships' table.

DENMARK AND HOLSTEIN.

QUESTION.

THE EARL OF ELLENBOROUGH asked the noble Lord the Under Secretary for Foreign Affairs whether any official information had been received confirmatory of the telegram which arrived on Tuesday, declaring that the Committee appointed on behalf of the States of Holstein had refused both the propositions made by the King of Denmark, and had instructed the President to lay the matter before the Diet?

LORD WODEHOUSE said, the latest official information received by the Government was to the effect stated by the noble Lord. A discussion was still going on in the States, but it was understood that the Report of the Committee, which advised the rejection of the propositions of the King of Denmark, would be adopted. The noble Lord concluded with a reference to the time which should elapse before the resolves of the Diet could be carried into execution, the precise terms of which were inaudible.

THE EARL OF ELLENBOROUGH apprehended that the person standing behind could pull the strings and make the puppets move quickly or slowly, as he pleased.

THE SUITORS' FUND, COURT OF CHANCERY.—QUESTION.

LORD ST. LEONARDS wished to obtain from the Government some information relative to the measures which would be taken by the Government in reference to the Suitors' Fund in the Court of Chancery, as he gathered from statements made by the Chancellor of the Exchequer that legislation on the subject was in contemplation. According to the old rule, in the Court of Chancery all the funds directed by that Court to be invested were placed in the Three per Cents, because these were national funds. There were very few of their Lordships, or Members of the other House, who were not deeply interested in the safe keeping of these funds, and there were thousands of people out of doors who had a similar interest in their being safely placed. The noble and learned Lord then entered upon an examination of the several grounds upon which he understood the Government to propose to appropriate to purposes not required for the benefit of the suitors upwards of £1,400,000 of their funds.

THE DUKE OF ARGYLL said, that the noble and learned Lord had evidently directed his criticisms against a speech of the Chancellor of the Exchequer made in "another place." He must protest against the assumption that Government had any scheme in contemplation which they had not the manliness to avow. He was glad the noble and learned Lord had called attention to the subject, and he would assure him that it should not be neglected by the Government.

After a few words from Lord ST. LEONARDS,

LORD DENMAN said, he wished public attention to be directed to the Report of the Commissioners for the Consolidation of the Superior Courts of Law and Equity, and the subject of it to be fully understood. It certainly appeared by the evidence that more than one Chancellor of the Exchequer had cast a longing eye on the Suitors' Fee Fund—and the recommendation of the Commissioners to appropriate the fund was so strong, that without an appropriation of it, the scheme must fall to the ground. He thought that the Commissioners should have published Mr. Harvey Gem's ground plan, by which only a small part of Lincoln's Inn Fields would be required for the building of courts. The witnesses examined were twenty-eight in number, and of these, he believed, fourteen were solicitors with very one-sided views—this might account for the choice of the site abutting upon Bell Alley; amongst them also there was a wish to conduct business with the aid of fewer clerks, but he could recollect that his late father spoke with admiration and pleasure of the manner in which managing clerks and young men who afterwards entered upon business for themselves conducted the cases before him at Chambers. The inconveniences of the Courts at Westminster had been greatly exaggerated, and even a noble Friend of his, one of the Commissioners (Lord Wynford), who had totally dissented from the scheme, and had not signed the Report should not have believed that the dark passages were the only places for witnesses in attendance on the Court of Queen's Bench, because the seats behind the counsel and the galleries ought principally to be appropriated to the witnesses in waiting. The Commissioners had recommended that the Courts at Guildhall, the Old Bailey, and Basinghall Street should be retained; and, while they advocated a scheme of which they could not foresee the disadvantages, they ought also to retain the Common Law Courts at Westminster Hall. The evidence of Sir John Stuart deserved consideration; and it ought not to be forgotten that Sir John Romilly and Sir William Page Wood were opposed to the application of the Suitors' Fee Fund to the scheme. It must not be assumed that because the Earl of Derby had allowed the Commission to issue that, therefore, he would have adopted the Report which had received the support of the present Government.

The subject dropped.

MEXICAN BONDS.—QUESTION.

THE MARQUESS OF CLANRICARDE asked, the noble Lord the Under Secretary of State for Foreign Affairs, Whether he would state to the House the Terms or the purport of the Convention concluded some time since at Vera Cruz with the Government of Mexico, providing for the appropriation of certain Customs Revenues of that Country, to meet the Demands of British holders of Mexican Bonds? He was not about to enter into a history of the complication which had surrounded the Mexican Bonds or the financial condition of Mexico for some years past. Their Lordships were aware that soon after the formation of Mexico as a separate Government, that country found it necessary, as most Governments, whether old or new, did, to borrow money. British capitalists, large and small, embarked in these loans. However, it appeared that the Mexican Government was not as punctual as might have been desired in the payment of the interest. Ten or more years ago an agent proceeded to that country on the part of the bondholders, and concluded an arrangement by which it was promised that a certain proportion of the revenue arising from the customs dues of the ports of Vera Cruz and Tampico should be appropriated for the liquidation of the Mexican debt; but in consequence of the civil wars and commotions in that country of late years there had been an irregularity in carrying out that arrangement. There had been two parties striving for the Government of the country, the one under Miramon, and the other under Juarez. The latter party was now the established and governing Power, and they had entered into a convention with the British officers, by which they bound themselves to allot these revenues to the payment of the dividends on the Mexican Bonds. The party of Miramon pursued a different course. They committed burglary, and robbed the British Consulate of funds lodged there for transmission to this country. A question upon the subject was lately asked of the noble Lord the Secretary of State for Foreign Affairs. His answer was not very clearly understood, and the parties concerned wished to know more clearly than they did what was their position; what engagements the Mexican Government had really entered into with the British Government; what were the views of Her Majesty's Government with regard to the Convention, and how far they could hold out expectations that it would be duly observed?

LORD WODEHOUSE was understood to say that the account which the noble Marquess had given of the Convention which had been entered into between Captain Dunlop and Captain Aldham and the Constitutional Government of Mexico, presided over by Juarez, was in most respects correct. This debt was contracted many years ago; and besides this debt there were certain claims known as conventional claims—claims settled by convention between the British Government and the Government of Mexico—whereby an assignment was made by the latter Government of certain customs revenues to meet them. Owing to the state into which Mexico had been plunged this engagement had not been punctually fulfilled, and Captain Dunlop, in the year 1859, concluded an agreement providing for the more punctual payment of those claims. That agreement was that 25 per cent of the customs' duties accruing at Tampico and at Vera Cruz should be paid to the bondholders, and 16 per cent on account of the Convention claims. That agreement was observed for some time; but in the following year, in consequence of the continuance of the disturbed state of Mexico, the payments were interrupted. Captain Aldham, who had succeeded Captain Dunlop, then remonstrated with the Mexican Government, and the result was a fresh agreement, whereby the stipulated payments were resumed by President Juarez, from the 1st of January last, with an addition of 10 per cent to meet the arrears which had accrued. Both Captain Dunlop and Captain Aldham deserved great credit for the manner in which they had conducted the negotiations with the Mexican Government. With regard to the robbery by the late Mexican Government of the property of the bondholders, and which amounted to 660,000 Mexican dollars, he would observe that that Government, which represented the church party, and the head of which was Miramon, had been upset. The present and Constitutional Government, presided over by President Juarez, had been pressed by the British Consul to restore this money, and by the last accounts he was using every possible effort to effect the restitution. But, however well disposed the Constitutional Government might be—and he thought that they were well disposed—to satisfy the just claims made upon them, they might not be able immediately to produce 660,000 dollars. Of course they were not at all relieved from the obligation, but it was possible that some delay would take place. However that might be, the Government had sent out instructions to insist in the strongest manner upon the restitution of the money. They would continue to insist upon it; and he hoped that their efforts would be attended with success, for a more flagrant case of robbery could not be imagined. There was also a further sum of 400,000 dollars which had been abstracted by a Constitutional General—Degollado—the immediate restitution of which the Government had also claimed. Sir Charles Wyke would proceed out by the next mail, and his instructions were to take every possible step to obtain satisfaction for all these claims, and, by some general arrangement, to place them all on a better footing. In a short time he should be able to lay on the table papers which would show the nature of the agreement entered into between the Mexican Government and the British Captains Aldham and Dunlop.

House adjourned at a quarter past Six o'clock, to Tuesday, the 9th of April next, half-past Four o'clock.

HOUSE OF COMMONS,

Friday, March 22, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Tiverton *v.* Viscount Palmerston, K.G., Constable of Dover Castle, and Warden and Keeper of the Cinque Ports.

DEATH OF THE DUCHESS OF KENT.

ANSWER TO ADDRESS.

Viscount BURY, Treasurer to the Royal Household, appeared at the Bar, and *reported* Her Majesty's Answer to the Address of Condolence on the Death of the Duchess of Kent, as follows:—

"I thank you for your loyal and dutiful Address, and for the expression of your sympathy and condolence on the death of My beloved Mother.

"The assurances of your loyalty and attachment, as well as of the interest which you take in everything that concerns Me and My Family, are most grateful to My feelings."

COLLECTION OF INCOME TAX IN ISLINGTON.—QUESTION.

Mr. T. DUNCOMBE said, he rose to ask Mr. Chancellor of the Exchequer, Under what circumstances the Appointment by the Commissioners of Inland Revenue in January last of three Excise Officers—namely, Messrs. Conran, Bell, and Esner, to collect the Income Tax in one of the districts in Islington parish took place, and why the nomination of a collector was taken out of the hands of the Local Commissioners? Also, what sum is paid to those officers for making the collection, and if they are to receive any advantages not enjoyed by the other collectors in the district of Finsbury? Also, if they have been sworn to secresy, and if so, on what day or days, and by whom?

The CHANCELLOR of the EXCHEQUER said, it was quite open to his hon. Friend if he thought fit to call for a detailed account of the proceedings and of the circumstances under which the Excise Officers had been appointed to collect the Income Tax, and the Assessed Taxes, in the parish in question. It had been done under the Act which was passed in 1854. The appointment in the first instance came into the hands of the Board of Inland Revenue, in consequence of the failure of the persons appointed by the Local Commissioners to find securities. The Board endeavoured to find fit persons for the office, but failing in that they thought it best to appoint trustworthy persons in their own employ, namely, the Excise officers. The oath of secresy was administered to them on the 23rd of January, and they received no remuneration for making the collection beyond their salaries.

ARMY—PAY OF ADJUTANTS.

QUESTION.

Colonel SMYTH said, he wished to ask the Under Secretary for War, Whether it is the intention of the Government to place District Adjutants on the same footing, as regards pay and allowances, as Adjutants of Depôt Battalions, in accordance with the recommendation of a Royal Commission?

Mr. T. G. BARING said, the suggestion of the Recruiting Commission, that District Adjutants should be placed upon the same footing as the Adjutants of Depôt Battalions, had been considered by the Secretary of State for War, who did not think that the duties of the two classes of officers were sufficiently similar to justify the increased expense which would follow from the adoption of that suggestion.

NATIONAL DEFENCES.—QUESTION.

Sir MORTON PETO said, he wished to ask, Whether there would be any objection to produce Copies of any Correspondence or other Documents relating to the National Defences addressed to the Board of Admiralty or Commissioners for the National Defences by Captain Cowper Phipps Coles, R.N., and any subsequent Reports from the Commissioners for the National Defences, particularly relating to the sunk fort at Spithead?

Mr. T. G. BARING presumed that, by "documents relating to the national defences," the hon. Member meant the very clever pamphlet which Captain Coles had written on Spithead Forts. Any hon. Gentleman who wished to read that pamphlet could buy it in the usual way at the publisher's. The question relating to the construction of forts at Spithead had been referred to the National Defence Commissioners, not for decision, but for any observations they might have to offer. Their Report would receive from the Government that consideration which the importance of the subject demanded; but it would be premature at present to lay the papers on the table of the House.

Mr. WARNER said, he wished to ask the Secretary of State for the Home Department, whether it is intended to introduce, in the present Session, a Bill to amend the Law of Settlement and Removal, in pursuance of the recommendation of the Committee of last year?

Sir GEORGE LEWIS said, he was not aware of any intention on the part of the

Government to bring in a Bill during the present Session for amending the Law of Settlement and Removal.

SURRENDER OF FRENCH POLITICAL PRISONERS.—QUESTION.

MR. M'MAHON said, he wished to know, Whether it is true that the Court of Policy of Demerara have passed a Bill allowing the surrender of French political prisoners who may escape from Cayenne; whether the assent of the Colonial Authorities will be given to that Bill, and, if so, whether a copy of the Bill will be laid upon the table before the sanction of the Crown is given?

MR. CHICHESTER FORTESCUE said, he could not state the exact nature of the Bill lately passed by the Court of Policy of Demerara. He could, however, state that Her Majesty's Government would not give their sanction to any Bill having for its object the rendition of political prisoners escaping from neighbouring colonies.

BANKRUPTCY AND INSOLVENCY (STAMP DUTY).—REPORT.

Resolution *reported,*

> "That, in addition to the Ordinary Stamp Duty, there shall be charged an ad valorem Stamp Duty of seven shillings upon every hundred pounds of property comprised in every Trust or other Deed or Instrument required to be registered by an Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England."

MR. CRAWFORD said, he had had several representations made to him during the day on the subject of the amount of stamp duty, and he believed if the hon. and learned Attorney General would consent to a reduction of the duty to 5*s*., and a limitation of the amount to £200, that that would meet general expectation. It was said that a duty of 5*s*. would produce a much larger amount than the Attorney General expected. He hoped, therefore, under those circumstances, it would not be asking too much for the Attorney General to give an assurance that, if the amount should be larger than he expected, he will be prepared at some future time to propose a reduction.

THE ATTORNEY GENERAL said, the Bill had been accidentally printed with 7s. instead of 5*s*., the amount which he desired. The Bill provided that an accurate financial statement of the affairs of the Court should be laid before Parliament every year. If the Report, at the end of the first year, showed that the stamp duty had been more productive than he at present expected, it would give him great pleasure to propose a reduction; but at present it would not be consistent with ordinary prudence to propose a less amount than 5*s*., which sum he should propose as an Amendment to be introduced into the Resolution instead of 7*s*.

Resolution read 2°, and amended, by leaving out "seven," and inserting "five" instead thereof.

Resolution, as amended, *agreed to.*

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

THE ATTORNEY GENERAL moved the addition to Clause 201 of these words—

> "That in addition to the ordinary stamp duty, there shall be charged an *ad valorem* duty of 5*s*. upon every £100 of property comprised in every trust or other deed or instrument required to be registered by any Act of the present Session for amending the law relating to bankruptcy and insolvency in England."

House *resumed.*

Bill *reported.*

As amended *considered.*

Bill to be read 3° on *Monday*, 8th April, and to be printed [Bill 91.]

MR. PEEL moved that the House at its rising do adjourn to Monday, the 8th of April.

SALMON FISHERIES IN ENGLAND AND WALES.—OBSERVATIONS.

MR. FENWICK said, he rose to call the attention of the House to the Report of the Commissioners appointed to inquire into the Salmon Fisheries of England and Wales, and to ask the Secretary of State for the Home Department what is the intention of Government on the subject? The Commission had been appointed in consequence of a Resolution which had been come to by the House last Session with a view of increasing the supply of a valuable article of food. The Commissioners had visited the different salmon-producing districts of the country, and come to a Report which was now before the House. Having studied that Report, he believed its principles to be sound and correct. The Report dealt, first, with the past and present productive powers of the salmon rivers; secondly, on the causes of the depreciation of those powers; and, thirdly, on the means of providing a remedy for that depreciation. It appeared clearly that whereas the rivers of this country had formerly produced a large amount of valuable and nutritious food—so large that it frequently formed an essential element in the food of the people, so great had been the decrease that salmon was now confined to the opulent classes. This was a great evil, and any suggestion for its removal ought to meet with the attention of Parliament. The causes of this decrease were various. One was the obsolete nature of the laws on the subject. They were not only obsolete but contradictory, and so unintelligible that any attempt to enforce them was unavailing. The Report recommended that immediate legislation should take place, by which all these old laws should be repealed, and a simple and uniform law passed on the subject. It recommended, also, the establishment of local boards in the different salmon-producing districts, and of a central board to control and direct the different local authorities. This plan had been tried in Ireland with the most satisfactory result. The salmon rivers there had become very much depreciated, and legislation had taken place; local boards were established, and a central board sitting in Dublin. The result had been a continuous increase in the production of salmon. Last year between £400,000 and £500,000 worth of this valuable and nutritious article of food had been produced. He had been told that these boards ought not to be established at the public expense because the salmon fisheries were not public but private interests. But he did not concur in that view. The Commission had been issued on the supposition that it was a matter of public interest, and from the earliest times it had been so considered in this country. In *Magna Charta* itself there were provisions regarding the salmon fishery. From that time to the present the various Acts of Parliament showed that it was a matter of public interest, and certainly it was so viewed in the Report of the Commissioners. The *salmonidæ* inhabited the sea as well as the rivers, and, by the common law of the land, every person had a right to fish in the sea and in the tidal and navigable waters; therefore, so much of the fishery as had reference to the tidal and navigable waters was clearly a matter of public interest, and public interest alone. There was a precedent for the application of public money to this purpose in Scotland, where £12,000 was annually voted for fishery purposes; as also in Ireland, where a Fishery Board was paid out of the public revenue of this country for the purposes of the salmon fishery. He begged, therefore, to ask the Home Secretary whether it was the intention of the Government to deal with the question during this present Session?

THE KOSSUTH NOTES.—QUESTION.

MR. T. DUNCOMBE, in rising to put a question to the Secretary for the Home Department relative to the Kossuth notes, took occasion to refer to an answer which he had a few days ago received from the noble Lord the Secretary for Foreign Affairs with respect to a sharp look-out being kept on Kossuth, intimating a wish to know whether the noble Lord, whose memory in connection with the matter seemed then to have failed him, had since refreshed his recollection with respect to it, and stating it to be his intention again to bring the question under the notice of the House at no distant day. He desired also to know whether the attention of the noble Lord had been drawn to a statement which appeared in *The Times* of yesterday in the letter of its Constantinople correspondent, and which was to the following effect:—

> "Her Majesty's ship *Banshee*, Captain Madden, left here on Wednesday last for Galatz, with Mr. Ward, our New Consul at that place, on board. The *Banshee* is, I am informed, to take the arms conveyed there some time since in Sardinian vessels back to Genoa—that is, if she can get them; for it has been hinted that their being forthcoming on demand is far from matter of certainty. What on earth our Government has to do with the matter I confess my inability to understand."

Those arms, it would appear, the noble Lord was afraid would not fall into the hands of his pet Government of Austria, and had ordered them to brought back in one of Her Majesty's ships—a fact which betoken a somewhat active interference on the side of a despotic Government. The question, however, which he had more immediately risen to put related to a reply which he had received from the right hon. Gentleman the Secretary for the Home-Department, which was of a most unsatisfactory character, and which bore on a subject in reference to which the right hon. Gentleman's memory also would appear to have failed him. He wished to know from the right hon. Gentleman, how Sir R. Mayne became possessed of, and who translated for him, "the Kossuth note," manufactured by the Messrs. Day, upon which he gave Sir R. Mayne instructions; and whether the said note was the same that was afterwards exhibited by Count Apponyi in the Court of Chancery? It would be in the recollection of the House that the Secretary of State stated on a former occasion that neither Sir R. Mayne nor himself understood the Hungarian language, and that, therefore, they did not know what the note contained. He understood, however, that Sir R. Mayne had in his possession at the time a translation of the note; and, if so, both he and the Home Secretary must have been acquainted with its purport. Upon his knowledge of the note the Secretary of State founded his instructions to Sir R. Mayne. Sir R. Mayne wrote to Mr. Day requesting him to call upon him. Mr. Day complied with the request and had two interviews with the Chief Commissioner of Police. In the evening of the same day Sir R. Mayne wrote again to Mr. Day saying he hoped he would call upon him the following forenoon. The House would recollect that the Secretary of State stated distinctly that that interview did not take place, and that nothing further transpired in writing. The right hon. Gentleman must have been misinformed, because something further did transpire in writing. Mr. Day, on the 14th of February, in answer to the request of Sir R. Mayne for another interview, addressed to the Chief Commissioner a letter than which nothing could be more creditable to an Englishman. It was as follows:—

> "To Sir R. Mayne.—Sir, in the interval between the last visit of our senior to you and this day we have taken the advice of several constitutional lawyers of eminence, and those gentlemen cannot see that in lithographing the notes in question our firm have infringed any provision of either the common or statute law of this country. At the same time we feel the greatest repugnance to being supposed to be indifferent to even a suggestion that in carrying out the order of our customer we are breaking or evading any law of this realm, especially when that suggestion comes from so high an authority as yourself. Before, therefore, deciding finally upon the course we should pursue, I will ask you, from whom I have, up to the present time, experienced every courtesy in the execution of what must be to you as an Englishman a very unpleasant duty, to favour us with a reference to the statute law against the provisions of which you deem our firm to have offended, or to the principle of common law you think we are infringing. Permit us to say, that in the interview between our senior and yourself on the 12th instant he did not promise to detain the notes in question on receiving a notice to that effect, but simply to respect any notice from the Government which they had a right to give. We are at present advised that they have no such right. We think it right to inform you that while our principals in this matter desire to avoid unnecessary publicity they are prepared, on the other hand, by every constitutional means to protect and assert their rights."

Here he might state, in passing, that the Hungarian arms, which had so much alarmed the Government, were placed at the head of every advertisement in the Hungarian newspapers, were exhibited on the labels attached to wine bottles, and were used for a variety of other purposes. The House, he was sure, would agree with him in thinking that the Home Secretary ought to explain his statement that nothing further transpired in writing. He wished the right hon. Gentleman to state also from whom Sir R. Mayne received the note, whether it was not translated at the time Sir Richard brought it to the Home Office, and whether it was the same note which was produced in the Court of Chancery.

Sir GEORGE LEWIS:—My hon. Friend has said that my memory has been at fault, and that I gave incorrect information to the House on a previous occasion. I expected that he would state in what that incorrectness consisted, but I confess I do not exactly understand what was the inaccuracy of which I have been guilty. Upon a former occasion I merely referred to the communication which Sir R. Mayne had made to Mr. Day. I read the letters to the House, and stated that nothing further had taken place between them. I meant of course on the part of Sir R. Mayne; because I did not think it was necessary for me to refer to communications which Mr. Day had made to Sir R. Mayne, which were not in my possession at the time I answered the question—and, moreover, the question that was put to me had reference to the conduct of Sir R. Mayne and not of Mr. Day. Here I may state that I am far from imputing any blame to Mr. Day. I think he has acted with perfect propriety throughout. No question was put to me with respect to Mr. Day. My hon. Friend simply asked for an explanation of Sir R. Mayne's conduct and my own, and I stated to him all that had passed on the part of Sir R. Mayne and myself. I think, therefore, he has altogether failed in showing that my memory has been at fault. He now asks me how

Sir R. Mayne became possessed of the note. Sir Richard became possessed of it in consequence of its having been brought to him by a policeman. I wish to state in the most distinct and explicit manner, and upon the authority of Sir R. Mayne himself, that he never employed any policeman or any person whatever to obtain information with respect to the proceedings of M. Kossuth. He knew nothing of the existence of these notes until the note was brought to him. That was the first information he received on the subject. When the note was brought to him he thought it his duty to lay it before me. I can only repeat what I stated on a former occasion, that there was no person in the Home Office who understood Hungarian, and that I requested Sir R. Mayne to procure a translation of the note. Sir R. Mayne went to the Foreign Office, and the Foreign Office furnished him with a translation of the note. So much for two of the questions which my hon. Friend has put to me. His last question is whether the note produced in the Court of Chancery was the same note which Sir R. Mayne brought to me. It was the same note. It was upon my authority that the note was handed over to the Austrian Embassy for their information. Having thus answered the questions of my hon. Friend, perhaps the House will allow me to give a few words of explanation. I have already stated that I do not impute any blame to Mr. Day; that, on the contrary, I think he has acted with perfect propriety in the whole transaction. Mr. Day wrote two letters to Sir R. Mayne. I have not those letters here; but Sir R. Mayne has furnished me with what is more material, the substance of what passed at the interview which took place between them after the first letter. The interview took place at the Police Office on the 12th of February, and the following is Sir R. Mayne's account of it:—

> "Mr. Day stated that before he undertook the order he was advised that there was nothing illegal in the transaction. He brought with him two large sheets of the notes (unseparated), which he showed Sir R. Mayne. He stated that he brought them, because he supposed that it was with reference to them Sir R. Mayne had asked him to call; that he had made no concealment of them; that if Sir R. Mayne had visited their establishment they would have been shown to him."

I state this because my hon. Friend by his previous statement led the House to suspect that this was a clandestine operation on the part of Mr. Day; that the manufacture of these notes was carried on as if it had been the coinage of base money or the forgery of bank notes, and that great secresy was used. I do not at all collect from the statements or the conduct of Mr. Day that such was the fact. Mr. Day is a highly respectable tradesman; he is lithographer to the Queen; he has acted under legal advice, and believed himself to be conducting a perfectly regular and legal operation. I never imagined that the manufacture of the notes was concealed. It must have been known to a considerable number of persons connected, and perhaps unconnected, with his establishment. My hon. Friend seemed to me to put Mr. Day in rather an unfavourable position by representing that it was impossible that a knowledge of these notes could have got abroad without some breach of confidence. I gather from the statement made by Mr. Day himself that such was not the fact. I shall now briefly state the course which the Government took on becoming possessed of the note. As soon as I saw a translation it became evident to me that this was a preparation of notes to be used by a Government to be established in place of the existing Government of Hungary. Such being the nature of the operation in which Mr. Day was concerned it behoved the Government to consider whether it was a legal operation or not. I could not help remembering the opinions which were expressed some years ago in the House of Lords, particularly by Lord Lyndhurst, when that distinguished lawyer generalized the legal doctrine laid down in the case of "The King *v.* Peltier," that any person who, either by a single act, or by a combined act, tends to embroil this country with any foreign Government in amity with Her Majesty is guilty of a misdemeanour. That doctrine was laid down by Lord Lyndhurst on March 4, 1853, and it was acquiesced in by several other learned Lords. But the question arose also in this House of Parliament in the course of last Session on the Motion of the Member for the King's County (Mr. Hennessy), with reference to the assistance sent out to Garibaldi. On the 17th of May last that question was discussed, and upon that occasion my hon. and learned Friend the Attorney General laid down the law, and I believe it passed without any dissent, although several hon. and learned Members on both sides of the House took part in the debate. This was what my hon. and learned Friend said:—

> "The law prohibits anything that may endanger the peace between the Sovereign of England and the Sovereign of another State. That great principle of the law must be accepted by every person; and the common law of England, although it may have provided no particular remedy, yet in conformity with general good faith and expediency, lays down in the strongest manner the principle that all subjects of the realm are bound to abstain from every interference that tends to excite the subjects of another country against its lawful authorities. What those authorities may be is not the question. It matters not that they may be cruel or tyrannical; that is not the question. If the Sovereign be in amity with this country it would be wrong and illegal for any persons here to interfere with the affairs of his kingdom."—[3 *Hansard*, clviii., 1383.]

That doctrine so laid down by my hon. and learned Friend on the 17th of May was unchallenged. In the course of the debate the hon. and learned Gentleman the Member for Guildford (Mr. Bovill) said—

> "It is, I maintain, an offence of the most serious description for any individual—even though he may do it without concert with others—openly to invite subscriptions—it matters not whether they be or be not collected—for the purpose of aiding the revolt of the subjects of a foreign country against their Sovereign. Such a proceeding is a direct violation of international law, and ought to be held liable to punishment."—[3 *Hansard*, clviii., 1387.]

Well, then, if the collection of subscriptions for such a purpose be a violation of the comity of nations, by parity of reasoning the fabrication of money—the sinews of war—to be used avowedly by a Government which is contemplated to be established on the ruins of an existing Government—must be considered as coming within the principle of the prohibition. Bearing in mind these *dicta* of eminent lawyers, I thought it my duty to take the opinion of the law officers of the Crown upon this question. That opinion was not favourable to the legality of the proceeding, but they did not recommend the Government to take any active steps in the way of indictment or other legal proceedings. Having received that advice, and understanding that the Austrian Embassy regarded this as a matter which might be made the subject of a civil remedy, however little the Government might have contemplated that it could be so treated, yet when asked by the Austrian Embassy to assist them in carrying their civil remedy into effect, we thought we were bound to furnish them, as a Government with which we were at amity, with the evidence by which they sought to enforce their rights. That, Sir, is the extent to which the Government have interfered in this matter, and I trust the House will feel that we have not exceeded our duty.

In answer to the question which has been put to me by the hon. Member for Sunderland (Mr. Fenwick) as to the Report of the Commissioners on the subject of salmon fisheries, I shall only say that I have read that Report with very considerable interest; and it appears to me that the Commissioners have discharged their duty in a highly satisfactory manner with regard to a subject which is not of paramount though of considerable secondary interest. It is a subject requiring technical knowledge, and was, therefore, properly subjected to special inquiry. I quite concur with the view which has been expressed that the supply of salmon has been greatly diminished of late years, and that that diminution to a considerable extent might be prevented by means within the reach of legislation. That has been proved by the example of Ireland, and, to a certain extent, by the example of Scotland. As to how far it is a matter of private and how far of public interest, I will only say that will depend mainly on the question how far legislation is applicable to it. Any measure which, to a considerable extent, insures the supply of an article of food is in itself a subject of interest. The question is whether that supply can be augmented by legislative means? I confess it seems to me that it can. In connection with the spread of manufactures and impediments in rivers, no doubt, the subject is one of considerable intricacy and difficulty. But there arises another objection—that in order to render any inspection by public officers effectual it is necessary to a certain extent to make a draught on the public Treasury. I have had the subject under consideration, and I can only say that I am sanguine of being able to devise some means by which that kind of protection may be reduced within the narrowest limits. It will not be necessary to create a central board; it will only be necessary to have some inspectors to report to the Government. The expenditure will be experimental, and the inspectors will, in the first instance, be appointed only for a limited number of years. I should be disposed, if I thought the House would be likely to agree with me to ask for leave to introduce a Bill founded upon the Report of the Commissioners soon after Easter.

EXPENDITURE IN CHINA.

OBSERVATIONS.

Sir STAFFORD NORTHCOTE said, he rose to call attention to the mode in which the Vote of Credit of £850,000 for Naval and Military services in China for the year 1859-60 has been dealt with, and to the importance of regulating the system of dealing with the unexpended balances of Votes for Army and Navy services. It had been his wish to call attention to this subject when the House went into Committee of Supply, but although they had now arrived at the Easter recess they had taken Supply only on two occasions. No longer ago than last night, however, a step was taken by the Chancellor of the Exchequer, which very much diminished the interest the House might take in the question. What he had to say, therefore, would only go to the importance of proceeding rapidly with the Committee on Accounts which his right hon. Friend was to move on the first day after Easter, leaving the general question to be investigated by that tribunal. At the same time the case was one in itself of considerable importance, particularly as showing the necessity of putting some limit to the powers of the Government, and confining the expenditure of money in the way the House understood it to be voted, and intended it to be applied. About this time last year Government came down to the House and asked for £850,000 as a Vote of Credit for naval and military services connected with the war in China, intimating at the same time that £500,000 would be applied to the army, and the remainder to the navy. At that time his right hon. and gallant Friend, the Member for Huntingdon (General Peel), challenged the accuracy of the statement of the Secretary of War, and laid calculations before the House to the effect that £500,000 would not be sufficient to cover the excess of expenditure over the army Votes of 1859-60. Lord Herbert, however, maintained that it would be sufficient. Later in the Session, Lord Herbert came forward and proposed another Vote of Credit — £3,800,000, of which the greater part was for the service of the present year connected with the naval and military expenditure in China. He then stated how the money already voted for China had been expended. Of the Vote of Credit, he said, last year for £850,000, the amount which went to the army was £578,648, and to the navy £268,452. Again, his right hon. Friend the Member for Huntingdon stated that the Army Estimates would be deficient, and that the Government would require to apply for a supplementary Estimate. This was the state of things at the end of last Session. Now what he maintained was this—when a Secretary of State came down to the House and asked for a certain sum for the expenditure of any branch of the service, and maintained that that sum was sufficient, he was morally bound to confine himself within the grants made by Parliament; and if his calculations turned out wrong it was important that the House should know that he would be obliged to come down for the extra sum required, and present a supplemental Estimate. In July, Lord Herbert distinctly stated that the sum of £578,648 which was added to the £12,859,000 previously voted for the services of the year would be sufficient for the army, and he was bound in the face of the House to those Estimates and no other. As to the other sum of £268,452 that was apportioned for the navy, he had no more moral right to take that for the purposes of the army than he had to take any other sum expressly voted for the navy. Now, what actually happened? A Vote of £250,000 was placed to the credit of the navy in order to meet extra demands arising out of the war in China. That amount appeared to have been rightly calculated, because the item for stores connected with that expedition reached to about that sum. But there was an excess in the Vote over the expenditure upon another head belonging to the navy—namely, the building of certain vessels by contract. That excess was not a real saving, because it was not owing to a service having been performed at a lower cost than the estimate taken for it, but simply to a particular service having been partly postponed instead of being performed. It would be necessary in another year to execute the work thus put off, and the money voted for it ought to be held over for that purpose or handed back to the Treasury. The amount not expended in the construction of vessels by contract was about £250,000. Finding that to be the case the Government did not apply the £250,000 of the Vote of Credit to the purposes for which it was wanted, but they took the balance upon the item for vessels which ought to have been built, and devoted it to the payment of the charge for stores, handing back the sum given for the

Vote of Credit. He would now turn to the accounts for the army; but here he was met by a difficulty. Although the Admiralty had, in conformity with the Appropriation Act, laid on the table, along with the Navy Estimates, the correspondence between that department and the Treasury relating to the transfer of the surplus of one Vote to supply the deficiencies of another, the War Department had failed to comply with the like statutory condition. The latter department had fallen into the bad habit of not laying such papers on the table; and therefore it was impossible to say positively what had taken place in regard to the army expenditure. As far, however, as he could collect from the explanations given in that House, it would seem that as the year grew on the Government began to suspect that his right hon. and gallant Friend was right, and that more money would be needed to make up the deficiencies of the Army Estimates for 1859-60. Finding that to be so, he contended that it was their clear duty to come to the House for a supplementary Vote. He did not say they were bound to do that legally, but morally, after what happened in July. But they did no such thing. They made the Vote for the building of ships do duty for the Vote applicable to the purchase of stores, and handed the £250,000 of the Vote of Credit over to the Treasury chest, where, as he understood, it was still applicable to the army service. They had thus done indirectly what they could not do directly, thereby utterly frustrating the checks which the jealousy of the Legislature had imposed upon the appropriation of public money. In fact the proceeding amounted almost to an abuse of the confidence of Parliament. As, however, the House had now the prospect of having a Committee of Accounts, this matter could be more satisfactorily looked into. His object in bringing it forward was not to prefer any accusation against the Government, and when he placed his Notice on the Paper he did not know that the nomination of that Committee would be proceeded with. With respect to the Vote for building ships by contract, he did not impute the delay in constructing these vessels to the Government; he believed it was entirely due to the contractors, or to other circumstances. But if the money granted for that particular purpose was to be applied as it had been in this case, and the transaction was allowed to go unchallenged by the House, it was obvious that they would open a door to the most grievous irregularities, since it would be easy for the Government, if they found their Estimates insufficient, to put off important work for which provision had been made, and to apply the money voted for it to another purpuse. It was obvious that Votes of Credit must be much less under the control of Parliament than others, and he thought the matter deserved the special attention of Parliament. He wished, therefore, to ask his right hon. Friend whether the sum of £250,000 had been dealt with in the way he had described, and whether papers giving a detailed account of the application of the Vote of Credit would be laid upon the table?

General PEEL said, he had one or two questions to put before the right hon. Gentleman (the Chancellor of the Exchequer) replied to the questions just put to him. The right hon. Gentleman had the other night told him that no portion of the Vote of Credit of £850,000 would be applicable to the charge of £610,000, which the Indian Government stated in January would be required for army purposes early in the spring; because, he said, the expenditure for which the latter was voted would not fall within the financial year. The question was whether any part of the expedition of that item of £610,000 would come within the financial year 1859-60. He believed that if the right hon. Gentleman had the good fortune to see a settlement of accounts between the Indian and the British Governments he would find that a great part of that money would be applicable to 1859-60, and could not be applicable to any other year. And in this way:—The European troops going from India to China were upon the Indian establishment, therefore, it was very probable that the European portion would not be chargeable to England until the year 1860–61, when they arrived in China. But it was very different with regard to the Indian troops. The troops who volunteered in India to go to China were, from the moment of so volunteering, chargeable upon the British establishment. They were told that from the time of volunteering they would receive half batta; and, therefore, whether the men were afterwards in India or China, they were upon the English establishment; and, therefore, it was clear that that part of the expenditure in respect of Indian troops which took place in 1859-60 must be paid out of the Vote of Credit for that year.

He should be glad to hear from the right hon. Gentleman how he had intended, when he made his financial statement last year, that that sum of £610,000 was to be paid? No provision had been made for it in the Estimates for the subsequent year, and no further Vote of Credit was hinted at beyond the £500,000 for the war in China. That amount would not have paid the expenses of the Indian Government, and would not have sufficed to pay one month's expenditure in carrying on the Chinese war. In his financial statement, the right hon. Gentleman professed to give an account of all monies that would be required to cover the expenditure, not only of the year 1859-60, but also of the year 1860-61. Upon the faith of that statement the House was called upon to make great changes in the taxation of the country. But what could be said of the accuracy of the statement if £610,000 due to the Indian Government, which they had stated would be required early in the spring, was unprovided for, either in the Estimates of the year 1859-60 or 1860-61? He wished to ask how the right hon. Gentleman, at the time he made his financial statement, proposed to meet that £610,000? He also wanted to know if the Vote of Credit for £850,000 was not based on the account received from the Indian Government, for what and when it would be required? It could not have been wanted on account of the navy because the navy would not need it; nor could it have been required by the Secretary of State for War, who, only ten days before the close of the financial year, said not only was there no excess of expenditure, but there had been an actual saving of £5,000. He (General Peel) had been recommended to wait until the accounts were on the table; but it was unnecessary for him to do so, as a Return which he had moved for gave all the information that was necessary. From that Return he found that the total number of effective men upon the army establishment in 1859-60 was 136,436, not including officers and staff. He did not know whether the cost of officers and staff was included in the gross amount taken for the effective strength of the army as given in the Return. [Mr. T. G. BARING: It is!] The Return showed that the cost of each man was £54 4*s.* 3*d.*, and the aggregate amount was £7,389,759 2*s.* 8*d.*; while the total amount in the Estimates was only £6,693,627, so that the excess of expenditure was £696,132 2*s.* 8*d.* How the Secretary for War within ten days of the close of the financial year could make the statement he did it was difficult to understand. If he (General Peel) was correctly informed, one-third of the excess would arise upon the embodied militia; and, if so, it would puzzle the ingenuity even of the right hon. Gentleman to show how the excess arose out of the China war. He wished to know whether any supplemental Estimate was required in addition to the Vote of Credit to supply the excess of expenditure upon the Army Estimates.

MR. PEEL said, that before the Under Secretary for War answered the questions of his right hon. relative, he would reply to those of the hon. Baronet the Member for Stamford (Sir Stafford Northcote). He could not admit that the Vote of Credit of £850,000 had been applied by the Government in any way inconsistent with a fair construction of the statements made by the Ministers of the Crown, or to any purpose not contemplated by the special grant. That sum was voted last Session to defray the extraordinary expenses of the expedition to China, to the close of the year 1859-60. Of course, the amount of that Vote must have been fixed after calculation of what the extraordinary expenses would probably be. It was supposed that the extraordinary expenses of the military department would be £500,000, those of the naval department £250,000, and that the expenses paid in India would have to be met by the balance of the Vote of Credit. But it would have been preposterous to require that when the Government in March, 1860, were asking for a Vote of Credit, the amount of which had to be fixed by them at that time, they could pledge themselves to the actual expenditure which was taking place in the very same month in three several departments, and in places so distant as India and China, or that they could make it correspond exactly with their own calculations as to the probable apportionment of the Vote. They did, however, show this degree of confidence in their own Estimates, that when the money was voted they made an issue in the proportions which they had mentioned—namely, £250,000 to the navy and £500,000 to the army; but with this distinct understanding that, in the event of the ordinary grants for the year sufficing both for the ordinary and for the extraordinary expenditure of the particular departments, then that special issue should be returned to the Exchequer, and not be made use of. The hon. Baronet's view was that because there was an excess in some particular Vote on the Navy Estimates, the amount so taken in excess should not have been paid over for some excess of expenditure over the Vote of Credit, assuming this to have been due to the war in China, was founded on a misconception of the scope and purport of the Appropriation Act. The Appropriation Act did not permit, under such circumstances, the application of the Vote of Credit to the general expenditure of the navy, and therefore the Government had not got it in their power to apply any portion of the Vote of Credit to cover any excess there might be in the expenditure over the Navy Estimates, unless it could be shown to be chargeable to expenses incurred in China. But if, in closing the account of the expedition, there had been a general result, an excess upon the Vote of Parliament, then to the extent to which that excess was due and chargeable to the expenditure for the Chinese expedition, to that extent it must have been paid out of the Vote of Credit. When it appeared, therefore, that the ordinary grants for the year would be sufficient, that sum of £250,000 was returned, and placed to the account of the special grant for China, so that it now remained available, in the event of its being necessary, to pay for the excess of the army expenditure of 1859-60, if that were due to any expenses incurred in China. He thought that was a sufficient answer to the observations of the hon. Baronet, and a sufficient justification of the course which had been pursued by the Government.

TEA AND SUGAR DUTIES.

OBSERVATIONS.

Mr. GREGSON rose to call the attention of the House to the Customs' duties new levied on tea and sugar, and to suggest to the Government that they should take the subject into their early consideration. The hon. Member spoke nearly as fellows:—After the discussion which has just taken place on an item in the War Expenditure for China, I turn with pleasure to a more agreeable subject relative to our commercial relations with that country, and I have now to beg the indulgence of the House, feeling that I may be thought to have undertaken a hopeless task in appealing for a reduction of the Customs' duties on tea and sugar, especially after the recent decisions of the House against the repeal of the hop duty, and the modification of the fire insurance duty. I am aware also that many hon. Members may say, if any reduction of taxes be practicable let us have a reduction of the income tax, and the hon. Member for Birmingham will call out for the abolition of the paper duty; but it must be borne in mind that some of these reductions would involve a partial and others a total permanent loss to the Revenue, while the two great commodities of which I speak being of universal consumption are classed in the demand for them, and would by a reduction of duty not only in a short time restore but absolutely improve the Revenue. Tea and sugar are now as necessary to us as our daily bread. I propose, first, to show the very heavy duties imposed on the importation of tea and sugar; and then to endeavour to prove from past experience that a reduction of duty would lead to a great increase of consumption and a consequent increase of Revenue. The stock of tea in this country on the 1st of January, 1861, was 69,000,000 of lbs., the average value of which was 1*s.* 3*d.* per lb., amounting to £4,000,000 sterling, while the duty at 1*s.* 5*d.* per lb. amounted to £4,500,000, being equivalent to a duty of 110 per cent, rather different from the import duty at which by the new treaty we have stipulated for the admission of our manufactures into China, namely, at about 5 per cent. The heavy duty on tea may be shown in another way:—Average price in bond 1*s.* 3*d.* per lb.; duty, 1*s.* 5*d.*: 2*s.* 8*d.*; trade profit say 1*s.*; duty paid, 3*s.* 8*d.* per lb. The dealer in tea must, of course, as in other commodities, take his profit on the whole cost to him, whether it be in the value of the tea or the duty comprising his cost. Thus the consumption in 1860 being 77,000,000 of lbs., the dealer's profit on his outlay for duty at 6*d.* per lb. would be nearly £2,000,000 additional paid by the consumers; a charge which does not fall on the public in the case of the income tax, directly paid to the Government collector of that tax. The Revenue from tea at a duty of 1*s.* 5*d.* per lb. is larger than it was when the duty was 2*s.* 2¼*d.* per lb. fourteen years ago. Duty in 1846, 2*s.* 2¼*d.*; Revenue, £5,000,000; in 1857, 2*s.* 2¼*d.*; Revenue, £5,700,000; in 1860, 1*s.* 5*d.*; Revenue, £5,400,000, being equal to 110 per cent on the gross market price, which includes prime cost in China, insurance, freight, and all charges; and if the duty were reduced to 1*s.* per lb., it would be

100 per cent on the probable price when the trade is permanently established in peaceful intercourse. The consumption of tea was in 1846, 47,000,000lb.; in 1851, 54,000,000lb.; in 1860, 77,000,000lb.; and though this is a surprising increase, it gives only about 2½lb. per annum per head for the whole population, while in the Channel Islands it is stated at 4 lbs. per head. In Australia 10lb. to 12lb. per head. In this country the allowance to domestic servants at ¼lb. each per week would be 13lb. per annum. An increase of 1lb. per head on the general consumption would bring up the quantity to 100,000,000lb., and the duty at 1*s.* per lb. would amount to fully £5,000,000. I shall now advert to Sugar, but not in the same detail. A very large increase of consumption has followed the reduction of duty, and the admission of Mauritius and Bengal sugar. The consumption was in 1843, 200,000 tons; in 1853, 370,000; in 1860, 440,000 tons; but the duty is still too high, being 50 per cent on the gross market price. The cost of sugar consumed in 1860 was—price in bond, £12,000,000; duty, £6,000,000; together, £18,000,000; and the cost of tea consumed was—price in bond, £5,000,000; duty, £5,000,000: total, £10,000,000. Thus—

	Sugar.	Tea.	Total.
Duty ...	£6,000,000	£5,000,000	£11,000,000
Cost ...	£12,000,000	£5,000,000	£17,000,000
Total...	£18,000,000	£10,000,000	£28,000,000

First wholesale cost, the retailers profit to be added. This is a marvellous amount, partly owing to increase of population, but mainly owing to the increased ability of the people, consequent upon the extension of commerce by free trade, a very gratifying result of that policy.

I may give another instance in coffee, which is not in the same universal demand as tea and sugar. In 1800, the consumption was 750,000lbs.; in 1860, 40,000,000lbs. The duty in the first period at 1*s.* 6*d.* per lb. was £12,000; in 1860, the duty at 3*d.* reached £500,000. I will now refer to the Acts imposing Customs Duties on tea and sugar. Tea, by the Act of 1853, to pay 1*s.* 10*d.* per lb. until it gradually descended in 1856 to 1*s.* per lb.; but the decline in 1854 was arrested and 1*s.* 9*d.* imposed but to continue only till twelve months after peace with Russia; in 1857, to be 1*s.* 3*d.* per lb.; in 1858, and after, 1*s.* per lb. Another disappointment occurred, in 1857 the duty was altered to 1*s.* 5*d.* per lb., which in 1860 was again continued till the 1st of July, 1861, and it is now to be hoped these repeated disappointments will not be continued. The duty on sugar, which in 1852 had descended to a uniform rate of 10*s.* per cwt., was raised in 1854 to a complicated differential scale of about 14*s.* per cwt., varying from 18*s.* 4*d.* to 12*s.* 8*d.* per cwt. This mode of assessment is very inconvenient and uncertain, and encourages the production of a lower quality of sugar to save the higher rate of duty, while a fair uniform rate encourages the importation of the best sugar, and I hope before the expiration of the Act on the 1st of July next this grievance will be remedied. The progress of the trade with China since the abolition of the East India Company's monopoly is well worthy of observation. The India Company imported annually about 3,000 bales of silk. In 1860, free trade brought us 70,000 bales, increase more than twenty fold: value, in the East India Company's time, £300,000; in 1860, £7,000,000. Likewise in tea—it was said by the Company Free-traders would not be able to procure tea, and the quality would be inferior; the result is, as good tea comes in abundance, and, while the annual supply by the East India Company was 24,000,000lbs., in 1860 we imported 92,000,000lbs., the increase being nearly four-fold. But it may be asked if silk, a luxury, has increased so enormously, why has not tea, a necessary of life, increased in the same proportion? The great reason is silk was then subject to a high duty on importation—it is now entirely free, while tea is still taxed more than 100 per cent. I will now very briefly draw attention to the large amount of shipping engaged in carrying these two commodities. Tea, 95,000 tons; sugar, 440,000 tons; together, 535,000 tons; and I contend that this tonnage is susceptible of great extension by a reduction of duties. Even the addition of 1,000,000lbs. of tea gives employment to 1,000 tons of shipping. Let the duty be made 1*s.* per lb. on tea; the duty on sugar uniform at 10*s.* per cwt., and the good effects will soon appear. I beg to thank the House for this patient hearing, and I will conclude by addressing a few words to the right hon. Gentleman the Chancellor of the Exchequer. I do not ask him to give me any answer now, but I do earnestly entreat him to ponder these facts during the rather long Easter recess. I hope he will proceed in that course which he has so ably and successfully pursued in the reduction of Customs' duties; and especially with regard to tea and sugar, I ask him to consider the commercial, the shipping, the social, the moral, and, for his revenue, even the fiscal bearings of this subject; and I do hope on all these grounds he will give further encouragement to "The cup which cheers but not inebriates."

THE CHANCELLOR OF THE EXCHEQUER: As it would have been very disagreeable to me to decline any request proceeding from a Gentleman so much respected as my hon. Friend (Mr. Gregson), I am exceedingly glad that he does not ask for an answer to his statement. It would have been quite out of my power now to enter into a discussion of any subject connected with the duties upon tea and sugar. The facts given as to the growth and the consumption of tea and sugar, and as to the trade with China, are facts of the highest interest and importance, and I am only sorry that there has not been a more favourable opportunity of bringing them under the notice of the House, proceeding, as they did, from one who is entitled to speak with the highest authority upon the question. To one administrative question relating to the classification of the duty upon sugar, apart from the amount of the duty, I may for a moment refer. With respect to that, I must remind my hon. Friend that it is a subject of the greatest difficulty; that it embraces not merely the classification or non-classification of the lower descriptions of sugar, but, likewise, whether the uniformity of duty for which he would call is to be extended to refined sugar or not; because the duty upon unrefined and refined sugar is a matter of degree just as much as the difference between different sugars of any other classes. This being so I am not sanguine that the difficulty will within any reasonable time be entirely overcome.

I now proceed to answer what has been said by my right hon. and gallant Friend (General Peel). He is not precisely accurate when he represents me as saying that no portion of the £850,000 Vote of Credit for 1859-60 would be applicable to defray in part the £610,000 claim which was coming in from the Indian Government. That is little more than I stated. What I said was that with regard to the £430,000, which was the most bulky item of that claim, I did not conceive it to be a proper object of the Vote of Credit of £850,000 to provide for meeting that sum; nor, indeed, I may say, to meet the Indian claim, excepting in a very small degree. I do not agree in the opinion that when a certain estimate is framed as to the amount of any amount of incoming claim the amount of that estimate ought to be asked from Parliament forthwith, irrespective of the period when demand for payment is likely to be made. I may be wrong, I do not know of any absolute rule in the laws of this House or in the law of the land which determines the principle; but, undoubtedly, I have always, generally speaking, considered it to be the duty of the Government to ask the House from year to year to meet what is likely to be the probable demand upon the Exchequer within the year for each particular service. Consequently, if we had attempted to found a statement for a Vote of Credit for £850,000 in 1859-60 upon a notice from the Indian Government that early in 1860-61 they considered they would be in a condition to make that claim, we should, in my opinion, have committed a great error. I do not say that we had a discretion, and exercised that discretion in a particular manner, for, upon that point, I think we had no discretion. There is another point to which I may refer. I do not think my right hon. and gallant Friend takes an altogether accurate view of the responsibility of the Treasury in proposing Votes of Credit. In my opinion the primary responsibility for proposing Votes of Credit rests with the military department, and the responsibility of the Treasury lies in the manner in which they deal with the demands made by the military department. If, for example, the Treasury undertook to cut down the demands made by the military department, it would incur serious responsibility, and would be exclusively bound to show the grounds upon which those demands were cut down. The primary responsibility as to the sufficiency of a particular Vote of Credit lies with the particular department in which the demand originates. However, as regards the £850,000, we acted with strict propriety in bringing together first of all the demand made by the War Department; secondly, the demand made by the Naval Department, and in adding, thirdly, a small residue on account of any possible charge in India, or rather by way of margin, over and above these demands. My right hon. and gallant Friend then says—"If you had in view a demand amounting to £500,000, which was not provided for by the Vote of Credit in the year 1859-60, why did you come to Parliament at the time of our Budget for so small a sum on account of China as £500,000, which sum undoubtedly did not include a margin to cover that demand ?" My answer is two-fold. In the first place, at that period—namely, in January—I had not the smallest means of judging from former practice, and from the system pursued in the settlement of accounts between the Indian and the British Governments, as to the time when the demand from the Indian Government would be made. It is true it was to be made in respect of expenditure incurred by the Indian Government for an expedition to sail in May, 1860; but I ask my right hon. Friend to look back at the manner in which the whole of these war accounts have been conducted between the two Governments for a series of years. I beg him to bear in mind the principle I lay down, and which I am prepared to defend—namely, that it is the business of a Government to ask in each year for the sums which will probably be payable within the year; and then he will see that the question whether that particular sum would be claimable and claimed even in 1860-61 was a question of a very shadowy description and exceedingly difficult to deal with. It is true we have now materially altered that system, and, that though the formal settlements of accounts with the Indian Government are still unsatisfactory, yet we are paying up with great comparative rapidity, so as not to be heavily indebted on account of charges incurred. But that is a practice which grew up only in the course of the last year. At the time we speak of the orders had but recently been sent out. That is the first element of my answer to my right hon. and gallant Friend. But there is another most important one. When we asked Parliament for £2,500,000 for the expenses of the Chinese expedition, that was an arrangement based strictly upon the facts before us—namely, that we had failed to obtain the ratification of the Treaty of Tien-tsin, and had in consequence ordered an expedition of considerable numbers and charge to go to China. But the calculation was not based on the knowledge of the contingency of absolute war. There are some hon. Gentlemen here who saw—after the fact—that war would occur; but, even had we been among the fortunate individuals who foresaw what would take place in China, we should not have been justified in asking Parliament to provide a war expenditure till we were certain there would be war. But, suppose the war had not broken out, the question was would the Treaty of Tien-tsin be ratified ? If it had been, then, in a few months we should have come into the receipt of a considerable sum of money from the Chinese Government that would have been applicable to the Ways and Means of 1860-61. There would have been ample means from that source of covering the outside of the Indian demand. That is the answer I must give the right hon. Gentleman. Looking back at the circumstances of the time, I do not think we should have been justified in asking Parliament for a larger sum than we did ask on account of the expenditure for the Chinese expedition.

With regard to the question raised by the hon. Gentleman the Member for Stamford (Sir Stafford Northcote) it was quite a different one. It would be unreasonable to complain of the hon. Gentleman raising a discussion upon it. He is one of the few who are acquainted with the dry details of accounts, than which nothing is more difficult to make intelligible across the table. But I think the principle he lays down as to Votes of Credit is entirely wrong. He says we asked for a Vote of Credit of £850,000, and that in doing so the Secretary for War was bound to state as clearly as possible the reasons for asking for it. The hon. Gentleman also says that this information having been given, the money is to be considered as a formal addition to the Vote for the two services, and that the Government is not at liberty to use the money except according to the explanation. But all the information respecting this war expenditure was essentially uncertain, and to say that giving that information tied up the hands of the Government—the same as if half a million had been added to the Vote for the army and a quarter of a million to the Vote for the navy—is a doctrine that would destroy Votes of Credit altogether. The Government must have a larger discretion in the application of the money between all the services engaged in the operations of the war. If the hon. Gentleman's doctrine is a sound one, no such thing as Votes of Credit can be asked of the House of Commons. But, as this subject is to be referred to a Committee which will examine the accounts, I shall be happy to render every assistance to the elucidation and discussion of the matter. It is one of great importance; but the principle laid down by the hon. Gentleman is wholly opposed to the public convenience and the practice and usage of all Governments. The time is near when the army account will be closed, and only then can the real issue be raised.

SIR BALDWIN WALKER AND THE ADMIRALTY.

LORD ELCHO: Sir, the House will probably be of opinion that it has had enough of Sir Baldwin Walker. ("Hear!") I was fully prepared for a responsive cheer to that sentiment; but I hope the House will allow me a moment to explain the reasons which induced me to put on the paper another question relative to this subject. I have no personal motive whatever in putting this question. Sitting below the gangway I do not feel any deep interest in showing the faults of the present Board of Admiralty, nor have I any reason for showing that they are faultless. I have no personal interest in the question; for, although I have the pleasure of the acquaintance of the noble Lord the Secretary to the Admiralty, I am not one of his intimate personal friends. But I do feel an interest in this question, which I am sure every Member must feel, as it affects the character and credit of our public men. An impression has gone abroad, whether rightly or wrongly, that an attempt has been made on the part of the authorities of the Admiralty to evade a promise made by the First Lord of the Treasury with reference to the detention of Sir Baldwin Walker — an impression which I do not think is advantageous to the noble Lord the Secretary to the Admiralty. I believe, from circumstances which have recently come to my knowledge, and which I believe to be accurate, that that impression is unjust as regards the course pursued by the noble Lord; and, therefore, I thought it my duty to put this question on the paper. I have had no communication with the noble Lord on the subject. I placed the question on the paper without his knowledge, and no conversation or allusion has passed between us on the matter. The circumstances as to this unfortunate affairs as related to me appears to be this— that immediately after the promise made by the First Lord of the Treasury that Sir Baldwin Walker should be detained, the Secretary of the Admiralty wrote two telegraphic messages, which it was intended should be immediately forwarded to the Admirals at Portsmouth and Plymouth to detain Sir Baldwin Walker. That intention, however, of the noble Lord was overruled through the intervention of one of the Naval Lords of the Admiralty. The question as to whether these messages should be forwarded that night was referred to the noble Duke at the head of the Admiralty. Unfortunately, however, that noble Duke is reported to have retired early to rest that evening. He was supposed to be dreaming of the destruction of the iron fleet of France by the wooden fleet of England; and it was not thought desirable by those who watch over the slumbers of that noble Duke to awake him on that occasion. Being unable, therefore, to communicate with the First Lord, communication was held with the First Naval Lord. What has been stated very recently in "another place," by the First Lord of the Admiralty explains the view taken by the first Naval Lord on this question. But although that explanation has been given in "another place," I put this notice on the paper to enable the noble Lord the Secretary to the Admiralty, if he should feel desirable, to give any further explanation on the subject. I, therefore, beg to ask the Secretary to the Admiralty whether, in fulfilment of the promise made by the First Lord of the Treasury, that Sir Baldwin Walker should be detained to enable him to appear before Admiral Duncombe's Committee, he immediately wrote two telegraphic messages, the one to the Admiral at Portsmouth, the other to the Admiral at Plymouth, desiring them to take all possible means to overtake or intercept Sir Baldwin Walker; whether the cause of these messages not being immediately forwarded by telegraph arose from circumstances over which he had no control, and whether he would state those circumstances to the House; also whether any instructions were sent through Admiral Bruce, or through any person, to Sir Baldwin Walker, desiring him to go to sea immediately, and not to allow himself to be caught?

MR. BUTLER JOHNSTONE said, he rose to ask the Secretary to the Admiralty what number of Boys are on board the Training Ship *Britannia*, at Portsmouth, if it is true that there is considerable sickness on board from overcrowding; and if it is true that the sewers of Gosport are discharged into the Harbour in the vicinity of where the *Britannia* is moored?

SIR HENRY WILLOUGHBY said, it was due to a gallant Admiral now on foreign service (Sir Baldwin Walker) to state that he had already been examined for three days before a Commission on which he (Sir Henry Willoughby) had sat, and that he had given his evidence in a full, free, and straighforward manner which showed that he had nothing to conceal.

LORD CLARENCE PAGET: In answer to the question relative to the cadets of the *Britannia*, it is, I admit, impossible to overrate the importance of a healthy situation for the education of these youths, who are, I trust, to be the future Nelsons of the navy. I can assure the hon. Gentleman and the parents who may send their sons on board the *Britannia* that the Admiralty are continually inspecting her and receiving reports upon the state of the vessel, and upon the progress and health of the cadets. I believe that these young gentlemen since the establishment of this training vessel have been on the whole, very healthy. It is true that late last autumn a disease or diseases, in the shape of measles and fever, broke out on board. This occasioned great anxiety to the Admiralty, and it was a question at one time whether it would not be necessary to break up the establishment altogether. An inquiry was instituted, with a view of discovering, if possible, the origin of the sickness that had occurred, but it was never made out that it was due to the drains in the neighbourhood. The *Britannia* lies at a considerable distance from the shore, and I cannot think that the breaking out of these maladies was due to the effluvium from the drains. It is true that a great number of these youths were taken ill. At one time there there were 38 cadets, out of 200, who had measles and fever; but the health of the cadets has since gradually improved. The best proof that there is nothing against the *Britannia* as a healthy vessel is that at this moment there are but two cadets on the sick-list, who are ill of catarrh. In the hospital there are three cadets—one ill of fever, another of measles, and a third of catarrh. That is the whole number of sick cases out of 204 cadets now on board. The parents of these children have, therefore, no occasion for alarm.

I now turn to the question of the noble Lord with regard to the supposed abduction of Sir Baldwin Walker by the Admiralty. I should have been contented to rest under the stigma cast upon me by two or three Gentlemen in this House. I think that the hon. Member for Portsmouth stated—and really I almost dreamt I was the First Lord of the Admiralty, he seemed to consider me so powerful—that I had ordered Sir Baldwin Walker to proceed to sea, "blow high, blow low;" that I had risked the lives not only of himself and of his wife and children, who were on board, but also of his ship's company; and that I forced him to sea with the view of getting rid of his evidence before the Admiralty Committee. That was one accusation. Then the right hon. Gentleman opposite (Sir John Pakington) accuses me of neglecting to send a telegram when my noble Friend the First Lord of the Treasury stated to the House that he would give immediate orders that a vessel should be sent to intercept Sir Baldwin Walker. The right hon. Gentleman told the House that I had gone home, taking no notice whatever of the wishes of the House; that I had only at half-past eleven next day communicated with my colleagues, and that then a wretched small vessel was sent after him. I should have been perfectly satisfied to rest under the indignation of the right hon. Gentleman and of the hon. Member for Portsmouth, for it did not give me much uneasiness. I knew I had acted as it was my duty to act during the whole of these proceedings, and, therefore, I took no notice of these insinuations. So the matter would have rested, and I should have taken no notice of it if it had not been that unfortunately two gallant brother officers were joined with me in this dreadful conspiracy. First of all, with regard to the abduction of Sir Baldwin Walker, a gallant officer, the Commander-in-Chief at Portsmouth, wrote to me, after reading a leading article in a paper, the name of which I need not mention, but which we know is conducted by a very able and distinguished gentleman. This paper stated at the conclusion of its article that it would recommend the Committee to ask the Port Admiral at Portsmouth whether anything did pass on this subject—that is, whether the Port Admiral had been sent out with orders to Sir Baldwin Walker to proceed to sea, blow high or blow low. Now, the Admiral at Portsmouth did not bear his stripes so easily as I do mine. He thought that this was a reflection on his honour, and this is the letter he wrote to me. It is from Admiral Bruce, the Commander-in-Chief at Portsmouth:—

"Admiralty House, Portsmouth,
"March 8, 1861.

"My Dear Lord Clarence,—*The Times* of to-day says that I ought to be questioned respecting a parting communication (said to have been) held with Sir Baldwin Walker. The fact is, that I did detain the ship about an hour to put on board her some ordnance stores, without which her Armstrong gun would have been useless, and which Captain Caffin came to me about. The *Narcissus* being steaming away at the time, and the stores having been sent out in a sailing hoy from the gunwharf, they would not otherwise have reached the ship. I went out myself to see that there was no unnecessary delay, but I did not want to see the Admiral, nor did I see him, as he had gone to Osborne to wait upon the Queen. So—like Canning's needy knife-grinder—'Story! Lord bless you, I have none to tell, Sir.'"

I trust this will answer the question of the noble Lord as to "whether any instructions were sent through Admiral Bruce, or through any other person, to Sir Baldwin Walker, desiring him to go to sea immediately, and not to allow himself to be caught." With regard to this matter, it appears to have been stated by a noble Lord in "another place," that at table, in a *post-prandial* communication—after, as we sailors should say, they had "piped to grog"—some one declared that he positively knew of his own knowledge that Admiral Bruce or some other person had been sent out to hasten Sir Baldwin Walker's departure. Sir, I feel almost ashamed to repeat, upon my honour, that neither the noble Duke nor myself, nor any one connected with the Admiralty, either publicly or privately communicated with Sir Baldwin Walker any desire that he should proceed to sea. The noble Duke has already stated, and I have also told you before, that Sir Baldwin Walker's orders were sent out to him on the morning of the 27th, the previous Wednesday. Sir Baldwin Walker's orders were made out on Tuesday, the 26th of February, and were delivered to him at the Admiralty on the morning of the 27th. He left London on Thursday, the 28th, and sailed from Portsmouth on Saturday, March 2nd, putting back to Yarmouth Roads on account of bad weather. I now pass to the other portion of the question put to me. The noble Lord asks, "whether, in fulfilment of the promise made by the First Lord of the Treasury that Sir Baldwin Walker should be detained to enable him to appear before Admiral Duncombe's Committee? I immediately wrote two telegraphic messages—the one to the Admiral at Portsmouth, the other to the Admiral at Plymouth, desiring them to take all possible means to overtake or intercept Sir Baldwin Walker." I should have had great pain answering that question, if it had been asked on any previous occasion; but I am relieved from such feeling by the handsome manner in which my noble Friend the Duke of Somerset, and, indeed, the whole Board of Admiralty have acted towards me. I will now read a letter which I have received from the Senior Naval Lord of the Admiralty, who has the whole management of the movements of Her Majesty's ships, and in which he explains the circumstances relating to these telegrams—

"Admiralty, March 22, 1861.

"Dear Lord Clarence,—I observe in the Notices of Motions in the House of Commons for to-day that there is notice, by Lord Elcho, of questions to be put to yourself in reference to the two telegraphic messages sent ready written by you with a view to the recall of Sir Baldwin Walker. It is, I think, important to the Board, and it is of consequence to me, that the answers to be given should be clear and distinct, and I write this letter in order that there may be no misapprehension, and with the express wish that it may be read to the House. The two telegrams written and signed by yourself are still in my possession. They were left at my house on the night in question by Admiral Pelham, accompanied by a note from himself, stating the substance of what had passed in the House of Commons, which he had heard in the strangers' gallery; and he mentioned to me that he had left them in order that I might do as I thought right in the matter.

"I wish it to be understood that I had no hesitation in deciding that it would have been highly improper in me to have acted at all upon such information. The Commissioners for Executing the Office of Admiralty are the servants of the Crown, and I believe I am correct in thinking that the proceedings of the House of Commons cannot be officially known to them at all; and, if known, cannot be regarded in the light of orders for the distribution of the fleet, or the movements of particular ships. Such orders, when sent to the Admiralty, can come only by command of Her Majesty, and should be communicated by letter from the Secretary of State, or by similar established authority. No such authority was received by me, and, under all the circumstances of the moment, I considered that a most unsafe precedent might be established in practice if I had consented hastily to act in the manner contemplated by you.

"It will be apparent to everybody that you could give no orders upon your own authority.

"Very truly yours,
"R. S. Dundas."

"Rear Admiral the Lord Clarence Paget."

All I can do is to state again that nothing would have induced me to go through these details had it not been the earnest wish of the noble Duke at the head of the Admiralty and of Sir Richard Dundas that I should do so. I cannot conclude without stating my belief that there is not a better officer in the navy than Sir Richard Dundas, and that he acted on this occasion according to what he considered his duty towards the Admiralty.

SIR JOHN PAKINGTON: I must say I do not consider the explanation of the noble Lord at all satisfactory, and I desire to put another question, but I wish to found that question on the only two points in this subject which I have ever regarded as being of a serious nature. I regard them as being serious, because they bear directly on the relations which do, and ought to, exist between the Ministers of the Crown and the House of Commons. Sir, I have never for a moment attached the slightest importance or credit to the rumour which has been floating about the town, and which my noble Friend the Secretary of the Admiralty has completely disposed of to-night, that Admiral Bruce on the morning that the *Narcissus* sailed, had taken out any instructions to Sir Baldwin Walker to hurry out to sea, and to keep well to the south of the Channel. But I must say that there are two points connected with the departure of Sir Baldwin Walker to which the House of Commons ought to give serious attention, for the reason I have stated. First, I entertain a strong opinion that after the Admiralty had consented to the appointment of a Committee to inquire into the constitution of the Board of Admiralty, it was an act of great impropriety on the part of the Admiralty to allow, quite unnecessarily, the departure of one of the chief witnesses likely to be called upon to give evidence. I cannot for one moment admit the excuse of the noble Lord the Secretary to the Admiralty, that he had applied to a Member of this House, who was about to move for that Committee (Admiral Duncombe), and had heard from that hon. and gallant Member that he thought Sir Baldwin Walker's evidence unnecessary. I say that there was no Member of this House who could without presumption pretend to say whether that Committee would require Sir Baldwin Walker's evidence or not. On the contrary, Sir Baldwin Walker had for fourteen years held one of the most important posts in the Admiralty; and it was a self-evident fact—at least it was a matter of strong probability—that that Committee would require his evidence. Whether he proceeded to the Cape a week sooner or a week later no one could pretend to think a matter of the slightest importance, and I now repeat my opinion in the face of this House that it was a great impropriety on the part of the Admiralty, and an act of disrespect to this House to allow Sir Baldwin Walker to leave England, even if no opinion had been expressed in this House on the subject. The other point to which I wish to allude, and which has been touched upon by the noble Lord the Member for Haddingtonshire, is this:—It is indispensably necessary to the conduct of our proceedings in Parliament that everything like engagements or promises made to the House of Commons by the Ministers of the Crown should be faithfully and honourably carried out. I am sorry to say that in this case a promise was made by a Minister of the Crown, and that that promise was broken. ["Hear hear," and "No, no."] I beg the attention of the House while I touch upon this point, the gravity of which I entirely feel. I say, deliberately, a promise was here made by the Prime Minister, and that promise was broken, because due means have not been taken for its fulfilment. Sir, I greatly regret to hear what has been the conduct of a gentleman and an officer for whom I entertained the most sincere regard and esteem. I mean Sir Richard Dundas. I think Sir Richard Dundas, taking the statement we have heard read by the noble Lord as accurate, has committed a very serious error, in that Sir Richard Dundas knew perfectly well that, in order to fulfil the promise that was given, every moment was precious. Sir Richard Dundas has written that he was afraid he would be establishing a bad and dangerous precedent if he, as First Naval Lord of the Admiralty, consented to receive orders from the House of Commons. Why, Sir, surely a gentleman of his experience must have known that he could not take anything as an order from the House of Commons unless it came in the name of the Speaker of the House of Commons. But, Sir, the order conveyed to him was through a brother naval officer who had heard what passed, and who knew that a promise was given by a Minister of the Crown, that Minister being the Prime Minister. What was that promise? It was that "immediate steps" should be taken to detain Sir Baldwin Walker. I must do the noble Lord the Secretary of the Admiralty the justice to say that the statement he has made to-night completely exonerates him, and proves that he did take immediate steps. I was under an erroneous impression, and was afraid he had disregarded the promise he made that

"that very night" steps should be taken. The fault, therefore, consists in what I must hold to be the serious error of Sir Richard Dundas. If Sir Richard Dundas understood his duty his business clearly was not to neglect the matter for the whole of that night, but he should have taken immediate steps to ascertain upon what authority the communication which he received rested. But here the explanation of the noble Lord ends, and I beg the attention of the House to this important fact — that the noble Lord, in answering the inquiry of the noble Lord the Member for Haddingtonshire (Lord Elcho), has confined himself to what took place on that night. Let me, however, call the attention of the House to what took place upon the following day. What was Sir Richard Dundas's reason for not sending the telegram to the Port Admirals until eight minutes before twelve on the following day? The noble Lord the Secretary of the Admiralty has stated that that was the hour at which the first telegrams were sent to the Port Admirals. I have already said, and everybody must feel, that every moment was precious. Sir Baldwin Walker had sailed on the Monday morning, and the conversation took place in the House of Commons on Monday night, and if it was possible to fulfil the promise of the Prime Minister it was only by prompt and immediate action. Prompt and immediate action was not taken, and I blame Sir Richard Dundas for not taking the course he should have taken on the Monday night. But at eight minutes before twelve on Tuesday morning a telegram was sent to Portsmouth ordering to be sent out that which was notoriously the slowest ship in the port. My gallant friend Sir Houston Stewart, the Port Admiral, naturally thought that as a communication of that kind was sent from the Admiralty they were in earnest in wishing to stop Sir Baldwin Walker. He immediately telegraphed, and said, "Steam up in the fastest ship here—the *Himalaya.*" ("No, no!") If I am wrong in fact I am open to correction.

LORD CLARENCE PAGET: The *Himalaya* was outside the harbour, but her cylinders were in such a bad state that she was unfit to go to sea. She was merely on trial with diseased cylinders.

SIR JOHN PAKINGTON: Was that the telegram? I thought the noble Lord was stating the opinion of the Admiralty rather than the contents of the Port Admiral's telegram. What was Sir Houston Stewart's telegraph? ("Order, order!") I am speaking from memory; but I believe that Sir Houston Stewart's telegram did not speak of the diseased cylinders of the *Himalaya*, and the noble Lord does not venture to tell me that it did. It was a case in which every moment was precious, and my recollection is that Sir Houston Stewart's telegram was that the "*Himalaya* is under steam—should she not go too?" The Admiralty was bound to accept the information sent by Sir Houston Stewart that the *Himalaya* was fit for sea, and that information they got the next morning, and the matter about her diseased cylinders was no answer to the information then. More than that there were the *Jason* and other fast ships in Portsmouth Harbour beside the *Himalaya.* If the Admiralty had wished to fulfil their promise they should have sent the telegram over night; at all events, they should have sent it early next morning, and ordered the fastest ship to go, instead of the slowest one. Sir Houston Stewart telegraphed, "Why should not the *Himalaya* go to sea?" and what did the Admiralty say, "Yes" or "No?" They did not do this; but they telegraphed back, "How is the weather?" and this when every moment was precious. I am sorry to have to relate such things, but are the facts before us, and these are the facts upon which the country is to form its opinion whether or not the Government did that which they were bound to do—take all reasonable steps to fulfil the promise which had been given to this House. I am sorry to say no such steps were taken, and that the Government must labour under the discredit of not endeavouring to fulfil the promise given to the House of Commons. Having recorded my strong opinion on this act of great impropriety in sending away a necessary witness, and having said also that any promise given to this House should be fully and faithfully redeemed, I desire to ask whether there is any truth in the report which I see in most of the London newspapers to the effect that the Admiralty have sent out directions to Sir Baldwin Walker to return from Ascension to this country?

SIR JAMES ELPHINSTONE said, he should not have risen to make any observations if he had not been directly alluded to. In his observations on this subject he had accused the Admiralty, but not the noble Lord the Secretary of the Admiralty, of not detaining Sir Baldwin Walker, because he (Sir James Elphinstone) knew that the noble Lord's power at the Board was not sufficient to make him responsible for anything of the sort. It was necessary to look back a little to understand the circumstances of the case. This Committee on the Admiralty should have been appointed on the first day of the Session, or immediately afterwards; but it was not, in fact, appointed until his right hon. Friend the Member for Droitwich put his notice on the paper, when he was informed that he was taking the wind out of another hon. Gentleman's sails. They had all forgotten that the hon. and gallant Member for the East Riding (Admiral Duncombe) had mentioned his intention of bringing this matter before the House when the right hon. Baronet gave his notice. There was a belief, in which he (Sir James Elphinstone) shared, that it was the intention of the Admiralty not to appoint this Committee until Sir Baldwin Walker was well out of the country. It was clear to him that if this Committee was intended to inquire *bonâ fide* it was impossible to go on without Sir Baldwin Walker; from what he had seen of his evidence before the Commission upon dockyards it was perfectly clear that his high character and his position made him the witness upon whose evidence the Report would most probably turn; and he (Sir James Elphinstone) could not see how it was possible that they could substitute the evidence before the Commission for the *viva voce* evidence of Sir Baldwin Walker before the Committee. He supposed that as the Committee had power to send for persons and papers, they would sooner or later send for Sir Baldwin Walker. There was no doubt that the cylinders of the *Himalaya* turned out to be in such a state that she was not fit for any long voyage; but Sir Houston Stewart would never have telegraphed "Why not send the *Himalaya?*" if he had not thought that her cylinders were perfectly fit for a short journey such as, he thought, would have been sufficient to catch the *Narcissus.*

As to the ship *Britannia,* he believed that that ship was overcrowded; and that she was liable to be unhealthy in the summer, for there was no doubt that the sewers of Gosport were emptied out upon that mud-flat, and the ship was so close to the shore that at low water you might throw a biscuit on shore. There should, in his opinion, be a college, instead of a ship, for the purpose.

MR. BERNAL OSBORNE: Sir, I was in hopes that this stock piece, "Sir Baldwin Walker," which has had an uninterrupted run for so many nights would at length have been withdrawn from the boards; but the right hon. Baronet the Member for Droitwich has been so successful in performing his part that he seems determined to make an Easter-piece of the entertainment. I am really sorry that the noble Lord the Secretary to the Admiralty has condescended to go into the details which he has given to the House this evening; because I think that for every one who knows him his simple denial would have been sufficient. No one could ever have believed that a thing had been done when he told the House that it had not. I cannot understand how any one but the right hon. Gentleman the Member for Droitwich—who is so singularly fussy when anything relating to the Admiralty is before the House—could attack the noble Lord; but not satisfied with that the right hon. Gentleman has to-night gone out of his way to attack another gallant officer, Sir Richard Dundas, who he ought, from his official experience, to know is incapable of saying anything that is not strictly accurate. I regard this as a sort of monomania with which the right hon. Gentleman is afflicted. The ailment seems to affect his memory, for whenever Sir Baldwin Walker is mentioned he gets up and over and over again makes the same speech, in the course of which we are sure to have the *Avon* and the *Jason* and the cylinders of the *Himalaya.* We are now going to adjourn for the Easter holydays, and he makes this, I suppose, as his last speech. I shall now offer a recommendation. The right hon. Gentleman is very anxious to get hold of Sir Baldwin Walker, and thinks that his evidence will be of great value, as no doubt it will. I see from the Report of the evidence before the Dockyard Commission that he has been asked a thousand questions, and has given a thousand answers. And, by-the-way, as that Commission has reported that the Admiralty ought to be reconstructed, why this Committee should sit I am at a loss to understand. Well, the right hon. Gentleman wants to get hold of Sir Baldwin Walker, and I think it would be a relief to the House if we sent out a Commission to the Cape to examine him, composed of the right hon. Baronet himself, his hon. and gallant Friend the Member for Christchurch (Admiral Walcott), and the hon. and gallant Gentleman the Member for Portsmouth. I see no other way of getting the Sir Baldwin Walker case out of this House. The right hon. Baronet will have a pleasant trip; he will, no doubt, acquire a great deal of useful information; and the House will be rid of Sir Baldwin Walker.

POLAND—THE DISTURBANCES AT WARSAW.—OBSERVATIONS.

LORD HARRY VANE said, he rose to call the attention of the House to the recent occurrences at Warsaw, and to ask the Secretary of State for Foreign Affairs whether the Government have received any other intelligence of those events than that furnished by the public newspapers? He was not about to make any charge against the Russian Government; on the contrary, he was happy to find that it was admitted on all sides that the recent occurrences at Warsaw were not premeditated, but were entirely fortuitous, and that the conduct of the higher Russian authorities afforded better hopes for the future. It appeared that a sentiment of nationality of more than usual intensity having sprung up in the breasts of the inhabitants of Warsaw, on the 29th of last November a spontaneous demonstration in celebration of the anniversary of the Polish revolution took place, which the Russian Government, acting with more moderation and prudence than in previous years, allowed to pass. On the 24th of February following it was announced that a very large meeting would be held on the next day to celebrate the anniversary of the battle of Grochow, which had been gained by the Poles over the Russians. The Russian authorities interposed no objection. Accordingly, the meeting was held on the 25th, when, unfortunately, in consequence of the interposition of the Cossacks, at least one death was caused directly, and certain other persons were trampled down. That created great exasperation, and a funeral procession was appointed for the 27th. The Russian authorities offered no impediment to the procession; but unhappily the Russian troops were simultaneously conducting a funeral of their own, and they got mixed up with the large popular assemblage, and confusion ensued. Either General Zabocky, the Russian General in command, or Colonel Trepow, the head of the police, gave orders to the troops to fire, and the result was that one of the members of the Agricultural Committee, who was just then leaving the place of assembly, was shot. At first there was a great show of resistance on the part of the populace, but Count Zamoysky, the head of the Agricultural Committee, interposed, and through his interference it was arranged that the troops should withdraw. The Russian Government, informed of what had occurred, by telegraph acceded to the representations of Prince Gortschakoff that no coercive measures should be adopted, and that a conciliatory policy should be enforced. He mentioned these things to show that he did not accuse the Russian Government with having acted with undue severity, but rather attributed these occurrences to the feeling of nationality which was rife throughout Poland. At the same time it was equally true that the Russian Government had of late acted upon very different principles in the government of Poland from what they had done in years gone by. Happily, too, there had been no attempt at insurrection on the part of the people, and therefore there was no pretext for the employment of force against them. Now, he was aware, it was a very delicate matter for the English Government to interfere between Russia and her own subjects; nor did he even wish that Her Majesty's Ministers should make any strong representations on the subject to Russia. He would freely admit that, in his opinion, the popular doctrine as to nationalities had its limits; but much was to be said in favour of the nationality of Poland. The nationality of Poland had received European recognition, for it was expressly conceded by the Treaty of Vienna. And, indeed, the Russian Government had of late evinced a disposition to return to the ancient state of things—that was, to the state of things previous to the year 1830. Let it be borne in mind, too, that the Emperor of Russia governed Poland, not as Emperor of Russia, but as King of Poland. He was far from saying that the Government ought to interfere actively in the matter, but at the same time it would be well if the Government brought all those facts to the notice of the Russian Government, provided a favourable opportunity offered. It was impossible but that a feeling of sympathy for a people who had adhered with such pertinacity to their ancient constitution, and who, at the same time, had exhibited so much wisdom, should not be inspired throughout the rest of Europe. Nothing would be more impolitic than for this country to evince any bitterness in the matter; nothing less likely to conduce to the benefit of the Poles themselves; but he did hope the Government would seize every opportunity of urging the claims of that noble people upon the Government of Russia.

MEXICO—ESCAPE OF GENERAL MIRAMON.—QUESTION.

LORD WILLIAM GRAHAM said, he wished to ask the noble Lord the Secretary of State for Foreign Affairs a question respecting the present state of affairs in Mexico. The House was aware that General Miramon had committed all kinds of excesses, raised forced loans on Her Majesty's subjects, butchered his fellow-countrymen in cold blood, and completed the catalogue of his crimes by breaking into and violating the sanctity of the British Legation in Mexico, and stealing from thence the sum of 600,000 dollars, the property of British bondholders. For this gross breach of international law his punishment had been demanded by the British Government; but his escape had been permitted by the French Minister; he had been allowed to assume and to desecrate the French uniform, and in that disguise he reached the French ship of war *Le Mercure*, commanded by Captain Le Roy. Captain Aldham, the commander of Her Majesty's brig *Valorous*, on hearing of this, addressed a letter to Captain Le Roy, informing him

> "That General Miramon had been guilty of a gross violation of international law in having authorized and caused the house of the British Legation to be broken into, and a large sum of money to be seized belonging to British subjects; and trusting that, if any who may be implicated in so grave an offence should be on board, or under the protection of the French flag, Captain Le Roy would see the imperative necessity of their being handed over to the authorities at Vera Cruz for the purpose of their being brought to trial."

After receipt of this letter, General Miramon was transferred to a Spanish ship, and the French captain sent a short and not very courteous answer, justifying his conduct on the ground of giving protection to a political refugee. To this Captain Aldham sent a reply, in which he stated—

> "The undersigned would remark that no allusion whatever was made in his letter to the political acts of General Miramon; but, as a British officer, he would have been highly wanting in his duty had he not notified to Captain Le Roy what he probably was not aware of, the flagrant violation and spoliation of the British Legation by General Miramon, an outrage that was most indignantly protested against by the Spanish Ambassador. Such outrages against legation rights and international law the undersigned submits all nations are equally interested in repressing. Captain Le Roy is well aware that British ships have ever been an asylum for purely political refugees, and a British officer would be unworthy of his position should he suggest anything at variance with the principle so well recognized; the present case is of a widely different nature, and it was in this light that the undersigned submitted it to the notice of Captain Le Roy."

To this Captain Le Roy returned a more courteous answer, but still eluded the question whether General Miramon had been received on board the French vessel or not. He quite agreed with Captain Aldham that General Miramon could by no means be regarded as a mere political refugee; he might be designated a robber and a burglar who had broken into a house and stolen money and was out of the pale of international law. If the privileges conferred by the assumption of the French uniform, the protection of the French Minister, and the sanctity of a French ship of war were thus abased and prostituted, international law would become a farce. Believing that the French captain had exceeded his orders, he begged to ask the Secretary of State for Foreign Affairs, Whether he has received any information respecting the proceedings of the French Minister in Mexico, and Captain Le Roy, commanding the French brig of war *Le Mercure*, in assisting the escape of General Miramon from Mexico; and if so, whether he has applied to the French Government for any explanation of such proceeding?

FOREIGN INTERVENTION IN SYRIA.

QUESTION.

MR. MONSELL asked the noble Lord the Secretary of State for Foreign Affairs, What system of Government was to be established in the Lebanon upon the withdrawal thence of the French troops? It seemed to him that the interests of humanity were deeply involved in this question. The noble Lord in stating in June or July last the reasons which led to the armed intervention of the great Powers in Syria, observed that "the object of the intervention was to secure such measures being adopted as would prevent a repetition of those outrages to which the Christian population had been exposed." On Monday last the noble Lord informed the House that arrangements had been come to by the Five Powers, according to which the armed occupation of Syria was to cease on the 5th June next. He (Mr. Monsell) thought it a mistake that any one Power should have been allowed alone to hoist her flag in that country; the intervention ought to have been jointly prosecuted, and in that event the indisposition which naturally existed to allow any one foreign nation to get a footing in Syria would not have clashed with the interests of the Syrian Christians as was now, unfortunately, the case. He wanted to know what would be their position on the 5th of June when the French troops were withdrawn? Were these poor people to be handed over to Turkish protection? For the last twenty years—since the period when a change was unfortunately made by the influence of this country in the system under which the Lebanon had been governed—the Christians in Syria had been entrusted to Turkish protection, which had proved to be nothing but Turkish oppression of the worst kind. Hon. Members who had looked into the blue books which from time to time had been laid upon the table, must be aware that in 1841 Lord Aberdeen complained that the Turks were the cause of the sufferings of the Maronites by arming one portion of the population against the other. Colonel Rose made a similar statement in 1845. The late Admiral Sir Charles Napier declared that, notwithstanding all the glory he had won at Acre, one of his bitterest thoughts was that he had any part in establishing the Turkish domination in that country. Could Turkish protection, he ventured to ask the House, be more trusted now than at any of these periods? The Turks made the fairest promises, but they always broke them in the most shameless manner. Besides, Mahomedan fanaticism was now deeper and more extended than ever. It had shown itself at Jeddo, at Mosul, at Aleppo; and only the other day the preliminaries of a massacre were discovered at Damascus. The noble Lord the Foreign Secretary had endeavoured, rather unfairly, to prejudice the House and the country against the Christian population of the Lebanon. The fact was that the Maronites were as industrious and as well-conducted a people as any to be found in Europe. The noble Lord had stated that great atrocities had been perpetrated upon the Druses by the Maronites. It was a fact, however, that during the time of the French occupation not more than 200 Druses were put to death by the Maronites, while no fewer than 400 Maronites were assassinated by the Druses. In one small village, during the residence there of a gentleman of the name of Scheffer for one week in the last winter, nine Maronites were murdered. He called upon the noble Lord to recollect that we occupied a very peculiar position with respect to the Syrian question. If through our influence all protection was taken away from the Christians of the Lebanon, and if afterwards a massacre such as took place last year occurred, it would be impossible to prevent the other Powers of Europe from taking far stronger measures than they had yet done. The people of the Lebanon were once a happy and contented race; but the Government under which they lived was destroyed by our influence, and that fact imposed upon us a heavy weight of responsibility. He entreated the noble Lord to take care that before European protection was removed such a form of government should be established as should enable the Druses and Maronites, who, if they were left alone by the Turks, would live together as peaceably as they had done in former times, to protect themselves against Turkish intrigues. No long time could be necessary for arriving at such a state of things, and his own impression was that if a fitting person were placed at the head of affairs in the Lebanon he would find little difficulty, without European aid, in reuniting the Druses and the Maronites, and in reinstating them in that position of happiness from which they had so long been displaced. He would conclude by asking the Secretary of State for Foreign Affairs, what system of Government is to be established in the Lebanon upon the withdrawal from thence of the French troops?

EXTRADITION TREATY WITH THE UNITED STATES.

THE FUGITIVE SLAVE ANDERSON.

QUESTION.

MR. GREGORY begged to say, before putting the question of which he had given notice respecting the case of the fugitive slave Anderson, that he did not ask the noble Lord the Secretary for Foreign Affairs to produce any papers that could cause inconvenience or detriment to the public service. He saw by an American newspaper that all the papers had been laid, or were going to be laid, before the American Senate; and if any portion of the Correspondence should see the light, it was better they should not have it in bits and scraps as received second-hand from America, but that it should be laid before the House in a complete and direct shape.

He might mention a circumstance not generally known—namely, that at the time the Extradition Treaty was discussed in the Senate of the United States in 1842, it was clearly recognized in the debate that took place at that time that a case perfectly parallel to the present case of the slave Anderson might, and probably would, arise in which a person endeavouring to escape from servitude might in self-defence take away life. The person who brought the case prominently before the Senate of the United States, and showed that the case would in all probability arise, was the Senator from that very State from which this slave had escaped—namely, Mr. Benton, the Senator for Missouri. He made use of these words in that portion of his speech referring to the extradition clause of the Ashburton Treaty—

> "This Treaty intervenes the judiciary, and requires two decisions from a judge or magistrate before the governor can act. This nullifies the Treaty in all that relates to fugitive slaves guilty of crimes against their master. In the eye of the British law they have no master, and can commit no offence against such a person in asserting their liberty against him, even unto death. A slave may kill his master if necessary to his escape. This is legal under British law. Killing his master in defence of his liberty is no offence in the eye of British law or British people, and no slave will ever be given up for it.
>
> "Better far leave things as they are. Forgers are now given up in Canada, by executive authority, when they fly to that province. This is done in the spirit of good neighbourhood, and because all honest Governments have an interest in suppressing crimes and expelling criminals. The Governor acts from a sense of propriety, and the dictates of decency and justice. Not so with the Judge: he must go by the law, and when there is no law against the offence he has nothing to justify him in delivering the offender."

It was very clear, therefore, that we were not endeavouring to strain the provisions of the treaty. In conclusion, he begged to ask the noble Lord the Secretary of State for Foreign Affairs, Whether it is his intention to lay before the House the Correspondence that has passed between the English and American Governments on the subject of the fugitive slave Anderson?

LORD JOHN RUSSELL: I must say that it is not very convenient to the public interest that the state of our foreign relations should be made the subject of weekly discussion in this House. At the same time I wish to give every explanation I can in answer to the numerous questions which have been addressed to me.

The hon. Member for Finsbury (Mr. Duncombe) has asked for information with reference to a transaction which has naturally attracted considerable attention—namely, the sending of Her Majesty's ship *Banshee* to bring certain arms from the Principalities to Constantinople. The facts are somewhat complicated, and would lead me far if I were to enter upon a full explanation; but the main points may be briefly stated. It became known to the Government a year ago that there was a party on the borders of Austria and on the borders of Turkey who had conceived the plan of throwing off the authority both of the Austrian Government and the Turkish Government, and of making a considerable State out of Hungary, the Principalities, Bosnia, and other Provinces in that part of Europe. It was for some time supposed that this was a very wild scheme and one not likely to gain support; but in the course of the year it was rumoured that arms were about to be conveyed to Constantinople, and thence to the Black Sea. The Government of the Sultan naturally felt alarmed at this proceeding. They considered that Prince Couza being one of the tributaries of the Porte, and the Principalities being in fact Turkish territory, it could not be permitted that great depôts of arms should be formed in them, and that refugees from various parts of Europe should assemble there with the view of making war upon the two Governments of Turkey and Austria. Some correspondence took place upon the subject; the vessels in which the arms—cannon and muskets—had been taken to the Principalities were Sardinian vessels; and in the end the Turkish Government applied to the representatives of the different Powers. Our opinion was that these arms should be taken back to Constantinople and sequestrated there. The opinion of the French representative was that the arms should be taken back to Genoa whence they had come. In the end Prince Couza agreed that this latter course should be adopted. At that time the Danube was frozen over, and it was, therefore, impossible to remove the arms. Lately there has been some difficulty as to the removal, owing to the Sardinian vessels having gone away with other freights. The British Ambassador at Constantinople said that, if permitted to do so, he was quite ready to send Her Majesty's ship *Banshee* to bring the arms away; and upon his applying to me I said that Her Majesty's Government would, if the representatives were agreed that these arms should be brought away, have no objection to the employment of that vessel. Accordingly the *Banshee* was sent, and a great part of the arms were brought away. It seems to me that this was a measure of self-defence on the part of the Sultan's Government, and that, in acting as we did, England had only acted as one friendly Power towards another friendly Power.

A question was asked by the noble Lord opposite (Lord William Graham) with respect to the proceedings of the French Minister in Mexico and Captain Le Roy. Neither in the Foreign Office nor in the Admiralty are there any despatches upon that subject. I have seen a private letter stating that General Miramon had escaped on board a French man-of-war; but I have no official intelligence of such an occurrence. General Miramon was for some time, it must be recollected, the head of a Government which was recognised by Great Britain, by France, by Spain, and by other Powers. His acts were at no time very commendable; and in some cases generals, who were acting under his orders, committed what we thought were horrible atrocities; and towards the close of his reign, when it seemed hopeless that he should be able to maintain himself in Mexico, he broke open a room in the British Legation where certain merchants had deposited a very large sum of money. That was a clear act of robbery; and our *Chargé d'Affaires* naturally and properly asked that those who had been concerned in that act of robbery, in the name of the Government, should be made personally responsible for their misdeeds. One person was, I believe taken, but General Miramon escaped through the villages of the country, and it is said embarked on board a French ship of war. Whether there is any truth in that report I cannot say, and until I know all the circumstances of the case I should not undertake to make any representation to the French Government on the subject.

A very important question has been raised by my noble Friend the Member for Hastings (Lord H. Vane) with regard to the condition of Poland. I wish to speak upon that subject with very great reserve. There is at present no question which immediately concerns the interests of this country, and the conduct of the Government of Russia is not sufficiently known to us to justify us in pronouncing an opinion; but this much I must say, that according to the reports of our Consul, there having been an unfortunate conflict in the streets of Warsaw, and several persons having been killed, the conduct of the people immediately after that occurrence, and while they were moved by great indignation and excitement, showed on their part great forbearance and a great desire to keep the peace of the town. A popular committee was organized, and one of the first acts of that committee was to desire that all persons should give up their arms; and, accordingly, a great many arms were given up both in Warsaw and by farmers and peasants in the neighbourhood who brought their weapons into that city. The people of Warsaw are at present, therefore, entirely disarmed, possessing, of course, the moral power which belongs to them, but with directions from their leaders that no breach of the peace should be permitted. I think that that conduct on their part has entitled them to be heard upon any petition which they may present to their Sovereign the Emperor of Russia, as King of Poland, with reference to any grievances from which they may have suffered. As to the petition which is said to have been presented to the Emperor and the concessions which have been made we are perfectly uninformed; but there are two things which we may take as certain—one, that instead of any measures of severity having been adopted towards the people of Warsaw all the measures which have been taken have been measures of mildness and conciliation; and, therefore, it is open to us to hope that whatever further measures may be adopted will be directed to the improvement of the condition of the people of Poland, and not to their punishment for the attitude which they have assumed. There is another observation which cannot fail to be made, which is, that the Emperor of Russia has since his accession to the throne shown the greatest desire to improve the condition of his subjects. He has relieved from servitude many millions of his people—a measure which has often been proposed but always rejected as dangerous, but one which is about to be carried out. These are reasons why we should hope well as to the future condition of the Polish subjects of the Czar of Russia, and should act according to our well-known and recognised rule of not interfering with regard to the internal affairs of other countries without some very great and influential reasons. I certainly do no not think it necessary to make any representation to the Emperor of Russia. No doubt every one in this country will watch with great interest the course of these proceedings; but I do not think that it is the duty of Her Majesty's Government to interfere in the present state of affairs.

The right hon. Gentleman the Member for the County of Limerick (Mr. Monsell) asked me a question with reference to the future government of the Lebanon. That is a subject which is attended with many and serious difficulties. The opinion of the British Commissioner in Syria is that the best course to take would be to establish, if possible, a good Government over the whole of Syria with a special arrangement for the protection of the Christians. To that is was objected that such an arrangement would be injurious to the rights of the Sultan. Other plans have been suggested, and the last accounts from Syria represent the Commissioners as being still engaged in endeavouring to establish good government in Syria. I cannot agree with the right hon. Gentleman in thinking that the Christians of Syria are the only persons to whom our humanity ought to be extended. [Mr. MONSELL: I never said so.] The right hon. Gentleman spoke entirely of the sufferings of the Christians, and did not take any notice of what had been suffered by others. Now, while it is our duty as far as possible to provide a Government which shall secure the Christians against the repetition of these atrocities, I cannot but think that it is also our duty to secure, if possible, justice for the Druses, many of whom have, as described by the hon. Baronet opposite (Sir James Fergusson) confined their attention to the cultivation of their gardens or small possessions, and have conducted themselves in a most inoffensive manner. What we are endeavouring to do is to establish a Government which shall equally protect all the inhabitants of the Lebanon. The right hon. Gentleman says that it was not right to have an exclusively French occupation, but seems to approve of having an European occupation as long as there is any fear of massacres being repeated. Now, I must say that all the accounts which I have read have shown that the Maronites and the Druses have violent animosities against each other; that the Turks have not behaved well with regard to either of them; and, therefore, that you can have no perfect security that there may not be outrages, that murder may not be committed, that villages may not be destroyed by Maronites or Druses, without sufficient protection being given by the Turks. But this question occurs—The dangers which existed last year having been overcome, and the presence of European troops and the intervention of Europe having shown both to the Turks and to other persons that the nations of Europe are disposed to interfere when necessary, are we to go on for ever with an European occupation of Syria? If so that occupation would amount to taking the country out of the hands of the Turks. We may say—and say truly—that the Government of the Turks is a very imperfect Government. Still Syria is a country subject to the Sultan—one of the provinces of an empire the integrity of which we have guaranteed; and if we were to say that we would undertake, not by French troops—I do not mean to raise that question—but by French, Russian, or British troops, permanently to occupy that country, that would be, in fact, transferring its sovereignty to the other Powers of Europe. Well, the Sultan declared the other day that the Pasha whom he has sent, having the command of 25,000 troops, is able to maintain tranquillity in Syria; and Her Majesty's Government are disposed to put faith in that declaration. But the other Powers of Europe are determined that the occupation shall continue for some time longer—till the 5th of June; but before that time—I expect in the course of the present month—the future government of the Lebanon will be discussed. Having performed the duty of suppressing the massacres, we certainly do not think it desirable that there should be a permanent occupation of Syria by foreign troops.

With respect to the last question put by the hon. Member for Galway County (Mr. Gregory) as to the correpondence that has passed between the English and American Governments on the subject of the fugitive slave Anderson, the hon. Gentleman seemed to think that there had been some remonstrance on the part of the Government, or some correspondence, after the case of Anderson had been considered both in Canada and this country. Now what the American Government did was of the very simplest character. They stated that a man of colour had been guilty of murder, without saying what his name was or anything else; and we said, on our part, that the man should be given up, if there was found to be no objection. I have no objection to give the Correspondence; but if produced there ought to be added to it the directions of the Secretary of State to the Governor of Canada, upon whom depended, in the first instance, the question whether the man should be given up. The hon. Gentleman had made a very valuable and important quotation of what was said by Mr. Benton, the senator of Missouri, to the effect that slaves were not to be given up on account of crimes they might commit in order to vindicate or secure their freedom. A statement to this effect was made in the English House of Commons as well as in the American Senate. This being the case, he could not see that any difficulty was likely to arise between the two Governments.

Motion *agreed to.*

House at rising to adjourn till *Monday*, 8th April.

CIVIL SERVICE APPOINTMENTS.

RESOLUTION.

MR. B. COCHRANE moved "That the Evidence taken before the Select Committee on Civil Service Appointments proves that the present system of Examination should be modified, in order to meet the requirements of the Public Service. The hon. Gentleman was proceeding to comment upon the Report of the Select Committee, when—

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half after Nine o'clock, till *Monday* 8th April.

* * *

HOUSE OF COMMONS,

Monday, April 8, 1861.

MINUTES.] PUBLIC BILLS—1° Queen's Prison, &c.
2° London Coal and Wine Dues Continuance; Industrial Schools; Election Law Amendment; Consolidated Fund (£3,000,000).
3° Bankruptcy and Insolvency; Exchequer Bills; Mutiny; Marine Mutiny.

THE KOSSUTH NOTES.

QUESTION.

MR. T. DUNCOMBE said, he rose to ask the right hon. Baronet the Secretary of State for the Home Department a question, of which he had given notice. The right hon. Baronet stated, in the course of the discussion which took place the other day, that the note handed by Sir R. Mayne to Count Apponyi, for the use of the Emperor of Austria in the Court of Chancery, was brought to the office of Sir R. Mayne by a constable. He (Mr. T. Duncombe) wished to ask the number and letter of the Policeman from whom Sir R. Mayne received the Kossuth Note; the mode in which the Policeman became possessed of the note, Whether he is still in the ranks of the Metropolitan Police Force, and, if not, when he left?

SIR GEORGE LEWIS said, that when on previous occasions the hon. Gentleman had brought this subject before the attention of the House, he (Sir George Lewis) had informed the House that neither Sir R. Mayne nor himself had given any instructions to the police about procuring information in respect to the notes. He had also stated that if any improper use had been made by the Government of the information so received he was responsible for it. Under these circumstances it was not, he conceived necessary for him to give any further information upon the point. He might, however, state that no steps had been taken by Government for the removal of the policeman from the force, and he was still a member of that establishment.

BANKRUPTCY AND INSOLVENCY BILL.

THIRD READING.

Order for Third Reading read.

MR. VANCE said, he thought some explanation was due on the part of those who, like himself, had opposed the Bill of last Session; but he supported the present measure, inasmuch as it was based upon different principles. As the Bill now stood, many objections to the measure of last Session had been removed. The Bill of last Session proposed to pension off, at their full salary, all the existing Commissioners, but the present Bill utilised them, and allowed them to retire on a pension of two-thirds their present income. The Bill of last Session took away many of the safeguards which the mercantile community had against fraudulent debtors by the manner in which, while assimilating the law of bankruptcy to traders and non-traders, it made the same acts of bankruptcy apply to both, reducing in numbers those which at present applied to traders alone. There was another portion of the Bill of which the mercantile interests highly approved. It was that which provided that all deeds of composition should be registered in the Court of Bankruptcy, and should also be open to the inspection of the creditors. That was a provision which would prevent men getting credit upon false pretences. Another important improvement was, that all trials for misdemeanour arising out of the Act were placed in the hands of the Judge of the courts, which would relieve the creditor from the expense of following the fraudulent trader into a criminal court, where the whole expense of the proceedings would fall upon him. There was, however, one part of the Bill to which a strong objection was still entertained. It was considered that it took away too much of that control now exercised by the official and placed too much power in the hands of the trade assignee. There was, too, in the Bill a clause which he hoped to see altered in "another place." He alluded to the clause making it an act of bankruptcy in a person to suffer an execution to be levied upon his property. That provision whilst it took away all the rewards of diligence from the man who sought to recover his debt, deprived him at the same time of all the costs to which he was put in bringing the debtor's estate into that condition, that the assets might be equally divided amongst all the creditors. He did not object to this new act of bankruptcy, but he did not think that a man who had gone to the expense of suing another for a debt, and obtained judgment should not only lose that debt, but also the costs of the suit. On the whole, if these alterations were made elsewhere he believed the Bill would give general satisfaction to the mercantile community.

Bill read 3°, and *passed.*

POST OFFICE SAVINGS BANKS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 (Postmaster General may direct Officers in Post Office to receive Deposits),

Mr. SOTHERON ESTCOURT said, he did not know whether the right hon. Gentleman the Chancellor of the Exchequer meant to favour the Committee with any further information on the details of the Bill than that he had already given, but it seemed to him that Parliament was left almost in total ignorance of the manner in which it was proposed that the system should be worked. The three first clauses of the Bill gave the Postmaster General power to establish a post-office savings bank in any part of the country wherever a money-order office at present existed. He proposed to take the power to establish by the machinery of the Bill a great national bank with branches all over the country, at any one of which branches it would be in the power of any person to deposit any amount of money, and receive in return a certificate or piece of paper, duly stamped at the central office, on the production of which at any subsequent period he would be entitled to have his money back again. Such was what he understood to be the effect of those clauses, and it was all the information which the Committee and the country had with regard to the machinery of this system. They did not know how many clerks were to be employed, or what would be the expense of its management. He could quite admit the inconvenience of imposing restrictions on any department which was about to try a new experiment and from which he hoped good would arise; but still he thought it was desirable to make the new system correspond as far as it was possible with the existing system of savings banks. Under the present system there were certain limits imposed on depositors, so that no man could deposit more than £30 in one year nor have more than £150 in all. He understood it was the intention of the right hon. Gentleman that all the restrictions and limitations imposed by the present law were to apply to the depositors of the new post-office savings banks. But he did not see how it was possible to ascertain that those limits had been reached in the case of any one depositor. How was any one to know how much stood to a depositor's account in more than one post-office? What was to prevent a man from depositing one sum at Falmouth and another at Newcastle, and on producing his papers at any one of these banks he would be entitled to receive back his money? On all these points very little information had been given. He had read the paper which Mr. Sykes, who took credit for being the immediate suggester of the scheme, put forward, and he had also had the pleasure of some information on this subject, but still he was at a loss to comprehend how the great scheme of a central bank was to be brought within the limits of the present law. Again, every depositor in a savings bank was entitled to have his account made out as often as he pleased; but how was that to be done by a central bank in London, especially in the case of an individual who might be constantly moving about from one part of the country to another? Again, how would the accounts of the post-office savings bank be made up—what check or audit would there be—who would know whether the accounts were correct or not? In the case of the ordinary savings banks a depositor was generally a known man; but nothing of the kind would take place under the new system. They would have no hold on the depositor or the depositor on them. He must frankly say he could not see from all that was yet before them how the accounts could be correctly kept from year to year, and he would be very glad of information on these points.

THE CHANCELLOR OF THE EXCHEQUER said, that although he was of opinion that it would be more convenient to to enter into the explanations of the various parts of the subject, minute and complex as they were, upon each clause as it came on for discussion, he thought it right at the same time to make a reply in such general terms to the right hon. Gentleman as might be deemed a sufficient answer to the questions which he had just put. The scheme, then, on which the new system would be based was one in accordance with which the savings banks' accounts of the different depositors would be kept in London, those accounts forming portion of the general cash transactions taking place between the several local postmasters—who would merely be the recipients and transmitters of the money through the Post Office—and the head of that department. For the due conduct of the new business which the Bill would create there were already a set of rules in existence relative to credit and the control of accounts, which, he believed, would be found amply sufficient for the purpose without the introduction of any new principle. The Postmaster General, for example, as matters now stood, took security from his subordinate in charge of a money-order office; and if it were found that, under the operation of the Bill that security did not correspond with the augmented amount of money passing through his hands, then the Postmaster General might, as he constantly did at present, require that the security should be increased. He might add that it was matter of astonishment that the working of the money-order system was so safe that

while £330,000,000 had under it been transmitted from all parts of the country to their various destinations, the amount of the defalcations had reached only £6,000—an amount which was, he believed, more than covered by the sums represented by unclaimed money-orders which remained in the hands of the public. But be that as it might, the mode in which the new system would be carried out would be that the accounts of the depositors would be kept by the Postmaster General in London, the whole of the different sums being transmitted by schedule from day to day as the local postmaster received them, and the Postmaster General would acknowledge the receipt to the local postmaster. The depositor would be provided with a form which, when desirous of reclaiming his money, he might transmit to the Postmaster General, who would thereupon authorize the local postmaster to refund the sum demanded in the event that the state of his account showed the depositor to be entitled to its receipt. He might further observe that it was his intention to propose the omission of Clause 8, an omission which no doubt would receive the approbation of his right hon. Friend. He also intended to fix the rate of interest payable on deposits under the Bill at £2 10*s.* per cent, thus dealing, in his opinion, in the most effective manner with the objections of those who had an interest in the existing savings banks, and who might very naturally and justifiably entertain a fear that if the present rate of interest were maintained under the new system an undue temptation to depositors to withdraw the sums now inserted in their names would be afforded. By taking the course, however, which he had indicated all suspicion of unfairness would be avoided.

Clause *agreed to.*

Clause 2 (Legal title of Depositor to repayment),

THE CHANCELLOR OF THE EXCHEQUER said, he wished to propose, by way of Amendment, the omission of the last member of the Clause but one—that which related to the Parliamentary title to be constituted by means of the Bill. The main object of the measure was to afford the depositor who might place his small savings in the hands of the Government the security of the State for the money thus invested. That being so, next arose the question how that security was to be created. It might be said that it could be conveyed by means of the acknowledgment which would be put in the hands of the depositor when making his investment, and by the entry in his book which it was provided should be made by the local postmaster and attested by the stamp of his office and the writing of his initials. But then came the difficulty, that if these documents were to constitute a sufficient title to immediate repayment of the sum lodged, the transaction would be subjected to the discretion and integrity of the local postmaster, unaccompanied by any effectual check. It was plain, he thought, that the security of the State ought only to be given by means of an acknowledgment from head quarters—in other words, from the Postmaster General in London, after the deposit had been received in London, and after it had been entered in the accounts at the chief office. The deposit book, therefore, ought not to give a statutory title at all, but the depositor ought to remain without a Parliamentary title until he received an acknowledgment from the Postmaster General of the receipt of his deposit. But then came the difficulty what was to be done for the depositor in the short interval between the time when he made his deposit and the time when he received an acknowledgment from London. That interval would be a very short one; in the vast majority of cases it would not exceed a couple of days; but, at the same time, the depositor ought not to be left even for a single hour in the position of being exposed to the possibility of fraud and loss by the defalcations of the local postmaster. For that reason he proposed to insert words in the clause to the effect that the moment a deposit was made the simple entry in the deposit book should for a limited time constitute a Parliamentary title. It was necessary to give the title for a limited time, because otherwise the depositor would have no interest in obtaining an acknowledgment from the Postmaster General, and in that case the Government could not reckon upon him as an ally in possessing himself of that which would constitute the only effectual check of the Postmaster General in London upon his officers in the country. Hence the necessity for giving him a motive for acquiring the acknowledgment of the Postmaster General and that motive could only be applied by limiting in point of time the security afforded by the deposit book, leaving the depositor, if he did not receive an acknowledgment from London within the period specified in the clause, to apply for a further extension of time till he did. The Amendment of which he had given notice provided that the deposit book should be conclusive evidence of title for a period of ten days only. Long before the lapse of that period the depositor would have received an acknowledgment from the Postmaster General; but, to provide for every conceivable case, he was to be entitled to apply for a further extension of time in the event of a delay in the transmission of the acknowledgment from London. Thus the clause as amended would give the depositor State security from the moment he lodged his deposit, and at the same time would place in the hands of the Postmaster General that control over his officers in the country which formed an essential part of the scheme. It would be observed that the clause contemplated the receipt of deposits as low as 1*s*. The receipt of such deposits, of course, would not of itself be remunerative; but he was satisfied that the average amount of deposits would be remunerative; and, on the other hand, the receipt of deposits as low as 1*s*. would be a material aid to the formation of habits of economy and providence among the poor. He would, therefore, conclude by proposing his Amendment, which was as follows:—In clause 2, after "Postmaster General," omit all the words down to "acknowledgment," and insert,

> "And, in order to allow a reasonable time for the receipt of the said acknowledgment, the entry by the proper officer in the depositors' book shall also be conclusive evidence of title for ten days from the judgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the Postmaster General, then the entry in his book shall be conclusive evidence of title during another term of ten days, and *toties quoties*."

MR. SLANEY said, he thought the measure would be attended with the greatest possible benefit to the working classes, and he hoped it might pass into law without unnecessary delay. But he thought the *minimum* for deposits ought to be raised above the sum fixed by the right hon. Gentleman. If the interest to be paid in these banks was lower than the interest paid by the ordinary savings banks, he did not see why deposits should not be made by the same depositor in various places. He thought no limits should be placed on the providence of the labouring classes.

MR. VANCE said, his constituents apprehended that this was, in some degree, a measure of centralization. The accounts with local postmasters in the case of the Money Order Office in Ireland and Scotland were kept in Dublin and Edinburgh by the Accountants-General there; but the Bill seemed to provide that the accounts of the post office savings banks should be kept in London alone. He saw no reason why there should be a difference between the two departments in this respect.

THE CHANCELLOR OF THE EXCHEQUER said, he thought there was no ground for the hon. Member's apprehension. The course of money transactions would be the same under this Bill as under the money-order system. Though London would be a centre, yet Dublin and Edinburgh would be subordinate centres, because one part of the business could not be separated from the other parts. But he (the Chancellor of the Exchequer) would make further inquiry, and would be prepared to let the hon. Gentleman know exactly how the matter stood.

MR. AYRTON said, that having been absent from the House at the beginning of the discussion, he did not know whether the right hon. Gentleman, the Chancellor of the Exchequer, had expressed his views of what was likely to be the charge of carrying this Act into execution. He (Mr. Ayrton) had given notice of a Motion to which the right hon. Gentleman had objected owing to the state of public business, and the Motion had been deferred and now stood for the following day, just one day too late for the discussion. The object was to obtain an estimate as to the probable charge of this new system, and as to the means which would be available for the payment of that charge. The right hon. Gentleman had assured the House in general terms that the measure would be self-supporting; but they would be guilty of a great dereliction of duty if they did not obtain from the Minister some more definite statement, some positive information which would enable hon. Members not conversant with the details of the Post Office to judge whether his conclusion was well founded. Under the Bill a deposit of 1*s.* might be received; it might be demanded back in a fortnight; he understood there would be no interest payable in that case; but the gain to the country would be rather infinitesimal—perhaps the fiftieth part of a farthing. The smallest deposit must be transmitted to the Postmaster in London, who must open a ledger account for every customer, and the amount might have to be written off again and retransmitted to the depositor at the end of the fortnight. It might be said that, generally speaking, the sums would be much larger and deposited for longer periods, so that the operations would be remunerative; but he wanted to know on what *data* the Post Office had proceeded in estimating first the cost of remitting the deposits to and from the Post Office, and next of conducting the National Bank in London. The right hon. Gentleman might think it a small matter at present, but if the scheme reached such proportions as he anticipated, the bank required in London would be an institution larger than the Bank of England. An account must, as he had stated, be opened for every customer; it must be balanced and checked every year, or every half-year, and interest computed on every transaction, which would require a large number of clerks, and a very expensive establishment. The right hon. Gentleman, then, ought to lay on the table some distinct statement of what he calculated would be the charge of carrying out the scheme. It was all very well to talk of projects being self-sustaining, and even economical, but under such statements the Civil Service Estimates had, within the last thirty years, grown up by millions. Hon. Gentlemen might cry out about that increase, and write letters to the Prime Minister on the necessity of taking some steps to check it, but of what use was all this if, when a scheme came before them which must increase the public expenditure, they did not take the trouble to inform themselves on the subject? If they voted now without information they would have no right afterwards to complain if the expense turned out to be £200,000 a-year, as had been the case with the county courts. A scheme for granting retiring annuities to the Civil Service had been brought forward by the right hon. Gentleman behind (Sir James Graham); it was described as self-supporting, deductions being made for that purpose of 5 per cent from the larger and 2½ per cent from the smaller salaries; but the Civil Service officers combined, they waited on Members of the House of Commons, reasoned with them, appealed to their sympathies, and placed them under such a pressure that in spite of the Government a Bill was passed to relieve them of this 5 per cent and 2½ per cent, and their retiring annuities were thrown on the public funds. So with regard to savings banks; they had been in operation for forty years, but no Chancellor of the Exchequer had ever had the courage to come down and bring before the House the question of subsidizing them. On that account they were annually paying a sum varying from £10,000 to £100,000, but Chancellors of the Exchequer did not call on the House to make it good out of the annual revenue; they avoided the question by adding the charge year after year to the national debt. The right hon. Gentleman proposed, in the meantime, to give only 2½ per cent in the shape of interest, but if he got £20,000,000 or £30,000,000 of money into his hands would he be able to restrict the interest to that rate? They could not continue to pay £2 10*s.* while the fundholder received £3 5*s.* per cent if other investments yielded £4 or £5 per cent, or even a higher rate of interest. They must look at the rate of interest allowed by other bankers, for, by the measure, the Government would constitute themselves bankers. His argument was not a mere fanciful one, because it had been used by Mr. Huskisson himself, when Chancellor of the Exchequer, to induce the House to allow the poor depositors in the savings banks a higher interest than that obtained from Consols. The £2 10*s.* would therefore soon be raised to £3; and if the rate of interest continued high it would reach £3 5*s.* The *maximum* rate invariably became the standard, the *minimum* being regarded as an injustice. The scheme of a national bank, however plausible it might look at the outset, would lead to the most serious consequences. The Committee which sat on the subject, and of which he was a Member, came to the decided and unanimous opinion that it was desirable to separate the operation of banking for the people from the national Treasury. It was thought that these national banks would act as a powerful inducement to the working men to intrust their money to the Government rather than to their own benefit societies, which were always identified with those trade societies which some hon. Gentleman regarded with so much aversion and horror. For his own part, he believed that those benefit and trade societies had been the means of regenerating the people of this country, and that their social influence was most conservative. It had been admitted by a great advocate of Parliamentary Reform that the minds of the working classes were at present entirely preoccupied with the subject of those societies. Those institutions had made the people connected with them thoughtful, and during the late distress in London it had been found that no persons belonging to a trade or benefit society had applied for relief from public charity or through the medium of the poor-houses, because their members, from a feeling of self-respect, had engaged to maintain each other in sickness or in want, without having recourse to extraneous aid. It was therefore not expedient to discourage these societies by means of a national bank. In his opinion, the present savings banks, with all their imperfections, were infinitely preferable to a great Government institution. It was desirable that the country gentlemen of England should take an interest in the welfare of the labouring population by which they were surrounded, and to supersede their exertions by the services of mere stipendiaries of the State would weaken that social system on which the liberties of the people were mainly founded. If, however, the present scheme was to be persisted in, care should be taken to prevent it from sliding into the condition into which all other projects of the same kind had fallen, and sufficient guarantees ought to be provided for its continuance on its original footing. He trusted, therefore, that the right hon. Gentleman would give them some practical and definite information as to the cost of carrying out his scheme, and how he proposed that it should be defrayed.

Mr. THOMSON HANKEY said, the matter before the Committee was the second clause of the Bill; and the hon. Member for the Tower Hamlets need not have gone into the general question with regard to the Bill. But the hon. Member had spoken of the expenses that would be incurred by the working of the scheme. Now he (Mr. T. Hankey) apprehended that there would be no necessity for any additional book-keeping. The hon. Member had assumed that there would be two sets of books at each post-office; one being such as were now kept by the savings banks, and the other being such as were kept by the post-office money-order offices. But there was no such intention, as he believed. The hon. Member had also remarked that these small deposits would be left in the hands of the Government for so short a time that the system would not be remunerative. But in that respect he believed the same rule would be followed that was adopted by the existing savings banks, and their experience showed that it was not the habit of the people to deposit a shilling and then to withdraw it in a fortnight. Taking the average time for which deposits usually remained in the hands of bankers, it was sufficient to make that a remunerative business. The object of the Bill was to give the poor the same accommodation that was given them by existing savings banks, but to enable them to avail themselves of it in an easier manner. He had made these observations because he was unwilling to submit in silence to the insinuation that he had given no consideration to the matter, but had voted blindfold for a scheme that might lead to unlimited expense.

MR. ALDERMAN SIDNEY said, he hoped that the right hon. Gentleman, the Chancellor of the Exchequer, would give a full reply to the observations of the hon. Member for the Tower Hamlets, as the question of expense, both present and future, was a most serious one. As one conversant with figures he ventured to say that if the scheme were carried out the national establishments must be greatly augmented, and if it proved successful the establishment that would be required would be of the same gigantic proportions as the Bank of England. It was true that the Chancellor of the Exchequer had given a low rate of interest; but the argument of the hon. Member for the Tower Hamlets was that when the deposits had swelled to millions the depositors would not remain satisfied with a lower rate of interest than was paid to the national creditor. He (Alderman Sidney) believed that the depositors would ignore the working expenses of the plan, and the country would be asked to defray the cost of a philanthropic scheme and give the highest rate of interest. He believed that the scheme was founded upon error; that it would interfere with the self-working of existing establishments, and would entail a large expense upon the country at large.

THE CHANCELLOR OF THE EXCHEQUER said, that he must beg to be excused from undertaking the task of giving a full reply to the speech of the hon. Member for the Tower Hamlets, that being a duty beyond his powers. The hon. Member for the Tower Hamlets often gave to the House notable examples of his discursive powers; but he (the Chancellor of the Exchequer) never knew an occasion on which the hon. Member had more signalized himself than on the present. When the hon. Member rose into the air on eagle wing he passed over the limits of time and space, and was not subject to any of the conditions that bound the efforts of ordinary mortals. He would, therefore, confine his reply to that portion of the hon. Member's speech which seemed to bear practically on the working of the Bill. It might, however, be observed, that both his speech, and that of the hon. Member who had just sat down, as they were directed entirely against the principle of the Bill, could hardly be quite in place on that occasion in Committee, when they were discussing the question whether the depositor's book should be conclusive evidence of title for ten days or for a longer period. But the hon. Member for Peterborough (Mr. Hankey) had already given an answer to part of their objections. He (Mr. Gladstone) would at once admit that the consideration of expense was vital to the measure. It would be absurd for the Government and Parliament, even for the purpose of encouraging provident habits among the poor, to make the working classes of the country pensioners on the Exchequer. To such a principle he should be altogether opposed; and if such were found to be the operation of the Bill, it would be their duty to check and limit its operation, so as effectually to prevent so enormous an evil. But the hon. Member had alleged that he (the Chancellor of the Exchequer) had showed some disinclination to produce returns from the departments of the Post Office, giving the calculations, statements, and figures by which the officers of that department had satisfied the Government that this would be a self-working and self-supporting system. Although it was, undoubtedly, in the power of the House of Commons to call for the most minute statements from every permanent officer of the Government as well as from the Ministers of the Crown, yet such was not its practice; and if the House were to alter its practice in that respect the effect of it must be to divest the responsible Ministers of all responsibility, and place it where it ought not to be. He begged the House to bear in mind that the present was an experimental system, while two opposite objections were made to it—one that it would do but little good, and the other that it would rise into a system of such enormous magnitude that it would require in time an establishment as large as the Bank of England to carry it out, and that it would create a great deal of patronage. Now, with regard to the question of patronage under the Bill, the Chancellor of the Exchequer would have nothing to do. He would not appoint a single clerk, and not half a dozen clerks would be appointed for a length of time after the passing of the Bill. If the system were to grow, the appointments would be made by the Postmaster General exclusively. He did not think they could altogether get rid of the system of patronage, but it might be limited, and that appointments of this kind should be made by free and open competition was what he desired to see. He was, therefore, entirely impregnable on the score of patronage. As to the expense of the system, any calculations on that point must be of an entirely hypothetical character. They must depend on certain assumptions as to the amount of business the savings banks would have to transact. Although he had hopes, and sanguine hopes as to the successful operation of the system he had not the slightest conception as to the amount of business that would be done. He did not know whether it would be moderate or exceedingly large, and he felt reluctant to deal with figures by anticipation that might be falsified by the result. What he wished the Committee to observe was—first, that the operation of the Bill would be gradual; and as the first year's expenditure with the result of the measure would be laid before the House, the House would be in a position to judge of those results, and whether the system was likely to become self-supporting or to entail a charge on the public. The next point was that whatever was the expense of the system it would be an expense that would be precisely adjusted to the extension of its operation. It was not proposed to create a large and new establishment under highly-paid officers. The framework already existed, and everything would fall in with the existing machinery of the Post Office. It might admit of an extension, but that extension would be in precise proportion to the demand. As to the expense, he confessed he attached more weight to the experience of the Post Office authorities in the business of their department and what it had already accomplished than to mere calculations of figures however plausible. The modern Post Office started upon the assumption, which was not believed at the time, that it could receive, carry, and deliver letters with a profit at a uniform rate of 1*d*. To the carriage of letters the Post Office added the book post, and showed that it could receive and carry more weighty matter. It then added the money-order office, and although the profit on that was almost infinitesimal, considering the amount of business done, it still left a profit of some £20,000 or £30,000. The Post Office authorities had carefully examined all the steps of the process under which deposits would be received, transmitted, kept, retransmitted, and returned to the depositors when demanded, and calculated the charge at which that could be done. The result at which they arrived was that one halfpenny on the receipt and another on the reclamation of each deposit would be ample remuneration for the local postmaster. This was independent of the penny for the transmission of the letter. It was quite true, as the hon. Gentleman stated, that deposits of one shilling would be unremunerative, but by the Bill they were not compelled to take a shilling. They might do so, but it was not the particular deposit that they must look to, but the average of the deposits. If the hon. Gentleman saw from the first balance-sheet that the result of the measure was unsatisfactory, it would be competent for him or for the Government to step in in order to stop the slightest appearance of the charge upon the public for the transaction of the business. The Post Office authorities in their calculations had adopted two modes of comparison—the labour involved in, and the cost of the money-order office, and that performed in the existing savings banks; and in both points of view the result was satisfactory as to the result of working the proposed measure. The hon. Gentleman who spoke last said that by reducing the interest from £3 5*s*. to £2 10*s*. he gained £750 on every million, but he might have made a more favourable management of his figures, and he would have at the same time been more accurate if he said he would have gained £7,500. It was the opinion of competent persons in the Post Office that they could transact the business more cheaply than the money-order office; and with regard to the existing savings banks the result of the calculation was that that which cost the existing savings banks one shilling per transaction would cost sevenpence per transaction under the system about to be established. These were statements on which the Committee might venture to rely. These were the views with which he trusted the House would be disposed to make a trial of this experiment, reserving to itself, of course, the powers and the duty of correcting any tendency to excess if it should exist. All calculations based on an assumed number of deposits were only probabilities; it was better to rely on the estimate of the cost of the additional details of work to be done in an establishment already existing. He had a sanguine hope that every statement he had made would be verified, and that the measure would entail no charge on the public. He could not agree with the invective of the hon. Member (Mr. Ayrton) on the savings banks; they might be far from perfect, but they had proved a great advantage to the depositors, and had enabled successive Governments to effect an economy in the management of the public money transcending ten times over any charge the State had been put to.

Mr. SOTHERON ESTCOURT said, he thought that the right hon. Gentleman had treated the two hon. Members who had spoken somewhat hardly. He had complained that they both made speeches which were much better suited for the second reading of the Bill than for going into Committee. But the right hon. Gentleman ought to bear in mind that the second reading of the Bill was brought on at such an hour that Gentlemen who took any interest in the matter were prevented from offering any observations upon the Bill; and the hon. Gentleman, the Member for the Tower Hamlets was, he (Mr. Estcourt) believed, among the number. The hon. Member had asked for details of the expense, and he thought he was perfectly justified in asking that question, for they were discussing both the machinery and the expense of the machinery for carrying out the Act, without any foundation or basis upon which any Gentleman could make up his mind, seeing that they were speaking of an entirely hypothetical question. He should be much better satisfied if the right hon. Gentleman could tell them that an estimate had been prepared, that the minutest particulars had been investigated by the Post Office authorities, that he had had reports from them in regard to expenses under different heads, and that he could give something like an idea of the probable expenditure to the Committee. He was not so unreasonable as to call upon the Chancellor of the Exchequer to lay before them a specific estimate of the expense of the machinery, but if he had received positive information from the Post Office and other quarters which would enable him to give him a general view of the expenditure it would be very satisfactory. He confessed that the statement which the right hon. Gentleman had made in reference to the eighth clause had created a great difference in his apprehension of the risk which the public would incur of having expense entailed upon them under this Bill, but his objections in regard to the principle of the Bill, and which he took the liberty of mentioning on the occasion of the second reading, were not varied. He certainly thought that the right hon. Gentleman the Chancellor of the Exchequer ought to give the Committee some of the particulars, sufficient to enable them to judge of the expenditure with respect to which he seemed so satisfied in his own mind. He dare say what had satisfied the right hon. Gentleman would satisfy the Committee, but unless they had some further information in regard to the expenditure he trusted the Committee would not pass a Bill which involved so great a risk of saddling the people with an additional charge.

Colonel SYKES inquired, whether the hours during which these post-office savings banks would be open, would be the same hours as the money-order office hours? He thought that to enable such banks to do any good, the hours must be such as would enable the public to attend and deposit their money without any loss of time or other expense.

Mr. BRISCOE said, that he had paid much attention to the subject, having been the manager and trustee of two savings banks. The subject was a difficult one, and he thought very few Members of the House understood the merits of the question. He should like to know whether the right hon. Gentleman intended the measure as auxiliary to or subversive of the present system of savings banks? That was an important question. In one large city alone there was nearly a million of money deposited in savings banks, and a large establishment was kept up. Now they had been told that no additional books would be necessary in order to keep the accounts under the new system. The management of a savings bank required great care and attention, and when a large sum was periodically transmitted to the Commissioners of the National Debt accounts had to be kept, and, no doubt, individual accounts would be necessary under the present system; but the Commissioners of the National Debt did not keep individual accounts of separate depositors. It was admitted that the measure was an experimental one—then why not try it on a limited scale? There were no less than fifteen counties in which no savings banks existed, and the measure might in the first instance be applied to those counties and the question of public approbation tested. Without wishing to speak in any unfriendly spirit, he wished that the measure had received more mature consideration by the House and the country, and he suggested that separate accounts should be kept of the transactions which took place under the Bill, so that the House might know the advantage and disadvantage of the new system.

MR. AYRTON denied that he had passed any severe strictures upon the present savings banks. On the contrary, he was particularly well pleased with the present banks, and regretted that anything should be done to diminish their usefulness and efficiency.

THE CHANCELLOR OF THE EXCHEQUER said, he had only understood the hon. Gentleman as objecting to the system, and not to the local management. With regard to the remarks made upon the haste with which this Bill had been pressed, he should be sorry to have it supposed that he had wished to prevent hon. Gentlemen from expressing their opinions on the principle of the measure. He had made no attempt to force it through the House, and if upon the second reading any hon. Member had objected at that late hour to go on with the Bill he would at once have postponed it. With regard to the time during which the post-office savings banks would be open, they would not be absolutely tied to the hours of the money-order offices, nor would they in all cases be confined to those offices. Those points would be left under the control of the Postmaster General, who would make such arrangements respecting the days and hours in particular cases as would suit the convenience of the working classes in the district. He had been asked whether the Bill would prove auxiliary to or subversive of the existing savings banks. Now, that was so general a question that he could only give to it a general answer. He could not tell what the relative merits of the new system would be as compared with that now existing. His opinion was worth little, but he thought it probable that one class of depositors, who desired secresy in their investments, would prefer the new institutions; while another class, who wished to act under the immediate view of their local superiors, would prefer the existing savings banks. He could not say whether the Bill would be auxiliary or subversive. His only feeling in bringing it forward was that it would give to large numbers of people in this country facilities for investing their savings which they did not now possess. That was the sum and substance of all he had to say. As to the suggestion that the Bill should be limited to the fifteen counties in which there were now no savings banks he could by no means concur in it. What were those counties? They consisted of two or three in England, several in Scotland, and some in Ireland, with a very small population and a very insignificant trade; and by limiting the plan to these you would exclude all the great masses of population and all the important centres of trade which were not sufficiently accommodated by the present savings banks system. As to giving more definite information of the probable results of the measure it was impossible to give any as to the amount of business which would be done, except in a form more or less hypothetical. Taking any given number of deposits—say 1,000,000, it would, of course, be possible to say that on that million so much would be the expense of remuneration to the local officers, so much for the transmission of letters, and so much for the cost of the central estsblishment in London where the banking business would be carried on. Those items would include all the elements of the calculation, and probably he could furnish something in the shape of an estimate so far. But with regard to the amounts in which deposits would be received, and the length of time they would be left, it would be absurd to venture to present an estimate.

MR. HERBERT said, that as the representative of a county (Kerry) in which very severe distress had been caused some years ago by the failure of two savings banks, he rose to tender his grateful acknowledgements to the right hon. Gentleman the Chancellor of the Exchequer for the new experiment which he was about to try. A Committee of the House of Commons which had sat on the subject of those failures had recommended considerable changes in the law, but so great were the difficulties in the way that no Chancellor of the Exchequer had been able to grapple with them. The right hon. Gentleman, therefore, had adopted a very wise course, as the old system apparently could not be mended, to give the people their choice between that and a new one. No doubt at the present time savings banks were very well managed, and the chance of failure was the exception and not the rule; but so long as loss was possible under the present system depositors ought to have a choice between it and a system under which loss would not be possible, and he hoped the experiment would succeed.

Sir HENRY WILLOUGHBY said, the real question was whether the measure was a safe experiment. It involved high financial principles and ample time ought to be allowed for its discussion. Upon many of the principal points the right hon. Gentleman had left the Committee somewhat in the dark. It was not an easy thing to establish a bank of any kind, but it seemed to him that they were going to turn the Post Office into a sort of bank, and to make the Postmaster General—a political officer, and subject to constant change—a sort of banker. The Chancellor of the Exchequer had not given the Committee sufficient information as to the probable effect of this great change, and the probable chances of its success. If the scheme were ordinarily successful the number of depositors would probably be numbered by thousands and tens of thousands, and he should like to know how provision was to be made for dealing with such a multiplicity of transactions as the change would involve. Again, there would be many cases of disputed claims involving difficulty of adjustment. The Bill would have the effect of closing up many of the existing savings banks. He believed they were all solvent at the present moment. Would it be wise to destroy existing savings banks? The expense of the proposed system would necessarily be large, as it could not be carried into effect without the employment of a numerous, well-paid, and honest staff of clerks. The Committee were also asked to assent to these monies being paid into the hands of the Commissioners for the Reduction of the National Debt, but an *ex officio* Commission was not a proper tribunal for securing the successful operation of a new banking experiment, and he could not believe that the Committee would assent to such power being lodged in the hands of such a body. If the Post Office was to be turned into a bank somebody ought to be appointed to watch the proper auditing of the accounts.

The CHANCELLOR of the EXCHEQUER said, he must repeat he could not undertake to give any estimate of the number of transactions. If it were small a little good would be done; if it were large a great deal of good would be effected. He really had not the means of forming a trustworthy judgment, but those who had the best means of forming an accurate judgment thought that the number would be very considerable. With regard to disputed claims, they would be disposed of in precisely the same manner as at present, by the intervention of an experienced gentleman, Mr. Tidd Pratt, who had disposed of those claims without difficulty and to the satisfaction of depositors in the existing savings banks.

Mr. PULLER said, that it was necessary to contemplate a great number of cases in which oral and personal communication between the depositors and some confidential person appointed by the Postmaster General would be indispensable. Difficulties were constantly arising from the death or marriage of depositors, or from the joint deposits, on the part of friendly societies, by two or three officers who were either dead or removed. These cases were generally arranged after interviews with the claimants by the managers and trustees of the present banks. It was only when legal points were involved that the managers sent a written statement for the opinion of Mr. Tidd Pratt; but the depositors were quite incapable of drawing up such a statement, and it would be absurd to require them to make journeys to London in order to see that gentleman. The measure would be incomplete unless some local authority were appointed to settle the difficulties to which he had referred on the spot. The local postmaster, of course, could not be such an authority, but probably the local head of the revenue department might be employed for the purpose.

The CHANCELLOR of the EXCHEQUER observed that he had not said that in all cases of difficulty reference would be made to Mr. Tidd Pratt, but that reference would be made to him in cases of disputed claims. Where the intervention of a local officer was required the duty might very well be entrusted to the present district surveyors of the Post Office, who were able and intelligent men. It was not intended absolutely to confine the savings banks to the money-order offices, but to extend the number to places where there was a real need for such institutions and the postmasters were sufficiently qualified to conduct them. At the same time the number to commence with would be much less than the existing number of money-order offices. There was no intention to make a wholesale augmentation of money order-offices in order to open savings banks of this description.

Clause *agreed to.*

Clause 3 (Repayment to be made not later than the seventh day),

Sir FRANCIS GOLDSMID proposed an Amendment after the words "or any part thereof," to add, "if such part be one shilling, or some multiple of a shilling."

Mr. AYRTON said, he wished to ask for an explanation of the strictly legal character of the acknowledgment to be given to each depositor? It was to be conclusive evidence of the right to the money. Would it have to be given up when the demand for repayment was made? Could a lien be created upon it, or would it only be valuable to show the ownership of the money?

The CHANCELLOR of the EXCHEQUER said, that the postmaster's acknowledgment was to be evidence of the depositor's title, but nothing more. The surrender of the acknowledgment would not be a necessary condition of payment of the deposit.

Mr. AYRTON said, he wanted to know what voucher the postmaster would have that the person claiming the money was the depositor.

The CHANCELLOR of the EXCHEQUER replied, that the depositor must produce the acknowledgment, and the Postmaster General would be entitled to require possession of it, if necessary, in evidence of title.

Mr. AYRTON remarked, that in that case the acknowledgments would be documents on which a lien would be created, and would, in fact, form a paper currency bearing interest. Now, the great object of the savings banks had hitherto been to withdraw from men the temptation of spending their money by interposing a little difficulty and delay in getting it out of the banks. But the new system would leave men exposed to the temptation, because the acknowledgments would be pledged to tradespeople and converted into a circulating medium. If a workman carried them about with him they would "burn a hole in his pocket," just the same as so much hard cash. And there would be the further evil that probably the vouchers would be disposed of under their value to satisfy the cravings of the moment. He did not see how the Postmaster General could deal with hundreds of people of whom he knew nothing, unless the acknowledgments were surrendered.

The CHANCELLOR of the EXCHEQUER said, that it was impossible at present to prevent a depositor from pledging his book if he chose to do so, and the voucher of the postmaster would not be in the least more liable to that fate. The hon. Gentleman was entirely wrong in supposing that the acknowledgments could be converted into a circulating medium. His object in drawing the Bill had been to insert in it whatever related to the position and rights of the depositor as against the Government, but to reserve as much as possible everything as to the mode in which operations were to be carried on. The general intention of the Post Office Department was that a depositor who wished to withdraw money should make application in a form supplied to him for the purpose, and that he should insert therein the number of his book, the amount he wished to withdraw, and his full name and address. The application would be forwarded to London for examination, and the Postmaster General would generally be in a condition to forward a warrant for payment of the money. That would be the ordinary course of the transaction.

Mr. HENLEY said, he thought that a good deal of the confusion arose from the want of further information as to the details of the proposed operation of the Bill. The clause, as it read, unquestionably said "the depositor or any body legally authorized." Now, those words involved the first question requiring explanation. What constituted, then, a legal authorization for a demand of the money? They were, then, wholly at a loss to know, except from the sort of casual information given, the particular form in which the demand was to be made. The right hon. Gentleman told them that the number of the depositor's book was to be sent up. The question then arose, was the number of the book to be specified in those receipts or acknowledgments? Because, if so, it appeared to him that it would be quite easy for any one who got hold of one of those deposit vouchers to make a demand on the Post Office for the money, and to give the number of the book. He thought it would be far better if the right hon. Gentleman gave more details in his Bill. He confessed, however, he should be glad to see the measure properly worked out, as he was favourable to its principle. Nevertheless, he thought it most important to prevent, if possible, a circulation of 1*s.* or 5*s.* deposit notes, which, in effect, might become a sort of bank-notes, and might be pledged for their amount. A system of that kind would be a source of much evil, and would lead, he thought, to constant attempts at fraud. Under such circumstances it was obviously most desirable to obtain fuller information as to how the provisions of the Bill were to be worked out. They were not told whether the acknowledgments were to be received as the only evidence of the depositor's claim. If the book were to be required as evidence also, there would no doubt be further security of the propriety of the claim. The bits of paper might be lost. He found by the first clause that the production of the book, and then the acknowledgment, were to be held as conclusive evidence of the validity of the claim; but it did not say whether a man would have the power to obtain the money without this acknowledgment. Now, that was a point on which it was most important to furnish the most complete information to the depositors.

THE CHANCELLOR OF THE EXCHEQUER said, he could not, of course, undertake to say that every contingency had been foreseen and provided for. But with regard to the meaning of the words "the party legally authorized to claim on behalf of the depositor," the construction of those words would be governed by the same principle as that recognized in the existing savings banks law in reference to similar cases. This was not a new code of savings banks law, but the introduction of a new principle in reference to that law. The acknowledgment was a document in favour of the depositor, which, when given to him, would become his absolute statutory title. It might be necessary that he should be required to produce it, and, therefore, the depositor would for his own interest see the importance of preserving it. He was not sure whether or not the acknowledgment would bear upon its face the number of the deposit-book to which it referred; but even if it did there would be this security against fraud, that the local postmaster would have to see that the signature of the person receiving money corresponded with that in the depositor's book.

MR. HENLEY said, they were now informed that the signature of the claimant should be given, and that it should correspond with that originally made. So far so good. There might, however, be other details equally important for the public to know, and which were not inserted in the Bill. It appeared that the Committee were being gradually informed of them as the discussion proceeded.

THE CHANCELLOR OF THE EXCHEQUER said, he saw the object aimed at by the Amendment of the hon. Member for Reading. But if the words proposed were introduced into the Bill the effect would be to prevent the depositor withdrawing the fraction of a shilling. He would, however, make inquiry into the subject, with the view of ascertaining whether such an Amendment would have the effect of creating an economy of labour in the carrying out of the provisions of the Bill.

SIR FRANCIS GOLDSMID said, in that case he would consent to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

THE CHANCELLOR OF THE EXCHEQUER then moved that in line 21 the words "proper officer" should be omitted, and "depositor" inserted in their place.

MR. DENT said, in the savings bank with which he was connected the great bulk of the working people received their interest regularly. He wished to know whether in all cases under the Bill it would be necessary for the depositors to give ten days' notice of their intention to withdraw?

THE CHANCELLOR OF THE EXCHEQUER replied in the negative. The Bill merely provided that after a notice of ten days the depositor would possess an absolute title to receive his money. He apprehended that the warrant would be sent by return of post; but it might so happen, on rare occasions, or when the money was to be repaid at another office than that at which it had been deposited, that a little time would be necessary for the verification of the signature.

MR. BRISCOE said, he would remind the right hon. Gentleman that unfortunately there was a large portion of the working classes who were totally unable to write, and he wished to know how was their mark to be verified?

THE CHANCELLOR OF THE EXCHEQUER said, that in cases where persons were unable to write or sign their names, a similar course would be adopted for the verification of marks to that now pursued —namely, the attestation of a witness to the mark.

MR. SOTHERON ESTCOURT said, he thought that every care was necessary to prevent confusion arising in regard to the acknowledgments and books of deposits. The matter was of great importance, and he hoped the right hon. Gentleman would reconsider it, so as to give additional security to the money of the depositors. The original scheme of Mr. Sykes was that those certificates should have the value of money and bear interest. He (Mr. Sotheron Estcourt) ventured to urge on the right hon. Gentleman that as the matter now stood there was hardly sufficient security given for the payment of the money to the proper party.

MR. KINNAIRD said, that in his opinion the right hon. Gentleman the Chancellor of the Exchequer had exercised a wise discretion in not inserting all these precautions which had been alluded to in the Bill. Such matters might very well be intrusted to the Government.

MR. AYRTON said, he still feared that both depositors and the Government would be involved in inconvenience in consequence of the double element introduced by the right hon. Gentleman—namely, the passbook and the acknowledgment. Clause No. 2 declared that the acknowledgment by the Postmaster General of the deposit made to his officer should be conclusive evidence, not of the receipt of the money by the Government, but of the depositor's "claim to repayment thereof." No depositor could receive repayment without the production of that acknowledgment, which would be such a bit of paper as a poor person was likely to lose. The opinions of the Post Office officials on these subjects were based on the money-order system; but they were not more competent to judge of such matters than hon. Gentlemen who took part in the discussion on the Bill.

LORD ROBERT MONTAGU remarked, that he understood the Bill to provide that, no matter who presented the tickets, the payments would be made to the depositor.

Clause *agreed to.*

Clause 4 (Name of Depositors not to be disclosed),

SIR HENRY WILLOUGHBY asked the Chancellor of the Exchequer whether he would object to the insertion of words limiting the powers of the Commissioners in dealing with the money of the depositors? He strongly urged that these funds should only be dealt with in the exclusive interest of the depositors. He had prepared words to secure such a limitation, but he would rather leave the matter in the hands of the Chancellor of the Exchequer. Experience in the case of other banks had shown the practice of dabbling with deposits to be pernicious, and he hoped the principle would not be revived in this measure.

MR. AYRTON said, he wished to ask why there should be in all cases this peremptory secresy? He thought there ought to be some exceptions to it, and especially in the case of persons who became chargeable to the Poor Law. In those cases the facts relating to the deposits ought to be disclosed to the guardians. There ought to be some protection against persons obtaining relief from the parish, and at the same time being depositors in a savings bank.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the point, though a new one, would be met by leaving the parish authorities to make application to the Postmaster General, who, he believed, would not be precluded from giving all the information required.

MR. AYRTON considered that that would not be a correct construction of the clause. If a postmaster could not disclose the name the Postmaster General would not be able to do so. There ought to be a proviso enabling the Post-office authorities to give proper information in certain cases.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed that on a proper demand being made the names should be disclosed. He would make inquiries upon the subject, and give further information on the bringing up of the Report.

Clause *agreed to.*

Clause 5 (Money to be paid to Commissioners for the Reduction of the National Debt, and repaid to depositors through the Post Office),

COLONEL SYKES inquired whether there were to be any restrictions as to the way in which the deposits should be invested?

THE CHANCELLOR OF THE EXCHEQUER said, the Commissioners would deal with these funds in the same way as they did with the funds of the present savings banks.

SIR HENRY WILLOUGHBY said, he hoped the Chancellor of the Exchequer would consent to introduce words that would limit the power of the Commissioners in dealing with the money of the savings banks. If they were about to establish new savings banks, he trusted that the power of the Commissioners to use the money of the depositors for stock-broking purposes would be limited.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Baronet asked the Committee to reverse the procedure which had been acted upon by many successive Governments, and which had been sanctioned after repeated discussions by that House. He sought to revolutionize the system which had been long acted upon by a clause in the present Bill, and if he wished to destroy the Bill he could not take a more effectual course.

SIR HENRY WILLOUGHBY insisted that although it might never have been intended that the monies deposited in savings banks should be used for stock-jobbing purposes, that such had been the practical result from the clause in the Act of *Will.* IV. That power of dealing with depositors' monies had been strongly deprecated in repeated discussions in the House of Commons. It could not be maintained that the Commissioners for the Reduction of the National Debt had any right to get hold of these monies for the purpose of operating on the money market, irrespectively of the interests of the depositors. He should move the limitation he now proposed in a subsequent clause.

Clause *agreed to,* as was also Clause 6.

Clause 7 (Rate of Interest payable to Depositors),

MR. BUXTON proposed an Amendment altering the date for the first commencement of interest on deposits from one month to half a year.

THE CHANCELLOR OF THE EXCHEQUER said, the introduction of such an alteration would benefit the Government by very much simplifying these transactions, but they had fixed a very low rate of interest, and he thought, in regard to the commencement of the payment, they should not place the depositor in a less favourable position than he enjoyed under the practice now prevailing.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 8 was *omitted,* and Clause 9 *agreed to.*

Clause 10 (Investment of Funds received under this Act),

SIR HENRY WILLOUGHBY said, he rose to repeat his objections to placing savings banks funds at the discretion of the Commissioners for the purpose of operating on the money market, and he should move an Amendment to the effect that whatever monies were invested by the working classes under the Bill should be vested in the manner required by the Savings Bank Acts, with the provision that no sales should be made except for the purposes of the savings banks. He hoped the right hon. Gentleman, the Chancellor of the Exchequer, would agree to the Amendment, and thus obviate the recurrence of unpleasant discussion. If such a power were to be delegated at all, he should prefer its remission to the Chancellor of the Exchequer *eo nomine,* and not a mere mock Commission; but he contended that it was unwise to allow the suspicion to be generated that a secret power rested with these Commissioners for operating on the stock market in the purchase or sale of stock and bills, without regard to the interests of depositors.

COLONEL SYKES said, that in the principle expressed in the Amendment he quite concurred. The object of his previous question was to learn whether, in addition to the £40,000,000 which had been dealt with by the Commissioners for the Reduction of the National Debt, they would have the same power to deal with the £20,000,000 which he anticipated would come into their hands under the operation of this measure. The Amendment provided that the Chancellor of the Exchequer should have no power of dealing with the deposits.

THE CHANCELLOR OF THE EXCHEQUER said, he was entirely at issue with the hon. Baronet, and could not agree to the introduction of the words he proposed. Had the principle he advocated been adopted, Mr. Goulburn's suggestion in 1844 could not have been carried out, and we should now have been paying an extra £1,200,000 a year for the interest of the debt. The hon. Baronet deprecated a Commission for managing public business, and yet proposed one for this business. [SIR HENRY WILLOUGHBY: An *ex officio* commission.] The hon. Baronet proposed a really substantial bodily flesh and blood Commission. It was apparently, he thought, forgotten that the Chancellor of the Exchequer had no power to deal with these funds without the privity and presence of the Governors of the Bank of England; and the disapproval of those gentlemen would have a strong moral influence upon the Chancellor of the Exchequer. For the purpose of showing the absurdity that would result from the adoption of the hon. Baronet's Amendment he would put this case. Last year the House of Commons passed a Bill for the purpose of enabling the Government to raise £2,000,000 for fortifications. The time when that money was wanted was rather uncertain. It so happened that up to the present time but £200,000 of it had been required. That amount had been taken up by the Commissioners of the National Debt. That would have been a good investment for the depositors as well as a convenience to the State. But it might have been required in larger and more frequent sums. Was the Chancellor of the Exchequer, then, to go into the money market once a month, when he wanted money, and call for £100,000, £200,000, or £300,000, as the case might be, disturbing and agitating the market unnecessarily, and depriving these depositors of the benefit they might acquire from such an investment? It was positively too absurd a question to provoke an answer. The two questions—namely, as to the management and as to the finance of savings banks were most important questions, but nothing but confusion and mischief could arise from mixing them up with each other in a Bill like that before the Committee. The hon. Baronet had objected to what he had called the clandestine and irresponsible nature of the dealings with these funds. All he (the Chancellor of the Exchequer) could say was that he was responsible for those dealings; and as to their being clandestine there was scarcely ground for such an assertion, because the hon. Baronet, and any hon. Member who took equal trouble, was as well acquainted with them as he (the Chancellor of the Exchequer) could be. The words proposed by the hon. Baronet would put the conscience of the Chancellor of the Exchequer—if the hon. Baronet admitted a Chancellor of the Exchequer possessed a conscience—in a most painful position, and, indeed, it would be impossible for any Chancellor of the Exchequer to act under such words if they were passed into law. The best way of regarding the interests of the depositors was, however, to make it certain to them that the Government would pay back their deposits with interest, and, if so, the less the depositors knew about anything else the better. It was impossible to have two systems of finance—one for post-office savings banks and another for other savings banks. He trusted that the hon. Baronet would not divide the House on words so ambiguous, and, on many accounts, so objectionable in their character.

Mr. AYRTON said, that since the Chancellor of the Exchequer had introduced a clause regulating the investment of these funds, it was not the hon. Baronet (Sir Henry Willoughby) who had imported a question into the discussion which ought not to have been introduced. [The Chancellor of the Exchequer: I must do something with the money.] The proper plan was to confine the present Bill to the establishment of these banks, and to bring in another Bill regulating the appropriation of the money.

Sir HENRY WILLOUGHBY said, the issue he had raised was a very simple one, and was not to be got rid of by any offhand statement. He had suggested that if £100,000 was deposited by the working classes that amount should be invested in stock, bills, or bonds for the benefit of the depositors, and for no other purpose; also that the accounts should be well kept, strictly audited, duly circulated for the information of the House and the country. All he asked was that they should not extend what appeared to him a vicious system; that the £100,000 should be sold not for the benefit of their depositors, or to answer any call on their behalf—as had been the case, for instance, in the transaction of the Exchequer bills. He was surprised to have heard his right hon. Friend allude to that honest Chancellor of the Exchequer (Mr. Goulburn), for it had been through him that the House had been favoured with the information which had enabled it to denounce the system of using the savings banks money of the country for the purpose of investing it in the public stocks. It was Mr. Goulburn who had laid the voluminous statement on the table; and he had had the advantage of hearing his opinion on the subject, and it was in favour of the course he was now pursuing. With regard to the Commission which at present managed the savings banks funds, it comprised the names of several persons of eminent position, but who did nothing. It consisted of the Speaker of the House of Commons, the Chief Baron of the Exchequer, the Accountant General, the Governor and the Deputy Governor of the Bank of England, and the Chancellor of the Exchequer; but the only members who attended the quarterly meetings were the Chancellor of the Exchequer and the Governor and Deputy Governor of the Bank of England. It was matter of common knowledge that the national debt of this country had been increased to the amount of £2,000,000 without the knowledge of the House of Commons. He desired to put a stop to such a state of things. Then he had moved for a Return showing how much of the unfunded debt had been changed into funded debt. The Return made was *nil.* But it afterwards turned out that £7,000,000 of unfunded debt had been so treated. Such laxity in the management of those funds showed the impolicy of allowing them to be dealt with without the authority of Parliament. It was against such operations that he protested; and, therefore, he asked that the savings of the poor should be kept as simple deposits, and should not be mixed up with state purposes and projects.

Sir JOSEPH PAXTON said, he hoped the Amendment would be withdrawn, for its proposition on the present occasion, involving as it did an enormous change in financial arrangements, seemed almost like taking the Committee and the Chancellor of the Exchequer by surprise. The question was important, and if the hon. Baronet gave notice of a Resolution on the subject, it might then be fairly discussed. The hon. Member for the Tower Hamlets must on consideration see that the present clause was absolutely necessary; for it was no use to have money deposited without the power of investing that money somewhere.

Colonel SYKES observed that Mr. Goulburn had made a brilliant operation with the savings banks money, but succeeding Chancellors of the Exchequer had lost £3,000,000 by their employment of it.

Mr. DARBY GRIFFITH said, that as the present Bill was brought in to amend the previous system, the question arose whether the Commissioners ought not to act as trustees simply, and not as bankers.

Sir HENRY WILLOUGHBY said, that as there appeared to be some fairness in one or two of the observations which had fallen from the Chancellor of the Exchequer, he should assent to the withdrawal of his Amendment, but not on the score of principle.

The CHANCELLOR of the EXCHEQUER said, he must object to the withdrawal of the Motion on those qualified terms.

Mr. SOTHERON ESTCOURT said, that while he concurred with his hon. Friend the Member for Evesham in thinking that the mode of dealing with the savings banks funds as a whole was not satisfactory, he should yet be unwilling to take a course which would be calculated to have the effect of placing two systems of savings banks deposits—the present, and that which would be created under the Bill before the Committee—upon a different footing. He should, therefore, recommend his hon. Friend to withdraw his Amendment.

Mr. MALINS said, an appeal had been made to the hon. Baronet to withdraw the Amendment upon a technical point. He thought the principle was a very important one. The Government were anxious to become bankers and receive deposits, and it was contended for the first time that the depositors were to have control over the actions of the banker. He did not know what restraint should be put upon the public banker which was not put upon the ordinary banker. When they thought a banker was a sober-minded, discreet man, they trusted him with their money, and they did not ask him whether he invested the money in the 3 per Cents or Exchequer bills. He thought the Chancellor of the Exchequer was quite right, and he thought the hon. Baronet should withdraw his Amendment, but not with the view of bringing it forward again.

Mr. DARBY GRIFFITH observed that the Government, in the present instance, were to be regarded not so much in the light of bankers as trustees.

Amendment *negatived.*

Clause *agreed to,* as were also Clauses 11 to 13 inclusive.

Clause 14 (Provisions of Savings Banks now in force applicable to this Act except, &c.),

Mr. SOTHERON ESTCOURT asked, whether the result of the audit and examinations of the savings banks accounts would be laid before Parliament.

The CHANCELLOR of the EXCHEQUER replied that the same course would be pursued as was adopted in reference to the other public accounts; the auditors would report to the Treasury, and the House could, if it so pleased, bring the matter within its own view. He, however, intended to move the appointment of a Committee of public accounts, and his opinion was that ultimately, though not at present, all that was done with public money should be under the revision of that Committee.

Mr. HERBERT intimated a doubt whether the mode of deciding disputes under the Bill was the best that could be devised. He alluded to a case under the present system of savings banks where awards had been made for £15,000 or £16,000, which had been afterwards pronounced by one of the Irish Judges not to be worth the paper on which they had been made. He thought there should be a power to have two arbitrators appointed.

Mr. SOTHERON ESTCOURT said, he believed that the disputes would be of a different character from what had occurred under the ordinary savings banks. The former disputes had been between the depositors and the trustees of the banks, and unfortunately as they gave no security, the result was always unsatisfactory to the depositors. The only dispute that could arise now would be with regard to the falsification of a signature, or the withdrawal of an acknowledgment. The dispute would always be between the depositor and the central Government. He did not think it was the assistance of two arbitrators that would be required, but of a person best acquainted with the law. That being so, he thought it better to leave the matter in the hands of Mr. Tidd Pratt.

Clause *agreed to.*

House *resumed.*

Bill *reported,* as amended, to be considered *To-morrow.*

LONDON COAL AND WINE DUTIES CONTINUANCE BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS: Sir, in moving the second reading of this Bill I shall trouble the House for a few minutes only, inasmuch as I stated when asking leave to introduce the Bill the general purport and character of the measure. The House is doubtless aware that duties are now levied upon all coal imported into the City of London, and within a radius of twenty miles from St. Paul's, or some other central part of the Metropolis. The amount which is thus raised consists of three portions—namely, of 4*d.* a ton which is levied for the benefit of the Corporation of London, and of two other sums of 8*d.* and 1*d.* which are levied under the authority of several Acts of Parliament, and the proceeds of which have been exclusively appropriated to certain works of public utility. During the last Session a Committee was appointed to consider the question of the embankment of the Thames. That Committee was composed of various Members well qualified to form an opinion on the subject, and the unanimous Resolution which it reported to the House was to the effect that, as in 1861 the 8*d.* and 1*d.* duties upon coal and the ½*d.* duty upon wine which were imposed and continued by Parliament to defray the cost of public improvements would cease, those duties should be renewed for a limited period, and the whole or part of the expense of the Thames embankment should be made a first charge upon them. The present measure is based, in substance, on that recommendation. I need hardly say that the present Bill is not one in which the Government have any peculiar interest. It is only because it affects to some extent the general interests of the Metropolis and of the country at large that they have thought it their duty to take charge of it, and to see that the recommendation of the Committee of last Session is carried into effect, if the House should think fit to agree to it. The main object of the Bill is to continue for ten years the 8*d.* and 1*d.* duties which are described in the Resolution that I have just read. The Committee of last Session recommended that the great and, I believe, useful work of the Thames embankment should be executed. Since that time the Government have issued a Commission to persons who either have professional knowledge on the subject or are locally interested in the execution of the work, with the view of selecting the best of the different plans which have been proposed for that object. The decision of the Commission will be of an engineering character. The Report will be laid before the House as soon as made, and it will then be in the power of the House, if it thinks fit, to legislate on the subject, with the best advice which is in the power of the Government to procure for that purpose. If the House should be disposed to agree to the plan selected by the Commissioners it will then be enabled to appropriate to the execution of such plan the proceeds of the 8*d.* and 1*d.* coal duties, which will be preserved under the operation of this Bill. What, therefore, this Bill proposes to do is to keep alive the 8*d.* and 1*d.* duties for ten years, preserving them for such purposes as Parliament may hereafter determine. But, in addition to the 8*d.* and 1*d.* duties, the Bill will likewise continue the 4*d.* duty now levied by the City. I understand that tax has been levied for a long period by the City either in the form of a duty of 4*d.* per ton, as at present, or at the nearly equivalent rate of 4*d.* per chaldron, which was the case before 1831. I am informed by the officers of the Corporation that their books show that the tax has been levied uninterruptedly since about the time of the great fire of London, at which period the City records were destroyed. How many years it was levied before that time I am unable to inform the House; but at all events it has been levied continuously since the year 1666; and it is hardly necessary, I think, to go further back. Well, with regard to this 4*d.* duty on coal levied by the City, I am aware that a great deal of discussion may be raised. It may be said that the Corporation ought not to levy for their own purposes a duty of 4*d.* per ton on all the consumers of coal in London and within twenty miles of London. The Corporation, however, maintain that they have what they consider as a right of property in that impost. I am unwilling to enter into a controversy which I know from experience may not be very easily determined in this House with regard to what may be the rights of property of a Corporation in dues of that nature. That subject gave rise to great differences of opinion in former years; and the plan I would propose may, I think, tend to abridge that controversy. I should wish, when the Bill reaches the Committee, to insert a clause appropriating the whole of the 4*d.* City duty to the extinction of the debt which has been created by the City for purposes of public utility, under the authority of Acts of Parliament. If that were done there would be no discretion on the part of the City to apply the 4*d.* duty to any purposes which had not been expressly sanctioned by Parliament. I will state to the House the nature of the debt which is now actually charged under authority of Acts of Parliament upon the 4*d.* coal duty. The City has been empowered by Acts of Parliament to raise money for the execution of the improvements in Cannon Street. They have raised £540,000 for that purpose, and having power by Acts of Parliament to charge that sum upon any of their revenues by the authority of the Common Council, they have charged it on the 4*d.* coal duty. If the plan I propose meet with the approbation of the House I should hope the City Corporation would agree without any serious objection that the whole produce of the City 4*d.* duty for the next ten years should be approriated to the payment of the interest on this £540,000, and the redemption of the principal. The estimate I make of the annual produce of the City coal duty under this Bill—somewhat diminished, inasmuch as the radius will be less—amounts to £60,000. The interest on the sum borrowed will, I believe, be about £21,000 a year; that would leave about £40,000 a year to be applied to the redemption of the debt. That would make in ten years £400,000; but, allowing for the gradual diminution of the sum by the operation of an annual sinking fund, I believe the entire £540,000 would be extinguished at the end of ten years. If the House would agree to that course, I would, when the Bill reaches Committee, insert a clause appropriating the produce of the 4*d.* City duty to the purposes I have described. There would then be the 9*d.* duty, if the House should see fit, to be appropriated to the Thames embankment. In regards to the 4*d.* duty, it is at present levied within a radius of twenty miles from the Metropolis. It is rather a difficult thing to say what the Metropolis is, inasmuch as it has no legal boundaries; different limitations of it exist for different purposes. I believe the original state of things was this:—Going back to the time when railways did not exist, the whole of London was supplied by sea-borne coals, and in general terms upon the whole of these sea-borne coals a duty was paid to the City, and no part of it was drawn back. The consequence was that as far as the neighbourhood was supplied from London the City duty was levied on the coal. The City, some years ago, consented to limit the radius within which the duty should be payable and allow a drawback to all places lying beyond the twenty miles. That measure was represented as a grasping and rapacious act on the part of the City, but it was really a concession to the consumer, inasmuch as it said, that whereas formerly places in Hertfordshire and Kent which got their coals from London—Brighton might have been so supplied—were subject to the City duty, all places beyond the radius of twenty miles are now entitled to a drawback. I say, therefore, some injustice was done to the City in reference to that measure by the descriptions and complaints I have occasionally heard in this House. There is certainly an objection to take an arbitrary limit and say every place without shall be free from this tax and every place within shall pay. What I propose to do, therefore, is to take a district recognized for some other existing purposes. I propose to adopt the district of the metropolitan police, and say, every place within the metropolitan police district shall be subject to the duty, but it shall go no further; and I shall be prepared in Committee, if any doubt should exist on the construction of the Bill as it stands, to insert words expressly giving the drawback to places lying without the metropolitan police district. I hope that explanation will save the House a great deal of antiquarian and legal discussion, and possibly some very irrelevant matter, on this question. I trust the House will consider it not as a question of law, but of expediency. The question is simply this :—We have already by the Metropolitan Board of Works carried direct taxation within the Metropolis to the extent to which the ratepayers are willing to go. The last measure for the execution of great drainage works has added to their burdens, and I do not think that any Gentleman who should come forward and propose to raise a large sum for works of public utility by taxation on the Metropolis would have a very easy task to perform. That being the case, is it, or is it not desirable that a certain sum should be levied for public purposes within the Metropolis? It is a question which every hon. Gentleman can answer for himself. I can only say I have no personal interest in pressing this matter on the consideration of the House. The Government are perfectly willing to abide by the decision to which the House may come. But I rely on the recommendation of the Committee, and my belief is that unless this tax which now exists, and which is not felt a heavy burden by any class of consumers in the Metropolis, be continued, there is no feasible method by which either the Thames embankment or any similar work can be executed. With respect to the principle of putting a port duty on coals, I wish to suggest to hon. Gentlemen who as connected with the ownership of coal may feel some difficulty on that point that I believe there is not a single one of the large ports in the north from which coals are exported where an export duty on coal is not collected for municipal purposes. I make this statement on the authority of a return made to this House in 1831. In Newcastle, Stockton, and Sunderland, and I believe all the large towns in the north of England, in Scotland, and Wales the municipal corporations levy similar export duties. I, therefore, submit that it is not open to Gentlemen from the coal districts to object to the principle of a municipal duty being levied on coal. With these explanations—and I am sorry to have troubled the House so much at length—I beg to move that this Bill be now read a second time.

Motion made and Question proposed, "That the Bill be now read a Second Time."

MR. W. WILLIAMS said, he trusted the right hon. Gentleman would consent to postpone the second reading of the Bill until the inhabitants of the Metropolis had had an opportunity of expressing their opinions upon the tax. He had not received the Bill until his return to town after the recess, and therefore had not time to consult his constituents upon the matter.

SIR GEORGE LEWIS observed that the Bill had been delivered to hon. Members on the 20th of March.

MR. W. WILLIAMS said, he had not seen his copy until the present day. The tax was most objectionable, as it was levied upon an article of consumption, which was nearly as much one of the necessaries of life as bread. The principle, too, of placing so much money at the control of the Metropolitan Board of Works was most objectionable. If levied at all it ought to be placed in the Treasury. It was proposed that a portion of it should be employed in the embankment of the Thames, but that was a work which could not be carried out under existing drainage arrangements. As the tax pressed so severely on the labouring classes he was opposed to its continuance, and the only purpose for which it ought to be continued would be for the embankment of the Thames, and which should be carried out upon both sides of the river. The debt of £700,000, which the Court of Aldermen advanced Charles II. out of the orphan fund had been entirely paid off eighty years ago by the Tax on Coals, so that they might calculate that 4*d.* duty had long since paid the debt incurred for the improvement of Cannon Street.

SIR GEORGE LEWIS observed that the whole of that debt was entirely unproductive.

MR. W. WILLIAMS said, the City had, in deference to public opinion, relinquished the toll charged upon carts carrying goods to market which amounted to £7,000 a year, and ought now to forego this impost. He had no objection to the second reading of the Bill, but hoped the right hon. Gentleman would postpone it for a fortnight.

Mr. ROUPELL said, he rose to move the adjournment of the debate. He was surprised that the right hon. Gentleman the Home Secretary should have totally ignored the existence of the Select Committee of which he was a member, and which was appointed to inquire into the whole question of metropolitan taxation and local self government. It would be irregular for him to refer to the proceedings before that Committee, but he should be quite in order in referring to the proceedings of that civic Parliament, the Common Council, and he might mention it had been stated that the Committee in question had demanded from the authorities of the City corporation certain information which was at first refused, but which he believed would now be supplied. Allusion had been made to the Committee of last year on the embankment of the Thames. As a member of that Committee he had himself endeavoured to obtain the very information which the present Committee had applied for and hoped to obtain, and he had met with the same difficulties as beset the members of every Committee which had to deal with that question. It had been said that the City dues had been mortgaged for the payment of certain debts, and that a charge had been created on that source of revenue. But the fact was, that no sort of mortgage had been effected by the corporation other than the issue of the ordinary bonds of the City of London. No specific charge had been created on any particular source of their revenue, their whole property being pledged as security for the money they borrowed. Other Committees had, no doubt, sat upon that subject, but none of them had dealt with it as a whole. He had no wish to obstruct the Government nor to offer any hostility to the City of London; but as a Committee had been appointed to investigate the entire question, and was still sitting, they had a perfect right to demand that that Bill should be postponed until they had a fair chance of having before them a clear and compendious statement of the facts relating to that important subject. The House was now dealing with a matter affecting several millions of persons and involving very large sums of money, and it was bound to avoid undue haste. There would be ample time to consider the question after the Committee had reported, and he, therefore, trusted the House would support the Motion which he now begged to make—namely, that that debate be now adjourned for six weeks.

Sir JOHN SHELLEY seconded the Motion.

Viscount HOLMESDALE remarked that he had understood from the right hon. Gentleman that the object of the measure was not to extend but to contract the area of the tax; but he should be glad to learn if he were correct in the supposition that Gravesend, Northfleet, and Dartford would become liable to it for the first time if the Bill passed.

Mr. Alderman SIDNEY said, that the subject under dicussion was by no means new to the House of Commons. During the last seven years there had been no less than four inquiries with regard to it; and a Committee, of which the right hon. Baronet who represented Westminster was chairman, had reported favourably of the claims of the City of London to the expenditure of the coal duties. [Sir J. Shelley: No, no!] He did not believe that those claims could be legally disputed; nor had he ever heard that the Corporation of London had been charged with misappropriating the funds. In a large city like London great and expensive improvements were required from time to time, and those improvements affected not the locality alone, but the nation. If these funds were swept away how were improvements to be continued? How was London to keep pace with the other cities of Europe? The hon. Member for Lambeth had compared the tax on coals to the tax on corn. He said we might as well tax the people's food as tax their fuel. [Mr. Williams: Hear, hear!] But the tax on food affected the poor man daily, while that on coal amounted, in the case of the poor man, to not more than 6*d*. or 1*s*. a year. Many a poor man did not consume more than a ton of coals in the year. That then, was not a poor man's tax; on the contrary, the poor man was greatly benefited by the outlay of the tax, which was spent in public improvements, for it gave him work. He believed that the embankment of the Thames and other improvements were imperatively required in the Metropolis. He did not mean to contend that the present area of taxation was a wise or just one, but he contended that if any tax at all was to be levied for metropolitan improvements there was none that would fall less oppressively upon the community than the coal-tax. The opposition of metropolitan Members seemed to be dictated by a spirit of jealousy, because other districts did not possess those local institutions which were the pride and boast of the City of London. No charge had ever been sustained against the Corporation that it had not properly applied the funds at its disposal, and he thought it would be better for other metropolitan districts to seek to obtain mayors and municipalities for themselves rather than to attempt to destroy the ancient privileges of the City. He should support the second reading of the Bill.

SIR JOHN SHELLEY said, he did not think they were called upon to discuss whether the coal tax was the best way of raising a fund for metropolitan improvement. The hon. Member for Lambeth (Mr. Roupell) very recently said that as the Committee were inquiring into the subject, the better course would be to postpone the second reading of the Bill. Being a Member of the Committee he was precluded from saying a word as to what they were doing. The Committee had not yet reported, and it was an extraordinary proceeding for the right hon. Gentleman to bring forward the Bill, and to propose a continuance for ten years of a tax which was still under the consideration of the Committee. He should vote for the postponement of the second reading.

MR. ALDERMAN CUBITT (the LORD MAYOR) said, he objected to the assertion that the Committee appointed on the Motion of the hon. and learned Member for the Tower Hamlets was intended to inquire into the right which the Corporation of the City of London had enjoyed for centuries of levying a tax on coals imported into the metropolitan district. He doubted whether the House would have so readily consented to the appointment of that Committee if the hon. and learned Gentleman had avowed that it was his intention to inquire into that right. He objected to the proposed delay, and contended that it was highly necessary to proceed with the Bill. He might argue that, inasmuch as the Corporation of London had enjoyed from time immemorial the right to impose this tax, it had a right to dispose of the money as it pleased. No doubt it had such rights, but the City took higher ground than that of mere legal right; it had appropriated a much larger amount than this tax out of its revenues for the public benefit. All who were acquainted with the City would admit that there was a growing necessity for public improvements; and that there was an urgent demand for an outlay of money. The money necessary for that purpose could only be raised by taxation of some kind; and the question was whether, with that demand for improvements, they should sacrifice a tax to which the public was accustomed, and which fell very lightly on the community. If they did some other means of raising money must be found; and he could not conceive the possibility of raising it by any tax that would fall more lightly. During the whole time the City of London had received the tax it had expended it for the public benefit. The improvement in Cannon Street was a great improvement, and had cost £500,000; but that was not all that had been done in the last few years. The City had laid out nearly the same sum in removing Smithfield Market, a work forced upon them by public clamour and a vote of that House. It had also spent £100,000 in building a new prison. That was not for the City of London alone; it would not have required it for its own population. The City was continually called upon to lay out money for improvements beyond the City boundaries. The centre of a great kingdom was liable to demands to which no country town could be subject. The City of London, therefore, did not belong to that category of towns which should bear their own burdens. The City was placed on the banks of a broad river, with two bridges that cost £1,000,000 each. Was it reasonable to expect that the 130,000 inhabitants of the City should raise the money for such enormous public works out of their own means? Though the City of London had claims and rights that would satisfy the mind of a lawyer, he would not go into that question at all. He took higher ground, and contended that the funds it received it applied to public purposes. The question, then, was narrowed to this—could they go on in the great Metropolis without expending large sums of money, and could they raise the funds by any better means than a tax to which the public had been accustomed for a great number of years, and that was raised with the smallest possible cost and inconvenience? The tax on coal was collected by a clerk from every vessel that came into the river. The money was paid, and the cargo liberated at once. But what was the case in the great cities of the continent, such as Paris? He should not recommend a wall to be built round the Metropolis with a hundred gates, at seventy of which an *octroi* duty would be levied;

while through the other thirty nothing would be allowed to pass in. But it was absolutely necessary that money should be raised by indirect taxation, for of direct taxation they had reached the extreme limit, for the purpose of constructing the great sewers for the drainage. If they threw away this tax they would get into difficulties it would be impossible to surmount.

MR. THOMSON HANKEY said, he regretted that the Amendment for postponing the second reading should have been moved, for he could not imagine a more convenient period for discussing the measure. If the improvements in question were confined to the City it would be a different thing; but why there should be a feeling on the part of the metropolitan Members merely because the tax was collected and expended by the Corporation of the City of London, when the improvements were extended over the whole Metropolis, he was at a loss to understand. The City was the nucleus of the whole Metropolis; and, although he had himself given evidence in favour of the establishment of other minor metropolitan corporations, still the City of London was now the only Corporation, and would, in any case, have the prestige of antiquity, besides which it had, confessedly, carried out public works in a far preferable mode to that which had been adopted by the Metropolitan Board of Works. Every visitor to London was struck at the crowding and block which took place in the streets, and those who, wishing to remedy this evil, yet objected to continue the coal duties, ought to be prepared to point out some better tax. He did not mean to say that if the tax were now to be imposed for the first time the existing form was the best in which it could be raised, but he believed there were few taxes that could be imposed which pressed so lightly on the poor. The only disputable question was as to the area of the taxation. It was not creditable to the City that at present they had three different areas of taxation—the coal tax, the police tax, and the Metropolitan Board of Works. The present area of the coal tax was to be given up and the police area substituted; and though he had at first been in favour of the Board of Works area as the most limited, he soon saw that it would give rise to much evasion without the establishment of something like an *octroi*. It being evident that a tax of some sort was necessary, the House should next consider that this was a tax to which the inhabitants of the Metropolis were accustomed; and speaking with impartiality, he repeated that no one could point out a better body to distribute these funds than the Corporation of the City of London.

MR. CRAWFORD said, he would recommend those hon. Members who were in favour of the Bill to vote against the adjournment, which was made for a covert purpose. The coal tax expired in the month of July next, and the adjournment of a month or six weeks, therefore, would effectually lose the tax.

MR. TITE said, that on the part of the Metropolitan Board of Works, he rose to disclaim any desire to take out of the hands of the London Corporation the distribution of this fund. It would be impossible to accomplish that which every man anxious for the improvement of the Metropolis desired to see effected—namely, the embankment of the Thames—unless a tax of this sort were resorted to. He fully concurred in the opinion of the right hon. Gentleman that direct taxation within the metropolitan district had reached its limit. In 1858 a return was made to the Metropolitan Board showing that the amount paid in direct taxation within the metropolitan area was £2,000,000 per annum, and since then the main drainage rate had caused a large addition at least £150,000 per annum to the direct taxation levied. The calculation for the product of a rate was simple enough, for a penny rate in the Metropolis produced £50,000 a year, but it would be impossible, he thought, to raise any further sums by direct taxation. Where were the £2,000,000 to be found for the Thames embankment if the coal tax were refused? As regarded the main drainage, the House should remember that that might be carried out without the embankment. There was no mechanical or engineering difficulty; but then the sewer must be carried up Parliament Street and along the Strand, interfering with the traffic of all these thoroughfares in the most inconvenient and offensive manner. Now, they wanted to combine with the scheme of drainage a great line of road, and perhaps a line of railroad, which would relieve the over-crowded thoroughfares and be an ornament to the river. Somewhere about £15,000,000 was wanted for metropolitan improvements of one sort or another, and if the House would not consent to the continuance of this impost, or provide other means, they must be content to leave London as it was, with all its inconveniences. He had no particular objection to the postponement of the Bill for another month except this—that postponements very often led to a Bill being lost altogether.

MR. PULLER said, he thought every body would agree that the Thames embankment would be an excellent thing, but the question was, how was it to be paid for? He had not seen any disposition in the debate to prejudice the very ancient right of the City, if they could show that it existed, to the tax of 4*d.* a chaldron on sea borne coal. If they had that right let them enjoy it, and welcome ; but they would find it very difficult to make out any right to levy a tax on coals brought to London by railway and canal. The questions for the House to decide were whether this tax on coal was the best mode of raising the money required for Metropolitan improvements, and, if it were the best mode, whether the area fixed by the Bill was a just one. It had been said that the direct taxation of London had reached its limits, but he thought that if a certain amount of taxation was to be borne it made very little difference to those who had to bear it whether it came in the shape of a coal tax or of a direct rate upon their houses. As far as he could make out, an additional rate of 3*d.* on houses would raise pretty much the same sum as this coal tax. In a Report from the Metropolitan Board of Works, which had been laid before the House, he found it stated that the imposition of a coal tax would be 50*s.* a year on persons who lived in large houses at the west-end of the town, and 50*d.* on the poorer class at the other end. Now people who would have to pay 50*s* a year to the coal tax would probably live in houses of about £300 a year, so that the 3*d.* additional house tax would be but 75*s.* to them or only 25*s.* more than the coal tax, while on the £10 householder at the other end of the town the 3*d.* additional house tax would be but 2*s.* 6*d.* instead of the 50*d.* coal tax. So that the advantage was certainly, as far as the poorer occupiers of houses went, not on the side of the coal tax. The great disadvantage of the coal tax seemed to be that it would throw the burden of the metropolitan improvements on the great consumers of coal, the large manufacturers and employers of labour in the Metropolis, who would be placed at a disadvantage as compared with similar employers of workmen who lived outside the area of taxation. He was very much disappointed at finding that the right hon. Gentleman the Home Secretary persisted in extending the area of the tax beyond the districts which would share the benefits of it, and which elected the representatives who were to administer it. The right hon. Gentleman was not correct in saying that the police district was defined by Act of Parliament. The Act simply gave power to the Queen in Council to fix the district within certain limits, and it was only by a strained construction of the Act that many places were brought in. There was no reason whatever why a parish which was included in the police district should also be subjected to the coal tax. The words defining that district were extremely ambiguous, so that the boundary was very irregular. When any part of a parish came within fifteen miles of the General Post Office the whole was taken to be included, although another part of the same parish might be twenty miles from the same point. One parish—Harefield—which would be subject to the coal tax if the present Bill became law was twenty-one miles and a half from Charing Cross. No doubt before there were rural police it was desirable to extend the metropolitan police as far as possible ; but now people in the rural districts considered it a hardship to be under the metropolitan police, because they were rated at 6*d.* in the pound for what other people only paid 2¾*d.*, who were quite as well served. Parishes in Hertfordshire considered the metropolitan police rate a great burden and a grievance, and now it was proposed to add to their misery by making them liable to the coal tax, for no other reason than because they had been already rated at 6*d.* in the pound to the metropolitan police. It was adding one injustice to another, for which he saw no shadow of excuse, and unless the Chancellor of the Exchequer gave notice of his intention to alter the area of taxation he should vote against the Bill.

MR. AYRTON said, he could not understand how the Lord Mayor could charge him with having moved for the Committee without allowing it to be known what its objects were, or how the Corporation could be surprised at being asked by what right they levied this tax. When the Home Secretary's Bill was introduced last year he moved to refer it to a Select Committee, which Committee was also to inquire into the local taxation, and in making the

Motion he explained fully what it was that he wished to be investigated. He particularly stated that there was no satisfactory evidence of the right of the City to this tax, and that he wished that to be inquired into. That Bill was withdrawn, and his Motion consequently came to nothing; but this year he put the same Motion on the paper, omitting that part, of course, which referred to the Bill; and in moving it he referred to his speech last year, and the explanations as to his object which he had then given. The very first subject which the Committee had undertaken to examine was this very question of taxation by the Corporation in the Metropolis.

Mr. Alderman CUBITT said, he rose to order. He submitted that the hon. Member was not justified in stating to the House what a Committee was doing.

Mr. AYRTON said, he wanted to know what was to be thought of the conduct of a Minister of the Crown who brought forward a Bill with the knowledge that by the appointment of a Committee the mouths of the metropolitan Members were closed upon the subject, because, if he had no right to refer to what the Committee were doing, still less had he the right to state what was said before that Committee. He supposed he should be out of order if he referred to what was made patent by the proceedings of other Committees—namely, that the Corporation of London did not claim as a right the taxes which the Government proposed to give them by this Bill. He undertook to say that before no Committee had the Corporation claimed as a right the taxes which the right hon. Gentleman was going to give them by law. He thought the House would stultify itself if it proceeded with the discussion that night while the whole subject was under consideration, and they were not in possession of essential information. The City of London was bound by law to pay into the same fund as that into which the coal tax was paid a sum of £12,000 a year. It was a condition for receiving the 4*d.*, and it was an open question whether it was not merely a condition, but a permanent obligation. He had privately made a proposition which was so reasonable that he would publicly repeat it. The sum and substance of the whole matter was that the Corporation could receive the 4*d* and do what they pleased with it; but that the 9*d.* and the £12,000 a year were to be applied to metropolitan improvements. The Acts of Parliament under which the tax was levied would expire on the 31st July, 1862, but a question of construction had arisen. In two or three months there would be no object recognized by Parliament to which the money raised by this tax could be applied, and, therefore, the question had arisen whether the tax would not expire in that time—two or three months—instead of in July, 1862. Now, his proposition was that the right hon. Gentleman should introduce a short Bill to continue the existing state of things until July, 1862, and if in the mean time there should be no object to which the present tax could be legally applied it could remain in deposit as proposed by this Bill. That would enable Parliament to give this Session to consideration and the next Session to legislation. His hon. Friend behind him had been charged with a covert purpose in moving an adjournment, so that the coal tax might be allowed to expire. His hon. Friend had no such covert object. What he desired was that the House should be in possession of information on the subject. In matters of taxation they wisely voted Estimates first, and then provided Ways and Means. The present, he assented, was the first instance in the annals of Parliament in which a Minister of the Crown had proposed to impose taxation, amounting to £250,000 a year for ten years, without having given a thought as to what should be done with the money so raised. There was no necessity for such precipitation, and he should therefore support the Motion for adjournment.

Mr. NORRIS said, that his hon. Friend was quite out in his calculation as to the produce of the coal tax. Even if the area of taxation remained, it would not produce in the ten years, as he had said, £2,500,000. But with the area reduced at it was in the Bill, and the 4*d.* tax being applied to the liquidation of an existing debt, the 9*d.* would not produce more than £1,500,000 or £1,700,000 in the ten years. He believed the embankment of the Thames alone would cost over £2,000,000, and as the necessity of that work was universally admitted, it would be unwise to delay, for a month or even a week the passing of this measure. It was said that the tax was oppressive to the poor; but, considering the small consumption of coal by the poor, and the large consumption of it by the wealthy, he did not think there was any tax the incidence of which would bear more lightly on the poorer classes. Moreover, there was no tax that was more easily or more cheaply collected. It cost from 5 to 7 per cent to collect other taxes, whilst the coal duty was collected at 1¼ or 1½ per cent. A large portion of the fourpenny tax was spent in improvements of the Metropolis outside the City, or in improving and widening the great thoroughfares of the City, which must be considered metropolitan improvements, for the inhabitants of the whole Metropolis benefited thereby. Unless the Bill passed, those great and important works which all desired should be carried out must be suspended for an indefinite period.

General PEEL said, he had not the slightest objection to the City of London taxing itself for the purpose of promoting public works, but that objecting as he did to the area proposed by the Bill, he should vote against it.

Sir GEORGE LEWIS said, that in answer to the noble Lord the Member for Kent (Lord Holmesdale) he had to state that it was not intended to retain the town of Gravesend in the second section of the Bill, and would probably propose to limit the area in that direction by the boundaries of the metropolitan police district. The question of area was one which would properly be considered in Committee. The Motion for delay struck at the merits of the whole question, because it would be equivalent to a Resolution to read the Bill a second time that day six months. A new Member might, perhaps, believe that it was nothing to wait for the report of a Committee, but those who were experienced in the proceedings of the House must know that there was no prospect of any legislation on this question during the present Session if they waited for the report of a Committee which had hardly begun its inquiries. He had certainly understood that the Committee of the hon. Member for the Tower Hamlets (Mr. Ayrton) had been appointed to inquire into the general taxation, actual and possible, of the entire Metropolis, and was not to be narrowed to the consideration of the 4*d.* duty. Even if the Committee were to decide on the legal right of the City to levy the duty, they would not substantially assist the House in determining whether it was expedient to continue it. He could not admit that the appointment of the Committee ought to influence the decision of the House on this subject. The hon. Member for the Tower Hamlets was mistaken in supposing that his mouth was shut because he was a member of the Committee. There was a wholesome rule that a member of a Committee was not allowed to quote evidence adduced before the Committee until it had been reported to the House; but he was not precluded from citing information from any other source, or from expressing his own views on the question. There was plenty of evidence furnished by other Committees to enable the House to come to a decision at once. He differed from the view of his hon. Friend the Member for Hertfordshire (Mr. Puller), that it was immaterial to the taxpayer in what manner a tax was levied as long as the amount was the same. If his hon. Friend happened to be Chancellor of the Exchequer and attempted to enforce that doctrine, he would meet with the strenuous resistance of the House. It was unquestionably a recommendation of this tax that it already existed; and he trusted that, as the proposal now made was only to continue it for a limited number of years, leaving its appropriation for the subsequent decision of Parliament, the House would come to an immediate vote and read this Bill a second time.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 20; Noes 135: Majority 115.

Question again proposed, "That the Bill be now read a second time."

Mr. AYRTON said, he would then move as an Amendment to the Motion for the second reading, "That, in the opinion of this House, the Coal Tax and the London Bridge Approaches Fund should be continued until the 31st of July, 1862." The operation of this Bill being confined to the coal and wine duties, it would put an end to the other funds available for purposes of improvement, which had been contributed for a period of 150 years. The arrangement, as proposed by this measure, was to give up taxes levied upon the City of London, from which was derived an income of £12,000 a year, and to continue taxes which weighed upon the inhabitants of the Metropolis generally. The object of his Amendment was to provide, in accordance with the spirit of previous legislation, that as long as the coal and wine duties were levied the City of London should continue the contribution which was the consideration for their imposition. In this case justice was set at defiance, and the matter was made a mere question of political power. He entreated the House, before deciding upon the measure, to consider the position in which they were placed, and to bear in mind that there were two of the Ministers of the Crown who were deeply interested in the question—the one representing the City of London and the other the borough of Hertford, which was to be exempted from the tax. He wanted the whole question thoroughly investigated, and therefore he proposed that the question should be left as at present for another year, which would meet the immediate object of the Bill, and Parliament would then have an opportunity of coming to a satisfactory decision upon it.

Sir JOHN SHELLEY seconded the Amendment.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House the Coal Tax and the London Bridge Approaches Fund should be continued until the 31st July, 1862,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir GEORGE LEWIS said, that the hon. Member (Mr. Ayrton) contended that the Government had taken a reckless course in respect to this Bill; but the measure was founded on the recommendation of a Committee which sat last Session. The Metropolis was represented on that Committee by his hon. Friend the Member for Westminster and the hon. Member for Lambeth, and they appeared to have been consenting parties to the Resolution which the Bill was intended to carry out. The hon. and learned Gentleman the Member for the Tower Hamlets proposed to continue the coal dues for one year only; but that would be too short a period to afford funds for the Thames embankment. If hon. Gentlemen thought that a period of ten years was too long it would be competent for them to reduce it in Committee. The £11,500 which formed a part of the London Bridge Approaches Fund was part of a composite fund, made up of various items, and the question of dealing with it was a different one from that which was now before the House.

Mr. SPEAKER said, he did not see anything in the Bill about the London Bridge Approaches Fund, and, therefore, the Amendment of the hon. and learned Member for the Tower Hamlets was not in order.

Mr. AYRTON said, he wished to explain that the Bill for levying this duty directed that it should be levied and applied under a statute relating to the London Bridge Approaches Fund, and, therefore he thought it was competent to refer to the fund in the Amendment.

Sir GEORGE LEWIS observed, that the Hon. and learned Member must be alluding to the preamble. There were no words in the Bill itself referring to the Act under which the London Bridge Approaches Fund was raised.

Mr. AYRTON said, he would then omit the words referring to that fund, which would obviate the objection raised. His Amendment would, therefore, stand to insert after the word "that" the words "in the opinion of this House the coal-tax and wine dues should be continued till the 31st of July, 1862."

Sir GEORGE LEWIS said, he considered that the hon. and learned Member had knocked the brains out of his own Resolution. It would be competent to any hon. Member to move in Committee to reduce the period from ten years to one. If the first Amendment was out of order, the one now before the House was nugatory.

Mr. SPEAKER said, the consent of the House must first, as a matter of form, be given to the alteration of the Amendment as proposed by the hon. Gentleman (Mr. Ayrton).

Amendment by leave, *withdrawn.*

Question again proposed, "That the Bill be now read a second time."

Another Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House the Coal Tax and the Duties on Wine should be continued until the 31st July, 1862,'"—instead thereof.

Mr. JACKSON said, that reference having been made to the recommendations of the Committee upon the Thames Embankment, he would draw attention to the recommendations of another Committee which sat in 1854, of which he was chairman. It was recommended by that Committee that the Metropolitan Board of Works should take into consideration the question of purchasing the various bridges upon which tolls were now payable, and he suggested that that was a fair subject for the House to entertain, when they were considering the means of providing for the embankment of the Thames. The present system of levying tolls on certain bridges between Surrey and Middlesex was a disgrace to the Metropolis.

Sir JOHN SHELLEY said, the Bill did not carry out the recommendations of the

Thames Embankment Committee. The Committee had not recommended any specific fund for the expenses of the Thames embankment. They could not have done so, because they did not know the amount of the expenses. They had merely pointed to the coal duties as one of the sources to which application might be made for these expenses, but that should, he thought, be done only in a limited manner.

Sir MORTON PETO said, he felt it his duty to say that his constituents approved the Bill proposed by the Government. The proposition of the hon. Member for the Tower Hamlets would only put off the question for another year. The Committee had recommended the coal duties should be applied to the Thames embankment, and the Government were merely carrying out that recommendation. The Government had appointed a Commission of eminent men to consider the best plan for carrying out the embankment, and when they reported there would be no more legislation required in that House; and he trusted the Government would at once carry out the recommendation. He thought the Metropolis would be in a better position if they paid more attention to carrying out great works of improvement instead of wasting the time of the House.

Mr. LOCKE said, he could not support the Bill. He should have liked to see the Thames Embankment Bill brought in in the first instance. The proceedings in the matter had hitherto been of an unsatisfactory nature. They had the most splendid plans and most attractive pictures—castles hanging in the air, majestic esplanades, and other picturesque features—and yet, after two months' contemplation of this picture gallery, the Committee could come to no conclusion except that the embankment would be a very good thing if they could get the money. The Chief Commissioner for Works had begun at the wrong end for the City of London, but the right for the interests of Hertford. Under any circumstances, he (Mr. Locke) submitted to the House that the plan of the hon. Member for the Tower Hamlets should be adopted. The House should not throw away the revenues of the City of London up to 1862 merely for the purpose of obliging the town of Hertford by contracting the area of collection.

Mr. COWPER said, that every hon. Member who spoke seemed anxious the House should understand that he was not opposed to the embankment of the Thames, yet it unfortunately happened that some hon. Members objected to the Bill as much as if they were opposed to the embankment. Delay was often just as effective a method of defeating a Bill as any other, and was sometimes more plausible. He thought that the Committee had been wise in not entering into the details of the plan. The right thing in such matters was to find where the funds were to come from, and how much, and then decide on the plan, which would depend upon the sum disposable for the purpose. Hon. Members representing the south side of the Thames seemed to assume—he knew not why—that the south side was not be embanked. The instructions to the Commissioners were to consider the embankment of the south as well as the north side of the river. The discussion which had arisen was, he thought, one more appropriate to Committee upon the Bill than its actual stage.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 119; Noes 10: Majority 109.

Original Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

INDUSTRIAL SCHOOLS BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS said, he rose to move the second reading of this Bill, which, he said, was founded on the Act introduced by the right hon. Member for Warwickshire (Mr. Adderley). By that Act industrial schools were placed under the control of the Council of Education; but at the end of last Session a short Bill passed providing that the management of these schools should be transferred to the Home Office, on the ground that they were considered of a penal character. At the time that Bill passed it was stated that some technical objections rendered the existing Act difficult to be carried into execution, and it was attempted by the present Bill to put the enactments of the Act into a more working form. Whatever questions might arise upon its provisions, however, could be more conveniently disposed of in Committee; and he hoped that, under these circumstances, the House would be disposed to agree to the second reading without much discussion.

Mr. CAVE wished to make one observation, which as it related to the omission of a provision of the former Act, could not very well be made in Committee. It was this, that by the former Act guardians were allowed, with the consent of the Poor Law Board, to contract with the managers of industrial schools for the maintenance of children. This was repealed by the present Bill, and rightly so, because it belonged rather to the Poor Law. He hoped, however, that this omission would be cured by some special enactment. This might be done by merely inserting the words "and maintenance" after "education" in the Act 18 & 19 *Vict.* c. 34, and he hoped it would not be lost sight of by the Committee upstairs. The way in which children were treated in our workhouses was very discreditable. It was notorious that bringing them up in crowds was bad, both morally and physically, and girls especially were sent out to service at a tender age, when they were unable to take care of themselves, and the consequence was, that they frequently came back to the workhouse with illegitimate children, thus perpetuating a race of paupers; a state of things very disgraceful as well as very expensive to the country.

Mr. ADDERLEY said, he would admit that the present Bill was a great improvement upon his Bill of 1857. In Committee, however, he thought that some amendments might still be introduced, and he should venture to suggest some. With regard to the point mentioned by the hon. Member, it was met by the 18th Section.

Bill read 2°, and *committed* for *Friday.*

ELECTION LAW AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS, in moving the second reading of this Bill, said, that as in the former instance, it was a re-enactment of existing legislation. The Bill was entirely founded on an Act now on the statute book, but which expired in August next, and it was desirable that the second reading should be agreed to at an early period, in order that they might go into Committee. A very competent Committee fully inquired into the subject last Session, and the Bill was either a simple reproduction, as he had said, of the existing law, or was founded on the Resolution of that Committee suggesting certain amendments in that law. With this explanation he hoped the House would not object to the

second reading, and he would promise that ample time should be afforded for the consideration of the different clauses in Committee.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. BERKELEY said, he must protest against proceeding with the Bill at that hour (a quarter after twelve.) It had, indeed, been correctly described by the right hon. Gentleman. It was the Corrupt Practices Prevention Bill disguised under another name. And well it might be; for the very name of the Corrupt Practices Prevention Act stunk in the nostrils of the country. He contended if the Bill were passed it would increase bribery and entirely let intimidation alone. Before the Committee to which allusion had been made, the great Conservative authority, Mr. Rose, of the firm of Baxter, Rose, and Norton, said that the Corrupt Practices Prevention Act was of no utility whatever. It had been condemned by almost every witness. But learned gentlemen able in the law, and able counsel, set their heads together, and close upon the *mons parturiens* followed this feeble and wretched little mouse. It was the only Government Reform Bill of the Session, and the House was asked to pass it after twelve o'clock at night. As a consistent Reformer he could not allow it to pass without raising his voice against the Bill, which he believed to be an insult to the country. If the second reading were persisted in, he should move that the Bill be read a second time that day six months.

Mr. KINNAIRD seconded this Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. PEACOCK said, that while admitting that there were some of the provisions of the Bill which might with advantage be adopted, he strongly objected to the 15th Clause, which legalized expenditure incurred for the conveyance of voters in counties, and yet conferred no such privilege upon boroughs. Seeing no good reason why such a distinction should be drawn, he should, if the adjournment of the debate were moved, support the Motion.

Mr. BUTLER JOHNSTONE said, he should give the clause his most strenuous opposition. His constituency extended seven miles, and he did not think voters were patriotic enough to go to the expense of a conveyance seven miles out and seven in.

Mr. CAVE was in a worse position than the hon. Member for Canterbury, as his borough was 22 miles by 9 in extent, and from five or six parishes in it the voters had to travel from 10 or 12 miles to the poll. Besides which the last clause introduced a new method of altering polling places, but gave no power to add to them. So that by a petition of fifty electors, the polling places might be placed in even more inconvenient places, and the distances for the voters much increased. If this Bill passed as it then stood, he had no hesitation in saying it would practically disfranchise two-thirds of his constituency.

Mr. DARBY GRIFFITH said, he thought the objections which had been advanced against the Bill in the course of the discussion were of a nature which might more properly be disposed of in Committee than on the Motion for the second reading.

Mr. DEEDES strongly urged the right hon. Gentleman to postpone the second reading. He (Mr. Deedes) had the strongest possible objection to some parts of the Bill, and if it were pressed on now he should be driven to vote against it.

Sir GEORGE LEWIS said, he was convinced, after hearing the opinions which had been expressed by hon. Members, that the proper course would be to read the Bill a second time now. All the objections which had been made to the Bill might be dealt with in Committee. It should be remembered that, if the debate were adjourned, hon. Gentlemen who had spoken now could not speak again in the debate, whereas if the Bill were read a second time and went into Committee they would have a full opportunity of expressing their opinions. With respect to the 15th Clause, relating to the travelling expenses of voters, that was a question of great difficulty. It was not taken from the Bill of the hon. Member for Plymouth, but both the Bill of that hon. Gentleman and the 15th Clause of this Bill were taken from a common source—the recommendations of the Committee of last Session.

Mr. BERKELEY said, as he did not feel himself authorized in pressing the matter to a division, he should ask leave to withdraw his Motion and content himself with entering a protest against the second reading.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday,* 18th April.

PUBLIC ACCOUNTS.

SELECT COMMITTEE MOVED FOR.

The CHANCELLOR of the EXCHEQUER, in moving for the appointment of a Select Committee on Public Accounts, said that the object of the Committee would be to revise the accounts of the public expenditure after they had gone through the regular process of examination in the hands of the executive Government. That was obviously the true completion of the duty of that House with regard to the public money. The Committee on Public Monies which sat two or three years ago had made this recommendation, and made it unanimously. He should, therefore, move that a Select Committee be appointed for the examination from year to year of the audited accounts of the public expenditure; and if that Motion was adopted, he would on a future day move that a Committee of that nature be appointed at the commencement of every Session; and, likewise, that the order for the appointment of that Committee be made a standing order of the House.

Motion *agreed to.*

Select Committee *appointed,* "For the examination from year to year of the Audited Accounts of the Public Expenditure."

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, April 9, 1861.

Minutes.] Public Bills.—1ª Exchequer Bills; Mutiny; Marine Mutiny; Bankruptcy and Insolvency.

DENMARK AND HOLSTEIN.

EXPLANATION.

The Earl of ELLENBOROUGH: It will be in the recollection of your Lordships that about three weeks ago I put a question to the noble Lord the Under Secretary for Foreign Affairs as to the position in which the differences between the Government of Denmark and Holstein then stood. The noble Lord gave what appeared to me to be a very full and clear answer to the question; but, unfortunately, one passage in that answer has given rise to great misconstruction and misunderstanding in Denmark and Holstein, and I am sure that the noble Lord will be glad to have an opportunity of clearing up the subject. I shall explain in a very few words what is the point on which misapprehension exists. The noble Lord stated that Her Majesty's Government had received intimation that morning that the King of Denmark had made a concession to the States of Holstein, which had been suggested, not only by our own Government, but also by the Governments of Russia and France. He said it was originally intended by the Government of Denmark that the States of Holstein should only enter into possession of the power of considering the Budget at the expiration of the term to which the Budget already granted by the sovereign authority extended—namely, 1862. The concession, as I understood, was that the States of Holstein should be admitted at once to the possession of that power. The misunderstanding appears to have arisen from an impression being conveyed that the concession went to the extent that the whole Budget of the Monarchy should be submitted to the States of Holstein. That apparently was impossible, and it is unreasonable in itself, as it would give to the States of Holstein a veto over the whole financial condition of the kingdom. It appears that in consequence of some expression used by the noble Lord being misunderstood, an interpretation has been put on the statement made by him different from that which I placed upon it; and I now rise to give the noble Lord an opportunity of making some explanation on the subject.

LORD WODEHOUSE: I am extremely obliged to the noble Earl for affording me an opportunity of removing a very singular misapprehension that has arisen of what I stated to the House on a former occasion. The noble Earl correctly understood what I said. The question was as to the quota to be paid by Holstein. The original proposal was that the arrangement should apply only to the quota as regards the year after 1862; but a subsequent concession was made by which the Holstein States should have the power of giving their vote as to the quota which was to be paid for the years preceding 1862. That is the statement which I made, and which I am happy to say the noble Earl perfectly understood. But, as the noble Earl has said, it has been supposed in Denmark and Holstein that I stated that the whole Budget of the Danish Monarchy was to be submitted to the Holstein States. That would be a proposition of a very extraordinary and unreasonable nature, as the noble Earl has said. I knew perfectly the nature of the advice given by the Government of this country, and also by Russia and France, as to the quota which Holstein should pay towards the expenses of the Danish Government; and, knowing what that advice was, it was, of course, impossible I could inform your Lordships that the Danish Government had agreed to a proposition of a totally different character—namely, that the whole Budget of the Danish Monarchy should be submitted to the Holstein States. I might content myself with making this short explanation to the House; but, as much misapprehension has existed on the subject, it is perhaps necessary that I should state more at length how the matter now stands. The misunderstanding of what I said clearly arose from the use of an expression which, taken by itself, might have been considered inaccurate, but taken in conjunction with the other expressions I made use of ought not to have led to any misapprehension. The expression I employed was reported in the papers the next morning with the usual accuracy; but of course I was speaking not of the whole Budget, but only of the quota which applied to a particular year. It may be as well that I should very shortly explain what the proposal of the Danish Government was, as I understood it. The Danish Government sent a communication to the Holstein States, in which they proposed a provisional law, called a draught of the law on the provisional state of Holstein, with reference to the common affairs of the Danish Monarchy. That draught was submitted, by a Resolution of the King of Denmark, dated March 2, 1861, to the Holstein States. It is a document of an important character, and paragraph 13 is as follows:—

> "To cover the common expenses of the Monarchy, a fixed annual contribution is to be made by the separate Treasury of Holstein; its amount can only be increased with the sanction of the Diet of the Duchy, namely:—The Civil List, 173,000 rixdollars; the appanages to the members of the Royal Family, 80,000 rixdollars; the Privy Council, 15,000 rixdollars; interest on and

liquidation of the National Debt, 1,187,000 rixdollars; Ministry for Foreign Affairs, 52,000 rixdollars; Ministry of Marine, 440,000 rixdollars; Ministry of Finance (including expenses of the Monarchy hitherto appearing in the Budget as incidentals), 133,000 rixdollars."

After this follows a provision for the payment of a share of common pensions, and for the eventuality of a reduction of the National Debt, and the text then continues—

"The regulations in our Royal Patent of the 23rd of September, 1859, respecting the amount payable by the Duchy of Holstein, to cover the expenses of the Monarchy during the financial period from the 1st of April, 1860, to the 31st of March, 1862, shall serve as a guide for the financial period from April 1, 1861, to March 31, 1862."

That was the proposal submitted by the King of Denmark to the Holstein States. But there has been a misunderstanding on the subject. The intelligence received by Her Majesty's Government was to the effect that, whereas the Holstein States were not at first to have submitted to their approval the Budget of 1861-62, the Danish Government subsequently consented to do so. The Danish Government declared that it had been their intention from the first to submit the quota for 1861-62 to the Holstein States for their consideration, and that on that point there had been a misapprehension. A declaration on the subject made by the Danish Government has not been, according to the newspapers, considered sufficient by the Holstein States; but we have not received any official intelligence on the subject, and, therefore, I cannot say to what extent that is correct. I can only say, in conclusion, that I regret I should by any want of clearness of expression have led any one to suppose that the facts were different from what they really were; but I am sure that those of your Lordships who have paid attention to the Holstein dispute must know that, looking to the voluminous nature of the documents of all kinds—to the declarations, proclamations, resolutions, and what not, it would not have been surprising if I had fallen into an inaccuracy, though I do not admit that any inaccuracy was committed by me. Your Lordships will perhaps allow me to take this opportunity of expressing my hope that moderate counsels may yet prevail, and that an amicable termination of the differences on this matter may yet be arrived at.

THE EARL OF ELLENBOROUGH said, he did not think that any one could find fault with the noble Lord for want of clearness, or that he had any reason to complain of himself. Any one who had read the Report of the particular passage of the noble Lord's speech, and compared it with the context, would come to no other conclusion as to what he meant than that which the noble Lord had now stated. He had, however, heard with the greatest possible satisfaction the statement of the noble Lord, because nothing could be more serious than that the slightest imputation should rest on the honour of the Danish Government in this transaction. That imputation, which had been apparently cast upon that Government was now entirely removed. He concurred with the noble Lord in the hope that there may be a speedy solution of those difficulties; but he would also express his hope that the English Government would in the most courteous, but in the strongest and most earnest terms, enforce upon the Diet, and the Prussian Government especially that the integrity and independence of the Danish territories must be maintained; and that the peace of Europe must not be disturbed. In various parts of Europe—in Italy, Hungary, and Poland—circumstances were arising which might lead to difficulty and embarrassment; but there was not anything that could afford a justifiable cause for war, and woe to the Power by which it was provoked.

BANKRUPTCY AND INSOLVENCY BILL.

FIRST READING.

Bill brought up and read 1ª.

THE LORD CHANCELLOR said, he was desirous of proceeding with this Bill without any unnecessary delay, but as it was a measure of the greatest importance, and contained a great number of clauses, he thought it was one that would require great consideration. Wishing to consult the convenience of noble Lords on both sides of the House he would name Friday week for the second reading, but he was prepared to name any other day which would meet with general concurrence.

THE EARL OF DERBY said, he certainly did not intend to offer any opposition to the measure. Considering that the Bill had passed the other House of Parliament with the approbation generally of all parties—considering it was one which was desired by noble Lords on both sides of the House, he thought the noble and learned Lord, if it were more convenient to him, might fix an earlier day than Friday week for the second reading without any objection being offered to such a course. It was, however, a Bill which required very careful examination as regarded its numerous details, and for that reason he hoped the noble and learned Lord would allow at least ten days to elapse between the second reading and the Committee upon it. He certainly thought that the progress of the measure would be much facilitated if it were referred to the consideration of a Select Committee. He did not make that suggestion from the slightest wish to delay the Bill. On the contrary, considering that it was a complicated measure, and one involving many important details, he thought that the provisions of the Bill would be more satisfactorily discussed in a Select Committee composed of noble Lords who took an interest in legal and mercantile subjects than in a Committee of the whole House, in which there would probably be a great number of Members who did not feel much interest in such questions.

THE LORD CHANCELLOR said, the proposition of the noble Earl to give ample time for the consideration of the details of the Bill was so reasonable that he was perfectly willing to accede to it. As to the proposal of the noble Earl to refer the measure to a Select Committee, he begged respectfully to say that he would oppose such a course. When the noble Earl's Government brought in a Bill of a similar character the noble Earl declined to refer his measure to a Select Committee, and *a fortiori*, this was a case in which the Bill ought not to be referred to a Select Committee, because it had already passed through the other House with the general consent of the whole commercial world. He had no doubt that there would be a large attendance on both sides when the discussion on the second reading came on, and when the Bill was in Committee; and, therefore, he had every reason to believe that it would receive a full and satisfactory consideration without the intervention of a Select Committee. After what had been said by the noble Earl, he would propose that the second reading should be taken on Tuesday next.

Bill to be read 2^a on *Tuesday* next.

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 9, 1861.

MINUTES]. — NEW MEMBER SWORN. — For the County of Sutherland, Right honourable Sir David Dundas.

PUBLIC BILL.—1° Charitable Uses.

PURCHASE IN THE ARMY.

QUESTION.

LORD STANLEY said, he wished to ask the Under Secretary of State for War, what steps have been or are being taken to abolish purchase in the Army above the rank of Major, as recommended by the Commission of 1856?

MR. T. G. BARING said, the House would probably recollect that it had been stated that the new regiments to be formed in consequence of the abolition of the local Indian European Army would be constituted without the system of purchase. The system of selection would be applied to the promotion of field officers in those regiments, and under these circumstances Lord Herbert considered it advisable, previously to the introduction of any general system into the Army, that the Government should have the opportunity of seeing how the system worked in the new Indian regiments.

POST OFFICE SAVINGS BANKS.

RETURN MOVED FOR.

MR. AYRTON moved for—

"Returns of the Estimated Cost of the receipt and of the payment of a single deposit, or of any certain number or class of deposits, and of the remittance thereof to or from the Central Office, under the Post Office Savings Banks Bill:

"Of the Estimated Cost of keeping the account of a single depositor, or of any certain number or class of depositors, under the Bill:

"Of any Estimate of Cost upon which the Bill is based:

"And, Copy of any Report of the Post Office authorities on the proposed Post Office Savings Banks."

THE CHANCELLOR OF THE EXCHEQUER said, he could form no estimate whatever of the compensation that might be received from the new Banks; but the Post Office had formed an estimate of the cost of the system on the supposition that no profit would be made. The hon. Gentleman could have that Return if he chose.

MR. AYRTON assented to the offer.

Return *ordered*,

"Of the Estimated Cost of the receipt and of the payment of a single deposit, or of any certain number or class of deposits, and of the remittance thereof to or from the Central Office, and of the establishment in the said Office, under the Post Office Savings Banks Bill."

SAILORS' HOMES.—RESOLUTION.

SIR HENRY STRACEY, in rising to bring forward a Resolution in favour of Sailors' Homes, said, he felt he owed an apology to the naval Members of the House for taking up this question. But he represented a large maritime constituency, and it appeared to him doubtful whether any naval Member was likely to take up the subject, while it was a question on which he had himself taken strong convictions, as not only tending to the benefit of the sailor but also to the manning of the navy. It had now been satisfactorily proved that sailors' homes had improved the physical and the moral condition of the sailors, and consequently had rendered them more fit for their duty, and it was his wish to show that in manning the navy they afforded material aid. The House might recollect that last year he moved for a Return of all the sailors' homes in the country, with a view to ascertain their constitution and how they were supported. By the Return he found that there were thirty-one homes in all, and that five or six of them received a portion of the grant of £1,600 annually made by that House; but these were all, as the terms of the grant required, in the neighbourhood of the dockyards. He thought that the founders of these sailors' homes had every reason to be proud of the success which had attended their experiment. They were under different systems of management; though all of them had the common character of asylums for seamen, but some of them were also refuges for shipwrecked mariners. Some added infirmaries to their other institutions; some had schools for navigation; most of them had shipping offices, and some had attached to them the excellent and useful feature of a savings bank. Out of the whole Returns which he held in his hand, he would select two or three, which would sufficiently explain their varying constitution, and he hoped the House would receive them *non numero sed pondere*. The first of the sailors' homes was established in Well Street, in this Metropolis, in 1830, and in 1835 it was opened for the reception of 300 boarders. That home owed its establishment to a very benevolent and energetic officer, Commander Elliott, who devoted the greater part of his life to this object. He believed the idea first suggested itself to Captain Elliott and Captain Gambier, on their discovering knots of sailors one night standing at the corners of the streets in a state of the most abject wretchedness, and that, too, only a short time after having been paid off from ships in the navy, while they had either spent their money in dissipation or been robbed. Soon after the establishment of these homes the greatest improvement was observable in the boarders. They were not only cleanly and orderly in their appearance, but a new phase was developed in their character by the establishment of a savings bank—the phase of thrift. As a proof he might mention that in 1842 there had been paid into the savings bank in that home the sum of £23,261, a sum which had increased as confidence increased until it amounted last year to £69,104. That, he thought, was a strong proof of the efficacy of these savings banks. But there was another point in the sailor's character equally developed, and that was generosity. For that character, indeed, sailors had always been remarkable, but it was only since the establishment of savings banks it had taken the form of remitting money to their friends. In the year 1842 the sum of £3,029 had been remitted from the home in question, while last year the amount remitted was £30,000, and in some years it had been still higher. He might next be permitted to refer to the sailors' home at Great Yarmouth. That home was established by Mr. Harcourt, a gentleman who had formerly held a seat in that House, and which constituency was now so honourably represented by the right hon. Gentleman the leader of the party of which he was a humble Member. He had on other subjects shown his zeal and ability; he had established a code of signals by which 4,000 vessels were reported; and he was also in the habit of transmitting information to Admiral Fitzroy, at the Admiralty, as to the weather. The sailors' home he established differed from others in its character in this respect, that it was a refuge for shipwrecked mariners. Those who knew Yarmouth, and the dangerous sands which lay in front of the coast, would readily agree that there was no place in the kingdom where such a refuge was more necessary. It had been ascertained from Parliamentary Returns that one-half of all the shipwrecks taking place on the coast of England, occurred on the Eastern coast. Last year 71 vessels were wrecked at Yarmouth, and the crews of those vessels, to the number of 706, were received there. As many as 41 had been received in one day, and in the course of two years, no fewer than 37,320 persons had in different ways availed themselves of the advantages it presented. He would next refer to the sailors' home at Falmouth, which had an infirmary attached to it. The home had received 700 sailors, and the infirmary had received 130 sick, and 136 shipwrecked sailors, and the Report complained that they were much in want of a permanent nurse, but had not the means to provide one. Now, it appeared that there were on the average from 10 to 20 sick persons always in the infirmary, many totally helpless, among whom one nurse could not be sufficient, and yet even one nurse could not be obtained. He would not further allude to sailors' homes, but he might mention that sailors' homes, and the sailor himself, had one terrible enemy to contend with, and that was the crimp, whose great object was to obtain in some way or other the means which the sailor possessed. No sooner was a ship paid off than the hand of the crimp was felt on the sailor's shoulders. He appeared in the most enticing form; his countenance beaming with hospitality, with a bottle of drugged spirits under one arm, and generally a female accomplice on the other, and it was no wonder that the sailor, fresh from the sea, full of health and flush of money, should fall, not only a willing but an easy victim. Although the sailor was gallant and enduring at sea he was soft and yielding on land, and the great object of homes was to save him from temptation ashore. No sooner did he yield to temptation than he was at once taken to a crimping house, and there drugged and plundered. The great object of sailors' homes was to save the sailor from the temptations to which he was exposed. Captain Hall, so well known from his connection with the *Nemesis*, who had established more homes than perhaps any other man, had graphically described the crimping houses, and he had done so from personal observation; and he had shown that in them were enacted scenes of debauchery and drunkenness fearful to contemplate. After describing a visit of his to the sailors' home in Well Street, he mentioned that on the evening of the same day he took a walk in the direction of Ratcliffe Highway, Shadwell. There he found groups of half-intoxicated women and drunken men. Accompanied by a policeman he entered several of the long rooms of the crimping houses, which were removed from the street. The attempt to describe the scenes he there witnessed, he said, would be as difficult as it would be painful. Sailors, blind with drink, were accompanied by women who induced them to part with everything they possessed. Could they not find some remedy for that state of things? He believed they could, and that the best remedy was the establishment of sailors' homes. It was a gratifying fact that where homes existed crimping houses were on the decline. No doubt the sailor suffered most on shore, but a great deal might be done for him before he landed. It was the opinion of experienced captains that, if the commanding officer of any vessel approaching the shore were liable to be heavily fined for allowing unauthorized persons to come on board his ship, in all probability the crimp would be prevented from exercising his noxious influence over sailors before they landed. But he was anxious to prove that homes, besides affording a comfortable and safe refuge for seamen, were of considerable importance in the manning of the navy. Since the establishment of the Naval Reserve in January, 1860, the Home in Well Street alone had supplied no fewer than 458 volunteers, and since January last 111. During the Russian war an office was opened in the Home, at which officers of the navy attended, and where many seamen were enrolled. The same thing took place in other Homes. Upon one occasion the hon. Baronet the Member for Portsmouth (Sir James Elphinstone), having received orders to sail on a certain day, and having already obtained his full complement of men, found to his surprise that a large proportion of his crew had fallen into the hands of the crimps. While considering how he should fill up the vacant places he received a communication from the crimps to the effect that he should have all his men back again for £5 a piece. The hon. Baronet, of course, indignantly spurned the offer; he went to the Home, and there he found not only a sufficient number of men, but men so good that he sailed with them for a considerable time after. It appeared from a recent report that the Dover Home especially had proved highly serviceable in the manning of the navy. That fact was known and acknowledged at the Admiralty, for "their Lordships," to quote the language of a public document, "recognize the value and importance of these admirable institutions, and are sensible of the assistance rendered by many, and the Dover Home in particular, in manning the navy." All would agree that large bounties and indiscriminate recruiting could not produce an adequate supply of good seamen. There was a great difference between a sailor and a seaman, but there were times when sailors were most acceptable, and when we were only too anxious to have them and to make seamen of them. Those were the times when war stared us in the face, and at the present moment he would be a bold man who would guarantee the continuance of peace even for six months. The want of good seamen was urgent as well as great; but to acquire the services of good seamen they must gain their confidence and good will, and that could be done chiefly, if not only, by encouraging and supporting the Homes which sailors prized so much. The noble Lord the Secretary to the Admiralty, on a former occasion, said the sailors were a suspicious class. They were, however, clearly not suspicious of sailors' homes; for it was a remarkable fact that there was hardly an instance in which a sailor who had once enjoyed the comforts of a Home did not return to it when on shore. The Homes, indeed, were liked so well that it was sometimes impossible to take in all the men who applied for admission. It was no uncommon thing now for men to join their ships from these homes with £10, £15, or even £20 in their pockets, whereas formerly they did so in a state of almost beggary. To show the moral improvement of which these institutions had been the instruments he might mention that at the Tyne Sailors' Home there had been actually sold no less than 1,653 Bibles and Testaments, and 55 Prayerbooks. Perhaps he might be told that the ultimate object of his Motion was money, and he was glad to observe that the right hon. Gentleman, the President of the Board of Trade, did not wince when money was mentioned. But, although the wording of his Motion did not bear on money, there was plenty of money available; and, although there was only a small amount required, it would do an infinity of good. There was such a fund as the Merchant Seaman's Fund, with a balance remaining unclaimed of £60,662 18*s.* 5*d.* in the hands of the Paymaster General. That fund was made up to a certain degree by the voluntary contributions of masters and seamen; the amount of such voluntary contributions being £3,306 1*s.* 6*d.*. If a small proportion only of that amount—or say one half—were distributed among the twenty-five or twenty-six sailors' homes now in existence, some of which were in extremely destitute circumstances, and were anticipating actual dissolution—if a few drops only from this great river of wealth were scattered amongst them it would ensure not only the vigour but the actual life of these institutions. It was impossible that such institutions could be self-supporting, when they gave men their subsistence at prime cost, besides lodging, firing, in many instances clothing and washing, with the benefit of reading rooms. The North Shields Sailors' Home was said to be self-supporting, but what were the facts? The Duke of Northumberland had built and furnished the institution at his own expense, and the £3,000 intended for the building had been invested and was yielding handsome interest, of which the home got the benefit, together with a considerable amount of annual subscriptions. It could not, therefore, be fairly considered self-supporting. The noble Lord, the Prime Minister, had recently become president of a kindred institution at Southampton; and, having acknowledged the advantages of sailors' homes out of the House, it was to be hoped he would not refuse his testimony in their favour in the House, if a Vote should be required in their favour; and, therefore, he was sorry not to see the noble Lord in his place that evening. He had seen the Chancellor of the Exchequer a short time since. The right hon. Gentleman had said there was a favourable time and moment for everything. He (Sir Henry Stracey) thought the present was a favourable opportunity for dealing with this subject. He thought he might venture to assert that sailors' homes had conferred a national benefit on the country. No florid speech on his part was necessary on behalf of the merits of the sailor. They had conferred great national benefits on the country, which Parliament ought not to be slow to recognize. But for them what would have been the state of our colonies? Without our sailors we never could have reached our present commercial prosperity. What was our naval supremacy—what the safety and security of our Channel and our shores without them? He did not, then, ask too much of the House when he called upon them to acknowledge that sailors' homes, which had so entirely won the confidence of seamen, were worthy of the favourable consideration of Parliament.

Admiral WALCOTT observed, at a time when every benevolent purpose meets a ready response from the nation, it would not be necessary he should hope to recommend at any length the claims of naval homes upon the generosity and consideration of the House. The easy thoughtless habits of the common sailors were attributable to the sudden revulsion from the salutary discipline of a man-of-war and its restraints to the independence, free liberty, and licence of shore. He is in a moment transplanted from a position where every necessary, home, food, and clothing, is provided for him, to scenes of temptation where the most reckless, designing, and abandoned persons prey upon his ignorance. To save him from these dangers naval homes have been established. The Admiralty gave support to those at Portsmouth and Devonport, but all the other sailors' homes were maintained by voluntary contributions, and happily with signal success; and he might be permitted to do justice to a meritorious officer, Captain W. B. Hall, of the Royal Navy, he having devoted much valuable time as well as unceasing exertions in the good cause, and had spared neither his money nor his influence in bringing these institutions into notice and support. The seaman gladly availed himself of the comfort and security afforded him in those institutions, and deposited his money in them. At the Portsmouth sailors' homes during the last three years the number of boarders (at a small daily cost in contribution upon their part) was £1,703. The sum of money taken care of was £7,859, the amount placed in the savings banks £772, and the sum remitted to the seamen's families £248. These institutions were not only useful to the sailor in good diet, healthy and well-ventilated rooms, but other consequences too obvious to require any comment from him which conspired to promote the value of the sailor to the service and the country in connection with the manning of the navy. Sailors, he could assure the House, fully appreciated kindness and consideration; they were peculiarly open to generous influences, and never forgot any act of kindness that was done them. A remarkable instance of that occurred not long ago, when having lost a stanch friend and advocate in that House by the death of the lamented Sir Charles Napier, the seamen of the navy immediately came forward of their own accord with the offer of one day's pay to raise a memorial in testimony of their gratitude to that gallant Admiral. He trusted that the Government would not refuse its support to other sailors' homes as well as those at Portsmouth and Devonport; and sure he was that if the country was, unhappily, ever again involved in any danger, its seamen would make it a return of more than a hundredfold for any consideration that might now be shown them.

Mr. MILNER GIBSON:—Sir, the House will, I think, have concurred in a great measure in the speech of the hon. Baronet who has moved this Resolution. They will have agreed with him in the description which he has given of these sailors' homes to which he has alluded, and also I am certain that he will receive the general assent of the House in the praise he has given to those philanthropic individuals who by their voluntary contributions have established sailors' homes in many parts of this country. I entirely agree for myself in the remarks of the hon. Baronet; but I am afraid that, although the House may be willing to concur in the praise he has given to sailors' homes, and those who have supported them by their subscriptions, they will hesitate before they pledge themselves by this Resolution to subsidise those institutions generally throughout the country. And although the hon. Baronet has indicated not very clearly where the funds are out of which sailors' homes may be established and maintained, I am afraid, if he wishes to obtain money for that purpose through the instrumentality of this House, it must come out of the Consolidated Fund. The practical question, therefore, before us is whether we are to pledge ourselves by a Resolution to give an annual subsidy, under some sort of regulation to sailors' homes. I confess for myself—and others will agree with me—that it would be more satisfactory that institutions of this kind should be either self-supporting or supported by voluntary contribution, and placed under local and independent management, rather than that they should be maintained by Government aid and subjected to Government inspection. Therefore, I cannot concur, and I think the House will not concur, in this Resolution. There was one passage in the speech of the hon. and gallant Gentleman who seconded the Motion, if I understood him correctly, from which I must dissent.

I do not think the whole sailor class are so reckless as he represented.

Admiral WALCOTT rose to explain. What he had said was that the reckless habits of the sailor were mainly attributable to his being suddenly thrown upon the free liberty and independence of a life on shore. He denied having described all sailors as reckless.

Mr. MILNER GIBSON: I believe that sailors are as capable of taking care of their own interests as any other class of labourers. More than that, I think that no class of labourers in this country have so weak a claim to general charity, for the simple reason that no class are better paid, or if they please, may be so constantly employed. I therefore think that there is no need that the State should find board and lodging, for it comes to board and lodging, for the whole class of sailors. With regard to shipwrecked mariners—I allude to those who may be thrown upon our shores, in a condition to require relief—I think the relief very properly afforded under such calamitous circumstances is supplied, and will continue to be supplied, from the voluntary subscriptions of the public, who were always ready to support such philanthropic objects. The grant of subsidies from the State will only deaden the zeal of private benevolence. It may be said we have already broken in upon the principle I am advocating by making grants to certain sailors' homes. But it should be observed that the grants now given to a few institutions of that kind existing in our naval ports are not given as general charity to sailors, but as contributions from the State, as a large employer of sailors and specially interested in their welfare, just in the same way as Mr. Green, of Blackwall, having a great many seamen in his service, has established a sailors' home, and thrown it open to all others besides his own men. The institutions which the Government thus assist are in immediate contiguity to their own dockyards. Since the hon. Baronet gave notice of his Motion I have caused inquiry to be made in the various ports of this country as to the means the sailor has of obtaining board and lodging in common with other independent labourers. I am informed that, although to some extent sailors are open to the seductions of profligate characters to whom the hon. Baronet alluded, and although there are disreputable houses in London, and in the other chief ports, there are many respectable lodging houses where sailors can find all the necessaries and comforts they may require. I do not of course include those shipwrecked sailors who may be thrown ashore without any means of providing themselves with board and lodging. I must ask the House not to pledge themselves by this Resolution to a general system of subsidising of sailors' homes, but at the same time I am anxious to express my approbation of those institutions and my gratitude to the benevolent individuals who have established them in various parts of the country.

Mr. HENLEY said, he entirely agreed with the right hon. Gentleman the President of the Board of Trade that no surer mode could be adopted of destroying these sailors' homes than to make them dependent in any considerable degree or, indeed, in any degree whatever on Government grants. He believed that under such a system they would in a very few years be completely knocked up. But he could not agree in the statement of the right hon. Gentleman that sailors were the best paid class of labourers in the country. On the contrary he was prepared to maintain that the merchant seamen were worse paid than any class of skilled labourers that could be named.

Mr. MILNER GIBSON said, he had only meant to state that seamen were well-paid labourers.

Mr. HENLEY said, he could not admit that they were even well paid. He believed that they were worse paid than any other skilled labourer who had to serve an apprenticeship to learn his business. Every sailor had to serve a long apprenticeship, during which he had to undergo greater hardships and incur more dangers than attended most other pursuits. If the earnings of seamen were compared with those of other skilled labourers, it would be found that the sailor was the worst off. Then, again, few seamen could go to sea before the mast after forty-five. A few old sailors might become cooks, but as a rule after forty-five seamen became unfit for the more active duties of a seafaring life. But a carpenter or a bricklayer could go on working at his trade until sixty or sixty-five, and obtain the same wages as at first. It was only the hope of becoming a mate or master of a vessel that induced lads to enter the merchant service, and without the stimulus of that hope few boys would be tempted to seek a hard life with indifferent wages. He wished to take that opportunity of stating that he believed a great deal of the good which had been ascribed to sailors' homes was to be attributed to the shipping offices. He had only to add that he hoped the House would not pledge itself to make any grant to those establishments.

MR. LINDSAY said, he did not think the comparison between the mechanic and the sailor was so much to the disadvantage of the latter as the right hon. Gentleman had stated it to be. Seamen were usually constantly employed, and in the navy the wages were from £2 10*s.* to £2 12*s.* 6*d.* a month, with a provision in old age and in sickness. Mechanics, upon an average, earned 25*s.* a week, and were not constantly employed. In the merchant service a sailor got £2 15*s.* a month, or about 12*s.* 6*d.* a week, out of which he had to find his clothes. But the mechanic had to find house, fuel, food, and other necessaries, which were provided for the sailor without charge. The sailors' home was his ship, and his food was found for him. Though a seaman's life certainly was a hard life, it had its advantages and enjoyments, which were attractive to a great many of the rising generation, and he hoped would continue to be so. He believed that if the sailors' homes were subsidized, instead of doing any good it would do harm to the cause it was meant to advance. Those who now subscribed would think that they were released from the necessity of doing so when the matter had been taken up by Government. He hoped the hon. Baronet would not press the matter to a division, and for this reason. It would then go forth that the homes had refused a vote of approval of the sailors' homes. Now the feeling of the House was that the homes had done and continued to do a great deal of good; and it was not that there was any objection to the words of the Motion, but that it would be injudicious to pledge themselves to a subsidy. He hoped the hon. Baronet would be satisfied with the discussion, which was likely to do a great deal of good by calling attention to the excellence of these institutions, and which, therefore, would promote the objects in view, and that he would not press the Motion to a division, which would really injure the cause he had at heart.

MR. KINNAIRD said, he also hoped the hon. Baronet would not divide the House on his Motion, as it was the first time the subject had come before the House. He believed the value of the sailors' homes was immense, and had not been at all exaggerated. But it would rather be retarding the object now to excite expectations which, in the present state of the finances, could not be realised, and which might induce persons to withdraw the support they now gave.

CAPTAIN JERVIS said, that the comparison which had been drawn between the wages of artisans and those of sailors was not very accurate. The wages of artisans in large towns averaged 36*s.* a week, and first-class men even got as much as £2 10*s.*, and those wages were spent under his immediate control, he himself living with his family; but in the case of sailors it was very different. Their wages were not nearly so large, and they had not the same opportunity of sharing their earnings with their families. In his opinion the question was entirely one for the Admiralty, and not one in which the Board of Trade were interested. The Board of Admiralty knew perfectly well that they could not get the Naval Reserve and Naval Volunteers to come forward readily, and simply for this reason—that the men had no feeling whatever in common with the Admiralty. All they knew of the Admiralty was in connection with line-of-battle ships' drill and flogging. He did not want the Government to subsidize the institutions. All he wanted was that some common feeling of fellowship should be created between the Admiralty and our commercial marine. Unless they held out the hand of good fellowship to the seamen by encouraging such institutions as these, something in the same way as they did in the dockyards, they could not expect the seafaring part of our population to show any great amount of enthusiasm in coming forward to join the service. It is true that when actually entered on board they did their duty manfully, and if asked to fight were always ready to do so, but still there was very little feeling in favour of the Royal Navy on the part of the commercial marine. He should be glad to hear a few words on the subject from the noble Lord the Secretary of the Admiralty, who had always shown a disposition to do what he could to promote the welfare of our sailors.

LORD CLARENCE PAGET said, the gallant Officer who had just sat down had stated that the question had more reference to the Admiralty than to the Board of Trade. That might be true to the extent that the Admiralty made certain allowances to the sailors' homes at Portsmouth, Devonport, Cork, and Dover. But if the gallant Officer imagined that the Admiralty subscribed to them as a matter of charity he was very much mistaken. The fact was, when the sailors of the Royal Navy were on shore at these places they made use of the homes, and the grants made by the Admiralty was a return for the services rendered to the sailors of the Royal fleet. The gallant Officer had also said that it would make the Admiralty more popular if they were to assist sailors' homes throughout the country.

Captain JERVIS: Only so far as regarded the Naval Reserve and the Naval Volunteers.

Lord CLARENCE PAGET said, that would be tantamount to building them everywhere, as there were Naval Reserves and Volunteers all round the coast. With regard to the reserve he was glad to inform the House that there was no doubt that by the end of this year there would be a good body of Naval Reserve men. All he (Lord Clarence Paget) could say was that he looked with great sympathy on the sailors' homes throughout the country; but he entirely concurred with the right hon. Gentleman (Mr. Henley), that it would be a disadvantage to sailors' homes to subsidize them. The result of such a course would be to alienate from the homes much of the charity of individuals, and he thought it much better for seamen that they should know that the homes provided for them were maintained by individual benevolence rather than by the nation at large.

Sir HENRY STRACEY, in reply, said, that he could not understand the argument that Government help would be disadvantageous to these institutions. The noble Lord knew that there were £1,600 voted by the Admiralty for Sailors' Homes at Portsmouth, Plymouth, and elsewhere, but the directors of these homes would be very much surprised to hear that they were in consequence subsidized. He (Sir Henry Stracey) never mentioned the word subsidized; he only asked the House to acknowledge that the sailors' homes were worthy of encouragement and support. There was no parallel between the cases of the labourer and the sailor, who was subject to night as well as day work, and to every kind of trial of the constitution, from which the labourer was free. The labourer was generally in a healthy condition, but the sailor's health was so severely tried that the average life was forty years. He thought the subject had now been sufficiently ventilated. The feeling in the House had certainly shown that sailors' homes were worthy of encouragement, and he would not press the Motion to a division, but would take an opportunity on a future occasion of bringing it forward in some other shape.

Motion made, and Question,

"That, in the opinion of this House, the establishment of Sailors' Homes has been so conducive to the benefit of Seamen, and, consequently, of so great National importance, as to be deserving of the support and encouragement of the Legislature."

Put, and *negatived.*

ARMS AND AMMUNITION.

RETURN MOVED FOR.

Colonel DUNNE said, he rose to move for certain Returns of arms and military stores made at the Government manufactories, or procured by contract, in each year from 1852-3 to 1860-1. He understood the Returns were to be opposed, and if the hon. Gentleman the Under Secretary for War had given any reason to convince him that they ought not to be granted, he would have either withdrawn his Motion, or so altered it that it could not have damaged the public service. He thought the fullest information should be given on these subjects before the Estimates were voted. If those Gentlemen who had gone to the First Minister of the Crown, asking him to practise greater economy, would support him (Colonel Dunne), they would show that they were in earnest. But that they never were on that subject. He contended that no injury could possibly arise from granting the Return. There could be no objection to it from apprehension of giving information to foreign Governments; it was very probable they were better acquainted with the state of the military stores than our own authorities. But the Return was most essential for the purposes of examining and explaining the Estimates with respect to arms. He found that since the abolition of the Ordnance Department between four and five millions of money had been devoted to small arms. Now what had been done with all those small arms? The only operations in which any great number could have been destroyed was in the Crimea and India; and yet in the Crimea at first only the Fourth Division had been armed with the Enfield rifle, and was had in none but the regiments who came out from home, which were completely armed with this weapon. After careful inquiry he could not make out any destruction there commensurate with the enormous sums granted. The hon. Gentleman (Mr. Baring) might say that it was imprudent to give this Return; but such Returns used to be given for the purpose of basing the Estimates upon them. Take for instance the clothing of the army, it was surely necessary to know what it cost before they voted money for it. Another reason for the granting of the Return was that in a comparison of two papers which had just been laid upon the table of the House on the subject there were great discrepancies. For instance, in one Return the cost of a certain department was set down at £51,840, while in the other Return the same thing was set down at £79,379. Now, if the Returns he was asking for were granted, an opportunity would be afforded of seeing which of these Returns was right. It was far from his wish to lessen either the amount voted for this object or the efficiency of the service; all he wanted was that the money should be properly laid out, and should not be applied to other purposes. He had been told it, and he believed that by careful scrutiny a million of money might be saved in these Estimates without injury to the efficiency of any one of the public establishments. If they did away with all useless establishments, useless staff and other things, they might at the same time increase the efficiency, while they reduced the expense of the military departments. There was now a deficiency in the revenue, and the country stood in need of economy. Within the last thirty years there had been twenty changes in the Estimates. Before the Commission which sat in 1849 the Estimates were said to be obscure, but they were infinitely more obscure now. He would consent to any modification in the Returns which the hon. Gentleman might think proper, but he thought the country was entitled to explanation, and he demanded it from the Government.

SIR HENRY STRACEY seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Return of Arms made at the Government Manufactories, or procure by Contract, in each year, from 1852-3 to 1860-61, stating the particulars as they appear in the headings of the blank Schedule.

"Similar Returns, as far as applicable, of Gunpowder made at the Government Manufactories or procured elsewhere.

"Of Cannon, Field and Siege, and Mortars, specifying calibre of each.

"Of the number of Shot, Shell, and Laboratory Stores, with same details.

"Of Clothing.

"Of Accoutrements.

"And, Profit and Loss account of the several Manufacturing Departments for the eighteen months preceding the 1st day of January 1861."

MR. T. G. BARING said, he could assure the hon. and gallant Gentleman and the House that there was no desire on the part of the Government to conceal anything; on the contrary, it was their desire that every information in regard to the Army Estimates should be laid before the House. There was no objection on the part of the Government to furnish the information asked for as far as that was concerned, but there was a very simple reason why it would be inexpedient to furnish these Returns. The account asked for was, in point of fact, the whole store account of the War Department for the last nine years, including, of course, the period of the Crimean war; and this was not only to be printed and published for general information, but was to be re-arranged in a form which would give very considerable trouble to the department. Was it likely that such a mass of details could afford to the House information which they could make practically available? It was hardly possible to represent the enormous mass of items asked for, but the papers which they embraced would hardly pass through the door-way of the House. For the simple reason that the Returns would be of such a voluminous character, and would be attended with very little practical advantage, he did not feel justified in assenting to the Motion. With respect to the cost of the clothing for the army, a return had been but very recently moved for, which in a few days would be in the hands of every Member of the House. With regard to one portion of the returns moved for by the hon. and gallant Member—the account of profit and loss of the several manufacturing departments for the eighteen months preceding the 1st January, 1861 — he would remark that there would be a great deal of difficulty in framing an account for that particular period, because the accounts of those departments were kept for the financial year. The Committee appointed by the House to inquire into the reorganization of the War Office had gone into the matter, which was one of great importance, and Lord Herbert had devoted considerable attention to the subject, and before long accounts framed upon what he (Mr. Baring) trusted would be considered a good system for the manufacturing departments would be presented to Parliament at the end of each financial year. With regard to some portion of the separate Returns moved for by the hon. and gallant Gentleman, no doubt it would be found that in Returns which had been and would be furnished, they had been included.

COLONEL DUNNE said, the hon. Gentleman had given no answer whatever to his Motion. It was not a mass of details which he required, but an intelligible Return. The officers of the departments were perfectly able to supply the information if they were called on to do so. They knew perfectly well what they were doing; if anybody was ignorant it was the Government. He denied that the Returns he had asked for were at all of the voluminous character the hon. Gentlemen chose to give them, nor could any one conversant with the subject imagine they were so. These accounts should always be kept in the War Department and be accessible when called for; and he contended it was not advisable for the Government to conceal them from the House. The War Department would do well to be cautious in this matter, because a Motion not to proceed with these Estimates until sufficient information had been laid before them was one which the House was very likely to assent to. Of course it was useless to contend against the refusal of the Government to grant the Return, in the then state of the House, and he would not, therefore, go to a division; but he hoped that on second thoughts the hon. Gentleman would give the information he asked for.

GENERAL PEEL said, he was sure there could be no objection on the part of the War Department to give every information in their power, and if the hon. and gallant Officer would alter his Return, no doubt, the hon. Under Secretary would agree to it. He was glad to hear that it was the intention of the War Office to give annually regular statements with regard to the manufacturing establishments.

Motion, by leave, *withdrawn.*

DIVISIONS (COMMITTEE OF SUPPLY).
RESOLUTION.

SIR GEORGE BOWYER said, he rose to move that, on any division in the Committee of Supply, so soon as the voices have been called the doors be closed after strangers have withdrawn. The object of his Motion was to make a practical improvement in and to remove a scandal from the proceedings in Committee of Supply to which his Motion would exclusively apply. During the recess a number of Members—habitual supporters of the Government—wrote a letter to the Prime Minister, in which they remonstrated strongly against the increase of the expenditure of the country, and called for some decided measure to put a stop to it. They received a reply from the noble Viscount the Prime Minister, very civil, no doubt, but which did not lead to any practical result. But they had another answer, which, though not quite so agreeable as that of the noble Viscount, contained a great deal of good sense and practical wisdom. That answer was given them by *The Times*, which told them that it would be well if, instead of criticizing and attacking the Government, they themselves discharged their duties in the House by exercising a vigilant control over the public expenditure and over the voting of public money. That was practical sound advice, because if there was one privilege of the House which had always been more highly valued and considered more important than another it was the privilege of holding the public purse-strings, and it was on the power of considering every item of the expenditure and of granting or refusing the money that almost all the other privileges enjoyed by the House were founded. On the other hand, it must be admitted that the hon. Gentlemen who wrote the letter had some excuse for it, and also some answer to the arguments of *The Times* in the manner in which business was done in Committee of Supply. Generally speaking, some twenty or thirty Members, perhaps forty, were present when the House was in Supply. The business was not of a very exciting character and hon. Gentleman did not care much to come down. A Member walking down from his club to the House would meet another Member coming from the House, and would ask him "Well, what's going on down there?" the other would reply, "Oh, nothing but Supply;" and then both of them would go off about their own amusement. The twenty or thirty Members would sit discussing the various Votes, an objection would be made to one particular item perhaps, whereupon a discussion would arise, in the course of which hon. Gentlemen who had applied their minds to the subject, either professionally or otherwise, would give a great deal of valuable information, and the Government in their turn would defend the Vote and explain their reasons for objecting to its reduction. In that manner very instructive and interesting discussion took place on matters of detail not involving generally any public principle. Then a division would be called for, the bell would be rung, and 100 or 200 Gentlemen who had been in the library, the coffee-room, or some other place would rush in, crowd about the door, make a great confusion, each asking the other "What's it all about? What are we going to vote for?" Perhaps they would get an answer, perhaps not, but would simply follow some leader whom they saw going before into the lobby; but either way they would vote blindly, without any consideration of the merits of the case, and without having heard the arguments and the information which had been advanced on one side and the other. Consequently it was impossible, by argument of any sort whatever, to effect a reduction or alteration of an item in Supply. That was a great scandal, and it made Committees of Supply a perfect delusion and a farce. What he proposed, therefore, to remedy such a state of things was, that for the future, when a question was put and a division took place, in consequence of some Member challenging the decision of the Chairman, the doors should be shut as soon as strangers were withdrawn. Such a measure would allow those hon. Gentlemen to come in who were standing outside about the doors; but it would put a stop to the rush of uninformed Members from all parts. He had to deal with two objections. One was that, in consistency, they ought to apply the same remedy to the case of Committees on Bills. He admitted that there was a good deal to be said in favour of that proposition. An illustration of the argument was to be found in the proceedings of the other House, where Peers, although they might vote by proxy, on the different stages of a Bill in the House—which were presumed to depend on some general principle—were not allowed that privilege in Committee where votes were taken on matters of detail. And thus, no Peer could vote in Committee unless he were present. Although there might be reasons for imposing the restriction which he proposed in the case of all Committees, those reasons applied with much greater force to Committees of Supply, because discussions in Committee of Supply were more particularly on matters of detail, and if they were not fully discussed in that House the House of Lords could not set right any mistake or omission, as there was no such thing as Committee of Supply in the other House. The other objection was that the rule which he proposed would give a great advantage to the Government. If that were so, he hoped he should have the votes of the right hon. Gentlemen who sat on the Treasury bench. But he rather expected they would oppose the Motion, and, if they did, he might content himself by saying that their votes gave a sufficient answer to the objection. It was stated that the Government could keep their friends in the House to vote, whereas the Opposition and independent party could not. If it were true that the Government could keep hon. Members to vote anything they chose, and that other hon. Members had no regard for the interests of the country, but would go away and not care about voting, proceedings in Committee of Supply became a farce an absurdity. He did not think so meanly of hon. Members as to believe that they could not be induced by motives other than those which were usually held out to supporters of a Government to do their duty to the country. No doubt, many hon. Members talked largely about economy on the hustings and did not attend to economy when in the House. His proposal would have the advantage of showing the constituencies who were present in Committee of Supply, and hon. Members would not be able to boast on the hustings of a vigilant care for the public interests if they sat in the coffee-room, the smoking-room, or some other place of recreation, until, on the bell ringing, they rushed in to vote, without knowing what they were voting about, merely to have their names appear in the division lists published by the newspapers. Many hon. Members voted for the Government in Committee of Supply because they had not heard the arguments against particular votes, and, therefore, the regulation by necessitating their presence would lead to more useful and practical discussions. He should leave the matter upon its own merits to be dealt with as the House should deem fit, but at the same time he felt bound to express his opinion that if the Motion were carried the public interest and the public purse would be more efficiently and properly protected. He would, therefore, conclude by moving—

"That on any Division, when the House is in Committee of Supply, so soon as the voices have been taken the doors be closed immediately after strangers have withdrawn."

MR. WHITE seconded the Motion.

SIR GEORGE LEWIS: The hon. Baronet who has made this Motion assumed that every member of the Government who gave his vote upon the question would necessarily be determined in that vote by the consideration whether or not the Motion is likely to prove advantageous to the Government in divisions in Committee of Supply. I hope that his supposition is altogether unfounded. I trust that I may have the credit of forming a dispassionate opinion on this question, and that I may not be supposed incapable of looking at it as a general question affecting the proceedings of this House without reference to the party interests of the Government for the time being. Indeed, my own opinion is that if this Motion were carried it would be advantageous to the Government for the time being in divisions in Committee of Supply. That is my opinion of the effect of it; but I hope I am capable of forming an opinion upon the propriety of adopting it without looking to this consequence. I think the hon. Baronet is influenced by his forensic habits. He assumes, in making this proposition to the House, that it forms a judicial tribunal—that it constitutes a sort of jury who simply sit here and listen to arguments addressed to them during debate. That is not the view which our ancestors took of the habits of a deliberative assembly. In the other House it is even permitted to Peers to send their proxies, and to vote without having been present at any portion of the debate or hearing the question put. The rule of this House is different. No Member is entitled to vote in a division unless he is present in the House when the question is put. The restriction, however, does not go beyond being present at the time when the question is put. The hon. Baronet attempts to introduce one practice for Committees of Supply, and another on all other occasions. I think it must be evident that if the House granted the proposal with respect to Committees of Supply they must speedily introduce the same practice with regard to other Committees. It is impossible to establish any practical distinction between Committees of Supply and Committees on Bills, for example. The hon. Baronet gives the impression that the ordinary course in Committee of Supply is for some twenty Members to be present, and some 200 or 300 Members to rush in from the lobbies or elsewhere for divisions. I will appeal to the experience of hon. Members whether this is anything like a correct description of the state of the case? I have held the office of Secretary of the Treasury, and it has been my duty for several years to move the Miscellaneous Estimates. My recollection is that during the discussion of the Miscellaneous Estimates the House is extremely full, and much fuller than in Committees on Bills towards the end of the Session. I should say that if any hon. Member walks down to a morning sitting when an Irish or Scotch Bill is in Committee he will find the attendance not at all larger than the hon. Baronet describes as usually assembled during discussions in Committees of Supply. No doubt, during the consideration of technical questions relating to the army and navy, which are not very interesting to the majority of Members, there is rather a small audience; but it is my impression that, in general, the discussions in Committee of Supply are well attended. If, therefore, the proposed rule were to be laid down with regard to Committees of Supply, it is clear that it must be extended to other Committees, and, likewise, to other measures of importance. But if the rule be established, what will be its effect? It will be this:—No Member would be allowed to take part in the division on the reduction of a vote in Committee of Supply, unless he had heard the whole discussion, while on such a question as the second reading of a Reform Bill, which may affect the whole Constitution of the country, a Member might give his vote without having heard a word of the debate. It is obvious that a distinction of that sort cannot be preserved between the two cases. I do not think that the Resolution of the hon. Baronet would effect his purpose. He does not state in his Resolution that the presence of a Member during the whole of the debate is to be a condition of his voting; and, therefore, it is clear that the rule might be evaded. Supposing a Member came in five minutes before the division he would be entitled to vote, although practically he would have heard no more of the debate than if he had not entered the House till the bell rang. To carry out the hon. Baronet's view, no Member should be permitted to vote unless he has heard either the whole or a considerable portion of the debate. But how are you to decide how much of the discussion a Member is to hear? Is it to be measured by the number or by the length of the speeches, by the excellence of the oratory or by the force of the arguments? I think the hon. Baronet would have to lay down the same rule in regard to the House that is applied to juries. A jury is compelled to hear the speeches of counsel, the evidence of witnesses, and the summing up of the Judge, and is not allowed to quit the box until the close of the trial. In the same way, in order to carry into effect the proposal of the hon. Baronet, we should be given in charge to the officers of the House, to be detained here until we have delivered our verdict. It is, of course, very desirable that hon. Gentlemen should not vote on questions of which they are entirely ignorant; but it is quite possible that a Member may form a very clear and correct opinion on a question without hearing all the arguments adduced in this House. I should certainly be extremely slow to lay down the doctrine that an hon. Gentleman who has not heard the whole of a debate should not be entitled to vote, although he hears the question put by the Chair. It is assumed that every one who hears the question put is capable of forming a rational judgment on it, and I hope the House will retain that wholesome rule and adhere to its present practice.

Mr. NEWDEGATE said, he presumed the Motion of the hon. Gentleman was intended to abrogate the standing order, which was designated as the two minute rule, and which had been so usefully established on the Motion of his late lamented friend Mr. Muntz. He (Mr. Newdegate) hoped the House would forgive his recalling to their recollection the circumstances which had induced that salutary change in the standing orders, or rather the establishment of that salutary alteration. On the occasion of a momentous division, after the Earl of Derby came into office for the first time as Prime Minister—a division on the question of free trade and protection—it happened that a large number of the Members of that House came to the conclusion that they would avail themselves of their undoubted privilege—either to vote or abstain from voting, and had formed the determination not to vote in that division; of these forty-seven had to his personal knowledge left the House. This occurred upon a Motion made by the noble Lord at present at the head of Her Majesty's Government. He (Mr. Newdegate) himself went back into the House, with the present Duke of Richmond, to communicate to their friends the decision at which those who had left, had, arrived. There was then no rule as to the time that should elapse between the question being put and the doors being locked. Before the Duke of Richmond, then Lord March, and he could leave the House—before they could reach the door—without any notice, the doors were closed, and they were shut in, and by that means deprived of that which was their undoubted privilege, the option of voting or not voting. If a Member voted against what may be considered his party, his vote counted on a division two—one abstracted from his party and one added to the other party; but if he left the House he would only count one. It was in consequence of the surprise to which he had adverted that his lamented Friend (Mr. Muntz), who saw what happened, said to him immediately afterwards, "This shall never occur again, for I am confident the House of Commons does not intend to entrap Members into a division;" he represented these circumstances to the House, and the House then established the rule which had operated so advantageously in facilitating and securing the freedom of the deliberate expression of opinion on the part of the House. It was the only effectual safeguard against surprises—against hon. Members being locked in against their consent—and he trusted the House would adhere to a rule which had operated so well.

Mr. BASS said, he thought that the Resolution contained a reflection on the House by the imputation that Members did not do their duty. It was, however, well known that a great part of the business of the country was done by hon. Members, not in that apartment where their debates took place, but at their own homes, or in Committees upstairs. Many a time he himself had not left the House from twelve at noon until two o'clock the next morning, being occupied the whole time upon public business; but was he to be told, as he was by the Resolution, that unless he heard every word of a debate in that particular room, he was to lose his privilege of voting? The Resolution was framed upon the principle of compelling every hon. Member, however much he might be otherwise engaged upon the business of the country, to listen to the eloquence of the hon. Baronet. A vast number of speeches were made in Committees of Supply, but they produced very little effect. One hon. Member had last Session made no fewer than seventy-nine speeches in Supply, but he had not saved a single shilling of the public money. Other Members had spoken nearly as often, but not a sixpence was knocked off the Estimates; and the hon. Baronet had himself made some clever speeches in Supply, but nothing had been gained by his eloquence. The proposed rule would be disadvantageous to the public service, and it would be disadvantageous to the character of the House, because it would imply that if Gentlemen were not listening to the speeches of the hon. Baronet they were neglecting their duty. As nothing could be more unfounded than such an imputation he should oppose the Motion.

Colonel FRENCH said, he thought that the Motion was not without some cause. It frequently happened that some forty or fifty Gentlemen had listened to a debate and had become almost unanimous in support of a certain view, and when the division was taken there came a hundred and fifty Gentlemen who voted against them without having heard a word of the arguments on which they had formed their opinions. At the same time he perfectly agreed with his right hon. Friend (Sir George Lewis) that it was impossible the Resolution could be carried in its then shape, and that it would be unwise to pass any Resolution on the subject pending the Report of the Committee appointed to consider the best mode of expediting the conduct of public business, and which Report, let him add, was being a long time delayed. He should recommend his hon. Friend not to press his Motion to a division.

Sir GEORGE BOWYER said, that, as the feeling of the House appeared to be against him, he would not trouble hon. Members to divide. His object was to apply a practical remedy to an admitted grievance, and to give additional effect to those speeches in Committee of Supply which the hon. Member for Derby said produced so little result, and which must continue to be equally without avail as long as twenty or thirty members rushed into the House for a division so ignorant of the subject under consideration that they had to say to all their friends round them, "What the devil is all this about?"

Mr. VINCENT SCULLY said, that after a Motion had been discussed it did not lie with its introducer to withdraw it without a division. If he went out alone he should insist on the hon. Gentleman not being allowed to withdraw his Motion.

Motion made, and Question,

"That on any Division, when the House is in Committee of Supply, so soon as the voices have been taken the doors be closed immediately after strangers have withdrawn."

Put, and *negatived.*

POST OFFICE SAVINGS-BANKS BILL.

CONSIDERATION.

Order for Consideration read.

Mr. VANCE complained that under the Bill the accounts of money received in Scotland and Ireland would be kept in London, instead of, as the accounts of the money-order offices in those countries were now kept, in Edinburgh or Dublin respectively. To remedy this he proposed that in the first clause the word "offices" should be substituted for "office," and that after London the words "Dublin and Edinburgh" should be inserted.

Amendment proposed, in Clause 1, line 13, to leave out the word "office," and insert the word "offices"—instead thereof.

The CHANCELLOR of the EXCHEQUER said, he hoped the Motion would not be pressed. It professed to amend the language of the Bill, but it really made it worse. Nothing could be more absurd than to create three centres of investment and three centres of management of money; but such would be the effect of the Amendment, for England, Scotland, and Ireland. It would be just as rational to provide that the money deposited in Yorkshire and Lancashire should be invested in Yorkshire and Lancashire. That was not the intention of the hon. Gentleman, but it would certainly be the effect of his proposition if it were adopted. He admitted there was some objection to specifying that all the transmissions should be made to London, and therefore he proposed to strike out the word "London," and thus the question would be left quite open. The whole operation of investment must be central, but that would not interfere with the system of accounts and transmission which now existed in Dublin and Edinburgh.

Mr. VANCE said, he was quite satisfied with the statement of the right hon. Gentleman the Chancellor of the Exchequer.

The CHANCELLOR of the EXCHEQUER said, he thought it would be better to strike out the words "in London," without inserting the words "Dublin and Edinburgh."

Amendment, by leave, *withdrawn.*

Amendment made.

Bill to be read 3° on *Friday.*

House adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, April 10, 1861.

MINUTES.] PUBLIC BILLS.—1° Piers and Harbours.

3° Consolidated Fund (£3,000,000).

THE BOROUGH FRANCHISE BILL.

SECOND READING.

Order for Second Reading read.

MR. BAINES :* Sir, if in bringing forward the subject of the Borough Franchise, I should have imprudently undertaken a task which is too difficult for me, I will yet throw myself upon that generous indulgence which the House always grants to those whom it believes to be moved by an honest sense of duty. I will the more confidently rely on that indulgence, as I am to advocate the claims of a large body of the people who are not now represented in this House, but who, I believe, desire and deserve to be admitted to the duties and privileges of the Constitution. The House may do me the honour to remember, in proof of the sincerity of my own convictions, that I, last Session, not merely supported the Government measure of Reform in this place, but that I obtained the leave of the House to give evidence before the Committee of the House of Lords on the question. I am encouraged by the recollection that the measure for which I now ask the sanction of the House has been virtually recommended to us from the Throne—that it formed part of a measure last Session presented by the Government—that in principle it has received the approbation of both sides of this House—and that at the last general election this specific extension of the borough franchise was virtually approved by the country. I am not, therefore, offering any visionary or extreme project to the House, but am walking in the steps of our wisest Statesmen and in the old paths of the Constitution.

But I am met by two preliminary objections—namely, first, that any measure of Representative Reform ought to be introduced by the Government; and second, that all the defects of the system ought to be cured at once in a comprehensive measure, instead of treating them separately. In reply to the first, I say that this very measure has been introduced by the Government, inasmuch as it formed part of the Bill of last Session; and in reply to the second, I say that Parliament has on several distinct occasions adopted partial measures of Reform, and with great success. The experience of the last nine years seems to show that comprehensive Reform Bills cannot be carried. Five times has such a measure been recommended from the Throne. Four times have such Bills been introduced, by both the great parties in the State, and four times have they been abandoned. The example of 1832 must be regarded as exceptional, owing to the enormity of the abuses which had accumulated for ages upon the representative system, and the strength of the popular feeling then existing. Do we not see continually how practicable it is to deal with individual branches of the law, and how excessively difficult, if not impossible, to effect very comprehensive Reforms? For example, the criminal law is now in course of being reformed piece by piece, whilst all our jurists recoil before the difficulty of consolidating the law into a code. Even this very Session the Attorney General confessed his inability to carry through a measure that shall at once consolidate and amend the bankruptcy law; and therefore he has been obliged to divide the Bill of last year into two parts, and to amend the law this year, in hopes of being able to consolidate it next year. It seems to me that it would be as reasonable to introduce the Army, Navy, and Miscellaneous Estimates together for discussion at the same time, as to introduce all the separate branches of Reform at once.

But, in point of fact, Parliamentary Reform has been treated in its separate branches. You have always had separate Bills for England, Scotland, and Ireland. You twice dealt separately with the franchise in Ireland; first, at the time of Catholic Emancipation, and again in 1850, when you reduced the county and borough franchises. By a distinct Act you changed the property qualification for Members of Parliament, and by another Act you entirely abolished that qualification. By another Act you amended the law of registration, by another you altered the law as to the rating of compound householders. By another you shortened the period for taking the poll in counties; by another for taking the poll in boroughs; and by another for taking the poll in Ireland. By another Act you increased the number of polling places. By several others you endeavoured to punish and check corruption. By distinct Acts you disfranchished Grampound in 1818, and Sudbury and St. Alban's of late years. By a distinct Act you increased the representation of Yorkshire from two Members to four. And you have now before you two Government Bills, one for the appropriation of vacant seats, and the other to check bribery and corruption; as well as a Bill brought in by an independent Member making it unlawful to convey voters to the poll. Does not experience on this very subject, then, show us that it is far more practicable and expedient to deal with the Reform of the representative system in its several branches than to deal with it as a vast complicated whole? We have far more precedents for detailed than for comprehensive Reforms.

As to the desirableness of such measures as the present being introduced by the Government, I admit that it is desirable if the Government will and can undertake the duty, and no one would be less disposed than myself to take it out of their hands. But it would be dangerous to the rights of the House of Commons to admit any necessity for a governmental origin of the measure. And I, for one, must earnestly protest against such a doctrine gaining ground. Last year we virtually admitted the House of Lords to tax the people without the consent of the House of Commons; and if we were now virtually to admit a right of initiative to the Crown in matters of important legislation, we should be going far to strip the House of Commons of its most precious rights, and should be degrading it to the rank of a French or German Chamber.

One other preliminary objection is made to my Bill: it is said that the country does not ask for it. The assertion is by no means so true as when it was first made. Public meetings have been held in many of our large towns, and petitions in considerable numbers have been presented to this House. But if in a season of unusual prosperity the public mind is unusually free from excitement, this no more proves that public opinion is against the Bill, than a calm at sea one day gives assurance that the winds and waves will not rise the next day. Moreover, our best statesmen have told us that it is safer to legislate on this subject in a calm than in a storm. I believe it would be the truest wisdom to pass a measure which should prevent any great and serious dissatisfaction; and not to wait till that dissatisfaction shall have expressed itself. I think nothing can be more true than the remarks of the noble Lord the Member for the City (Lord John Russell) in introducing his Reform Bill in 1852: he said—

> "I know, Sir, there are some who say that we ought to wait rather until there is agitation on the subject—that it is better to legislate upon a subject of this kind when the passions of the people have been aroused—that then there is great discontent on the one side, and great fear on the other. Sir, I totally differ from that opinion. If we think it is desirable to make any further extension of the right of voting, or to make any Amendment in the state of the representation, it is well to consider the question with calmness in a time of tranquillity, and to confer those franchises without compulsion, as a reward of past conduct, and as a security for the permanence of the institutions of the country."—[3 *Hansard*, cxix. 252-53.]

And a conclusive answer to the objection I am combating is found in the fact, that at the last general election the question of Reform was that which above all others was brought before the people; and that they returned a House of Commons favourable to the Reform Bill of the noble Lord the Member for London, in opposition to that of the then existing Government.

Sir, it seems to me that the time has fully come when it is right and wise to extend the popular franchise in the representation of the people in Parliament. Since the great Reform Act was introduced by the noble Lord the Foreign Secretary, a generation of men has passed away. And what a generation! I suppose that those best versed in history would not be able to point out an era in which any community already highly civilized made such rapid advances in material and mental improvement. Even the marvellous age which followed the invention of the art of printing did not exceed our own in the discoveries of science, the inventions of art, or the development of the human mind. In the speech with which the right hon. Gentleman the Member for Bucks (Mr. Disraeli) introduced the Reform Bill of the Derby Cabinet two years since he made the following striking remarks:—

> "I beg the House to consider well those effects

> of time, and what has been the character of the twenty-five years that have elapsed since the Reform of 1832. They form no ordinary period. In a progressive country and a progressive age, progress has been not only rapid, but perhaps precipitate. There is no instance in the history of Europe of such an increase of population as has taken place in this country during this period. There is no example in the history of Europe or of America, of a creation and accumulation of capital so vast as has occurred in this country in those twenty-five years. And I believe the general diffusion of intelligence has kept pace with that increase of population and wealth. In that period you have brought science to bear on social life in a manner no philosopher in his dreams could ever have anticipated. In that space of time you have in a manner annihilated both time and space."—[3 *Hansard*, clii. 968.]

Sir, that passage is as true as it is eloquent; but I shall show, I think, that the right. hon. Gentleman has in one respect fallen short of giving the facts their full significance. He spoke of "the general diffusion of intelligence having kept pace with the increase of population and wealth." Now it will be my duty to show that the growth of intelligence has far outstripped the growth of population; and as this is an essential point in my argument I would ask the House to do me the honour to remark the extent to which the facts will prove this. The population of England and Wales at the census of 1831 was just over 14,000,000. According to the estimates offered in recent Reports of the Registrar-General, it is likely to amount at the census just taken to 20,000,000; showing an increase in thirty years of about 43 per cent. But whilst the population has increased 43 per cent, I shall be able to prove that industry, prosperity, social comfort, education, the means of political knowledge, the habit of reading, and the habit of providence, have increased in a far larger proportion, so as to justify the conclusion that a much larger number of the people are qualified mentally and morally for the exercise of political franchises than at the period of 1831. And I would further ask the House to be so good as to watch the facts which I shall lay before them with this special view—namely, to see if they do not raise the strongest presumption of improvement in that section of our town populations which comes below the level of the £10 householders, and forms the better portion of the working classes. My full belief is, that the spread of intelligence has been of the most satisfactory kind—namely, downwards towards the humbler strata of society, and that the £6 householder of 1861 is as well qualified to exercise the franchise as the £10 householder of 1831.

I think I may assume, as beyond all possible question, that the £10 suffrage created by the Reform Act was not too low. Though myself an earnest supporter of that measure, I took part in an inquiry made at the time in my own borough at the instance of the noble Lord, the Member for the City, and the conclusion to which we came was that the suffrage might have been safely fixed at a point below £10, as we found considerable numbers well qualified to exercise the franchise who were excluded from its enjoyment, and almost the entire body of the working classes were thus excluded. When the noble Lord brought in his Bill of 1852, he made this statement:—

> "At the time of the Reform Bill, in placing the right of voting in householders where the value was £10 a year, we did what I think it was right to do, and what it was our duty to do; we placed the suffrage rather higher than it was necessary to fix it."—[3 *Hansard*, cxix. 260.]

I may therefore, assume, that by the Reform Act, the franchise was not fixed too low, but rather too high.

Then what is the extension which I now seek to give to the borough franchise? I propose to extend it from the occupiers of £10 premises, to the occupiers of £6 premises. In this point, as the House will remember, I simply copy the Government measure of last year, and my Bill is transcribed in so many words from that of the Government.

In showing the addition that would be thus made to the constituencies of cities and boroughs, I have the advantage over the Government of last year of possessing not only their official Returns, but all the sifting and criticism bestowed upon those Returns in this House, and in the Committee of the House of Lords. In consequence of the doubts then thrown upon the accuracy of the Returns, fresh inquiries were made by the Poor Law Board from the parochial officers of all the boroughs where there was the least room for question. They were revised with scrupulous care; and towards the close of last Session the revised Returns were presented to Parliament by command of her Majesty in the Paper which I hold in my hand, entitled "Return of Male Occupiers in Parliamentary Cities and Boroughs." And then, again, the information was moved for in a somewhat different and improved form by the hon. Member for Brighton, at the close of last Session, and was presented at the beginning of the present Session under the not very explanatory title of "Poor Rates, No. 49." I believe, Sir, that this revised Return is as deserving of reliance as any information that can possibly be procured; and it substantially bears out the estimate given by the noble Lord last Session of the number of voters who would be added by a £6 franchise. It shows that the present number of voters in cities and boroughs in England and Wales is 442,210, and that the addition likely to be made by the £6 franchise would be 211,269, or about 48 per cent increase on the old voters.

But this number of 211,269 is, I believe, considerably more than would ever be placed on the register. It is subject to reduction on two grounds. First, the Poor Law authorities have assumed that the same proportion of the occupiers from £6 to £10 would actually get upon the register as of the occupiers of £10 and upwards. It is found by experience that 27 per cent of the occupiers at £10 and upwards fail to get upon the register, either through removals, want of sufficient length of occupation, failure in the payment of rates, neglect to claim or to defend their votes, or some other ground technical or substantial. Now it is reasonable to believe that a considerably larger proportion of the humbler classes would fail to be put on the register from these several causes than of the richer classes. But the Poor Law officers have only deducted the same percentage—namely, 27 per cent, from the gross number of male occupiers at the lower rents as at the higher. On this ground I am convinced that the number actually placed on the register would not be 211,000, but under 200,000 rather than over. I will take it at 200,000.

Then there is a second and more important deduction to be made. A very considerable number of the freemen and scot and lot voters now on the register are occupiers of premises from £6 to £10 in yearly value. If entitled to be put on the register as occupiers they would not form any addition to the constituency because they have votes at present. The number of persons now on the register, and who do not occupy premises of the value of £10, in right of these old franchises, is 48,907; and it is a moderate estimate that 20,000 of them would be among the occupiers between £6 and £10. This is the estimate suggested to me by the gentleman who has had the chief care of compiling the official Returns. If, then, we deduct 20,000 on this ground, the real addition made to the present constituencies would only be 180,000.

Then we come to the inquiry, what proportion of these 180,000 belongs to the working classes, and whether that proportion is more than it is just and right to give them? My own belief, and that of the parochial authorities in my own borough, is, that about three-fourths of the occupiers from £6 to £10 would be of the working class, and the remaining one-fourth would consist of small tradesmen, handicraftsmen, managers of mills or warehouses, clerks, or other persons not receiving weekly wages. If this view should be correct, one-fourth must be deducted from the 180,000, and it would result that the number of the working classes put on the register would only be 135,000. In order, however, to show the whole strength of the working-class element we must add (for the present) a large proportion of the existing freemen; and I am disposed on this ground to add 35,000, and to consider that the whole number of the working classes on the register would be about 170,000. This is out of the 653,479, which the official Returns estimate as the whole borough constituency under a £6 franchise; and it would show the probable numbers of the working classes to be 26 per cent of the whole. When we remember that the working class population outnumbers the other classes at least in the proportion of three to one, can it be thought too much that they should have a share in the representation in the proportion of one to three? It is further to be remembered that the freemen are in the course of rapid extinction, and when they shall have passed away, the number of the working classes on the register will sink again to 135,000, which would only be 20 per cent, or one-fifth of the entire borough constituencies.

And here comes in a consideration which has not often been referred to, but which has an important bearing on this part of the subject. The working classes had a very large share in the representation, by means of the freemen and scot and lot voters, before the Reform Act: and even after the Reform Act, although numbers had been disfranchised, there remained upwards of 100,000 voters of these old classes on the register, a very large proportion of whom belonged to the working class. Now this number, through the operation of the Reform Act, has been in course of continual decline. At present the number of freemen is only 48,907, showing a loss to that class of voters, since 1832, of 51,440: and in process of time the freemen will be nearly or quite extinct. Here, then, is a very great loss to the working-class element in the representation. It was referred to by the right hon. Gentleman, the Member for Oxfordshire (Mr. Henley), in his speech on the 1st of March, 1859, assigning his reasons for dissenting from the Reform Bill of Lord Derby's Government. The right hon. Gentleman said—

> "Ever since the Reform Act of 1832 the working people have been having a less and less share in the representation. They had considerable representation before 1832, through the scot and lot voters and the freemen. . . . . . They are gradually dying out, and I ask my hon. Friends near me to consider, if they draw a hard line, and leave the working people behind it, how long they think it will stand? When I know (he said) that my fellow-countrymen, the workmen of this country, were within the last thirty years considerably improved in everything that distinguishes men and makes them safe subjects, I do not think it a degradation to a borough, or to any other constituency, that a portion of those fellow-countrymen should have, through that legitimate channel, a share in the franchise."—[3 *Hansard*, clii. 1066-7.]

Accordingly the right hon. Gentleman supported the view of the right hon. Gentleman, the Member for the University of Cambridge (Mr. Walpole) in support of a £6 rating franchise.

It will be remembered by many that one of the objections strongly urged against the Reform Bill in 1831–2 was, that it would deprive the working classes of all share in the representation; and the following were the grave terms in which the most eminent Conservative statesman of the day, Sir Robert Peel, spoke of that operation of the Bill. He said—

> "I conceive the noble Lord's plan to be founded altogether upon an erroneous principle. . . . The objection is this—that it severs all connection between the lower classes of the community and the direct representation in this House: I think it a fatal objection, that every link between the representative and the constituent body should be separated so far as regards the lower classes. But what will be the effect of cutting off altogether the communication between this House and all that class of society which is above pauperism, and below the arbitrary and impassable line of £10 rental, which you have selected? If you were establishing a perfectly new system of representation, and were unfettered by the recollections of the past, and by existing modes of society, would it be wise to exclude altogether the sympathies of this class? How much more unwise, when you find it possessed from time immemorial of the privilege!—to take the privilege away, and to subject a great, powerful, jealous, and intelligent mass of your population to the injury—ay, and to the stigma, of entire uncompensated exclusion."—[3 *Hansard*, ii. 1346–7.]

I must invite the attention of the House still to another point—namely, that the working classes of England are represented in the boroughs alone, and not in the counties. For, although the hon. Member for North Warwickshire (Mr. Newdegate) recently asserted the right of labour to its share in the representation, and said that he had a considerable number of working men among his constituents as 40*s.* freeholders, I apprehend there are extremely few counties in England—perhaps not more than half a dozen—where working men form any appreciable proportion of the constituencies. Nor is it proposed, by any plan of Reform hitherto offered, to bring agricultural labourers into the constituencies. Therefore, the only representation which the working classes of England will possess, will be through those of their number who may be enfranchised in the boroughs. Consequently I ought not to have compared the 170,000 of the working classes who would be on the register if my Bill should pass, with the whole number of the borough voters, but with the whole number of the borough and county voters together. The number of county voters in 1858–9 was 529,213; and adding these to the estimated number of 653,479 borough voters under a £6 franchise, the whole number of electors would be 1,182,692, of which the working classes would only have 170,000, or one-seventh of the whole. Is that a proportion to alarm any Member of this House?

But there is one more point to which I must ask the attention of the House. We have been considering the number of the working classes whom it is proposed to admit to the franchise, which I estimate, including the present freemen, at 170,000; but let us for a moment look at the number of those classes who would remain excluded. The population of the represented boroughs of England and Wales is 9,000,000, and that of the counties and boroughs together is 20,000,000. One-fourth of each of these numbers are adult males. Therefore, the adult males in the boroughs would number 2,250,000, and in the whole of England 5,000,000. Of these the working classes compose at least three-fourths; so that the number of working-class adult males in the boroughs would be 1,687,500, and in the whole of England 3,750,000. Of these it is proposed to admit 170,000 to the franchise, who would constitute one-tenth of their whole class in the boroughs, and one-twenty-second part of their whole class in the country. If any hon. Gentleman should be alarmed by the proportion admitted, it is high time that he should repair to a hydropathic establishment for the restoration of his nerves.

One more consideration and I have done with this part of my subject. That portion of the working-class voters now on the register as freemen and scot and lot voters, and who are gradually wasting away, is (generally speaking) the lowest, most ignorant, and, it is said, most venal portion; whilst those of the working classes who would be put on the register by this Bill, or would be retained on it, would be the highest and best portion of them. Sir Robert Peel complained in 1831 that the working classes would be subject to "the injury and stigma of uncompensated exclusion." Now I propose at this late day to give them a compensation; but that compensation will include a substitution of the best portion of the working classes for the worst portion—a great improvement in their quality, as well as a moderate increase of their numbers.

This brings me, Sir, to consider the happy and wonderful change which has been effected in the condition of the working classes, and especially in the upper section of them, whom I propose to enfranchise, within the thirty years which have passed by since the introduction of the great Reform Bill. Here I am to find the justification of the enlargement of the popular franchises, and here I confidently believe I shall find it. The evidence by which I propose to establish my case is necessarily drawn from the public records of the country, and applies to the whole nation; but I believe the House will find that in all its branches it especially proves the advancement of the working classes in all that can fit them for the enjoyment of the franchise. Sir, I feel that there is great interest, I may even say a dignity, in the task which I now approach, of taking a rapid bird's-eye view of the material, mental, and moral progress of this country in perhaps the most brilliant era of the world's history. I am certain that hon. Members will accompany me with interest and pleasure in tracing the evidences of our advancing civilization and more secured social condition. Nor will the House think it irrelevant, if, for a moment or two, I look at the advancement of England in material wealth and prosperity; for hon. Members well know the important connection which there is between prosperity and temperate views of politics, and on the other hand how poverty and distress provoke to violence. I will once more ask them to remember that the increase in the numbers of the people within the last thirty years has only been 43 per cent, in order that they may appreciate the bettered condition of those numbers necessarily resulting from the far higher per-centages in all the elements of improvement.

Within the last thirty years, Sir, England has nearly quadrupled her foreign commerce, her manufacturing industry, and her navigation. Without multiplying figures I may say, as an index to the rest, that the total amount of exports and imports of the United Kingdom was in the year 1831 £97,623,332; and in the year 1860 it was £373,491,000, being an increase of 283 per cent. In the midst of this amazing activity and extension of trade, the country has executed, by means of private enterprise, a system of railways which I believe to exceed in magnitude and cost, and still more in utility, the most stupendous works of Rome, Egypt, or China. At a cost of £330,000,000 sterling she has constructed in these islands, within these thirty years, 10,000 miles of railway, along which are carried every year 150,000,000 of passengers, a distance of 2,000,000,000 of miles, besides an incredible amount of minerals and merchandize. Whilst her general shipping has increased nearly fourfold, that portion of it which has so immensely accelerated travelling and traffic by sea—namely, the steam vessels, has been increased fourteen-fold. Within the same period England has laid down 10,000 miles of telegraph, using 50,000 miles of communicating wire; and by this wonderful agency, which is yet in its infancy, a species of earthly omniscience seems to be imparted to man. Since the abolition of protection, England has immensely improved and extended her agriculture. In her colonies she has discovered and worked mountains of gold, from which and from those of America £200,000,000 sterling have been imported in twelve years.

The natural consequences of these extraordinary strides in material prosperity are, that the people are better fed, better clothed, better lodged, and better instructed, than at any former period; and that the wages both of manufacturing and agricultural labour have increased, whilst the hours of labour are shortened and commodities are cheapened. Perhaps the most decisive evidence of the effect on the labouring population is furnished by the facts that the national expenditure in the relief of the poor has been reduced from 9*s*. 9*d*. per head of the population per annum in 1831, to 5*s*. 6*d*. per head in 1859-60, being a decrease of nearly one-half; and that on the 1st of January, 1859, the number of able-bodied adult males receiving out-door relief in 629 unions of England and Wales was only 26,286, of whom 24,505 were relieved on account of sickness, accident, or infirmity, 1,687 on account of want of work and other causes, and 94 on account of sudden and urgent necessity.

Thus much, Sir, for the better circumstances of the people. I will next call the attention of the House to their improved education: and here I must ask hon Members to bear in mind that the evidences of advancement must apply in a very great degree, indeed almost exclusively to the working classes, because the education of the upper and middle classes was well provided for before. I need scarcely say that those who were admitted to the franchise in 1832 must have received their education at least twelve years earlier; and, therefore, I may go back to the Returns obtained by Lord Brougham in 1818, when it was found that the number of children attending day schools in England and Wales was only 1 in 17·25 of the population; in 1833 it was 1 in 11·27, whereas in 1858 it was computed to have risen to 1 in 7·7. At the earlier date the number of children at school was 674,883, in 1833 it was 1,276,947, and in 1858 it was 2,535,462. Further, the number of children in those admirable institutions, the Sunday schools, which have been a chief agency in the promotion of virtue and piety, was 477,225 in 1818, 1,548,890 in 1833, and 2,411,544 in 1858; and, what is a wonderful proof of the zeal for religious education in the country, there were in 1851 no less than 318,135 voluntary and unpaid teachers in the Sunday schools—persons of the highest character and of Christian principle, and whose benevolent labours serve to cement together the different classes of society beyond any agency I have ever heard of. Among the Sunday schools there are periodicals for their special use, with an united circulation (I am told) of 200,000; and a gentleman who possesses, perhaps, a larger acquaintance with Sunday schools than any other, Mr. Charles Reed informs me that he believes one-third of the male teachers who are householders are of the class below £10 occupiers. In the forty years from 1818 to 1858, whilst the population only increased 68 per cent, the increase of day scholars was 275 per cent and of Sunday scholars 405 per cent. I believe, Sir, that single fact would be sufficient to prove my case. But I shall not leave it there.

There have sprung up since 1824 a vast number of popular institutions for supplementing the education and carrying on the mental improvement of the industrious classes, bearing the general name of mechanics' institutions. In these institutions there are held evening classes for elementary education; and, also, in many of them for instruction in mathematics, drawing, chemistry, and other branches of useful knowledge. They all possess circulating libraries, reading rooms, and news rooms; and in most of them lectures are delivered during the winter months. They hold annual meetings, to which public men are invited; and probably there is not a Member of this House who has not frequently attended such meetings. I can answer for you, Mr. Speaker, for the noble Lord at the head of the Government, for his noble Colleague, and for almost every Gentleman on the front benches at both sides of the House. I attach the highest importance to these institutions, founded by those great promoters of education, Dr. Birkbeck and Lord Brougham, as means of developing the minds of the industrious classes and directing them into channels of useful study. I have obtained from Dr. Hudson, the author of the *History of Adult Education*, an estimate of the comparative numbers of these institutions in 1831 and 1861; and he informs me that in the former year there were in England and Wales only 55 mechanics' institutions, with 7,000 members, whereas in 1861 there were 777 institutions, containing 132,460 members; and, adding other institutions of a similar nature, and evening schools for adults, he says—

> "I am fully satisfied that the estimate may be taken in round numbers at above 1,200 institutions affording adult class instruction, and attended by 200,000 pupils and members."

Among these there are 103 "Young Men's

Christian Associations," numbering 10,000 members.

There is, no doubt, a large admixture of the middle classes in these institutions, but I believe a majority of the members belong to the working classes; and I hold in my hand a very gratifying return from Dr. Hudson of the results of the evening class instruction in the 137 institutions in the Lancashire and Cheshire Association of Mechanics' Institutes. He gives the total number of members in those institutes as 24,600, the pupils in the evening classes as 12,000; and he, as inspector and examiner, last winter examined 1,203 of the more advanced pupils, among whom were—

MALES.	
Mill operatives	566
Mechanics and persons employed in foundries	155
Building trades (journeymen) .	75
Other trades (do.) . .	78
Shopmen	29
Employed in field operations .	18
Out of employ	10
Clerks in mills and warehouses .	136
Total males, 1,067.	
FEMALES.	
Mill operatives	86
Dressmakers, hat-trimmers, &c. .	17
Domestic servants . . .	12
Employed in shops or at home .	21
Total females, 136.	
	1,203

Dr. Hudson also writes as follows as to the intelligence of the working classes:—

> "I consider our examinations in Lancashire and Cheshire as strong evidence in favour of the superior intelligence of the working classes in Lancashire; perhaps you are hardly prepared for this statement, that the working classes in Lancashire offer from their ranks competitors who invariably excel the middle classes. In mathematics, in chemistry, in French, nay, even in British history and geography, the clerks and bookkeepers of Manchester are far inferior to the weavers of Oldham and small towns: seventy-eight clerks competed in our last year's examination, yet who were the men who excelled them and carried off the prizes?
>
> In Geometry—a shoemaker from Oldham.
> History—a mechanic from Crewe.
> Colonial History—a weaver from Blackburn.
> Chemistry—a packer from Bollington.
> Algebra—a plasterer from Blackburn.
> Social Economy—an engraver in calico print-works from Crawshawbooth.
> Trigonometry—a weaver from Oldham.
> Arithmetic—a mill-warehouseman from Earlstown.
> Decimal Currency—two joiners and one clerk."

In the Yorkshire Union of Mechanics' Institutions we have 143 institutions, 26,000 members, 8,325 pupils in the evening classes, and 141,151 volumes in the libraries.

It might be expected that improved education would create an appetite for intellectual food; and we find accordingly a wonderful extension—I may almost say creation—of popular literature, both cheap and useful, which I confidently mention to the House as one of the strongest evidences of the reading habits of the working classes. Publications of every kind have multiplied during the last thirty years, but by far the most marked feature of the case is the increase of those publications which by their price and quality are suited to the classes whom I propose to enfranchise. The general increase in our political literature appears from the following facts, taken from *The Newspaper Press Directory* for 1861, compared with the official Returns of 1831—

	In 1831.	In 1861
Newspapers published in England and Wales	205	819
Do. do. Scotland	33	138
Do. do. Ireland	57	132
Do. do. British Isles. . .	—	13
Total ditto in the United Kingdom	295	1,102

Showing an increase of 273 per cent for a population which only increased during the period 43 per cent.

I have also obtained, through the kind assistance of Mr. Francis, the publisher of *The Athenæum;* Mr. David Chambers, of the firm of Messrs. Chambers, Brothers; Mr. John Cassell, the publisher of educational works and various periodicals; and Mr. Tweedie, the publisher of temperance works, a mass of facts too large to be laid before the House, but proving an enormous increase in the quantity of the cheap periodicals, religious and literary, and a decided improvement in their moral character. Indeed, the literature of this class has almost originated within the period to which my review extends. I will, with the permission of the House, quote the following figures:—

	In 1830.	In 1860.
Circulation of London Newspapers *per annum*	19,746,851	118,799,200
Circulation of Newspapers in the United Kingdom	36,807,055	
Assuming the increase to be the same as in London, it would be		221,444,000
London Weekly Newspapers for the working classes— *per week*	75,000	730,000

Literary Periodicals in 1860.

Unsectarian Christian Literature, as the *Leisure Hour, British Workman,* &c., at 1*d.* and ½*d.* per No. *monthly* issue	2,210,500
Journals, useful, educational, and entertaining, as those of Messrs. Chambers and Messrs. Cassell, at 1*d.* and 1½*d.* per No. . . *weekly*	600,000
Temperance Journals, at 1*d.* per No. *monthly*	203,000
Journals containing Novels, Tales, and Biographical Sketches, &c. . *weekly*	700,000
Romances, at 1*d.* exciting wonder and horror . . . . *per week*	5,000
Immoral Literature, 1*d.* per No. *weekly*	52,500
Free-thinking Literature, circulation small, and the character much less objectionable than formerly.	
Magazines, at 2*d.* and upwards per Number . . . . . . *monthly*	374,316

Then came that phenomenon, *The Times* newspaper, which it was physically impossible could have been produced in 1830, as it at present appeared.

The Times in that year was printed at the rate of 4,000 per hour, and then circulated daily	10,250
The Times, in 1860, was printed at the rate of 15,000 to 20,000 per hour, and circulated daily . . .	53,000

Thus furnishing what was supposed to be one of the most marvellous combinations of talent, enterprise, capital, and mechanical appliances to be found in the world, The number of printers in London, Birmingham, Manchester, Liverpool, and Leeds, was 298 in the year 1830; and 1,123 in 1860. The following summary of the facts appears in *Chambers's Encyclopædia* now in course of publication, under the head of the "Book Trade"—

> "The cheap periodical literature may be classed and summed up in amount as follows:—1. Works of an improving tendency, circulation per month, 8,043,500. 2. Works of an exciting nature, but not positively immoral, circulation per month, 1,500,000. 3. Works immoral, and opposed to the religion of the country, circulation per month probably under 80,000." "Considering (says the writer) the preponderatingly large proportion of cheap periodicals of an unobjectionable and not uninstructive kind, and looking also at the perfect freedom now enjoyed by every department of the press, we have a striking illustration of the vastly improved state of public feeling, with which cheap literature has steadily kept pace, since the reign of George IV. Not even in the most objectionable of the religious prints is there anything at all resembling the scurrilities which were at one time prevalent. The classes of books and periodicals, which a number of years ago consisted of coarsely offensive attacks on the Government, church, laws, &c., have entirely disappeared, and at no time in its whole history has the book trade of Great Britain been on a more healthy footing than it is at present."

Sir, there is one fact of peculiar significance, and that is, that copies of the Holy Bible—the source of the purest morality and of heavenly doctrine—are now multiplied beyond anything that the imagination could have conceived. It has been computed that the whole number of copies of the Scriptures in existence in the world before the present century did not exceed 4,000,000. There is one society, the British and Foreign Bible Society, of which the annual issues in 1831 were 470,929 Bibles and Testaments; and in the year 1860, 1,917,897 copies, or an increase of 307 per cent; and I believe the aggregate issue of Bibles in this country every year is now nearly 4,000,000, or as many as existed in the whole world before the present century. I think we may infer with certainty from that fact an increase in virtue and piety in this country. There are also numerous societies for the circulation of religious publications; but I will only mention one, the Religious Tract Society, the operations of which are most extraordinary. In the year 1831 that Society issued 11,090,259 tracts and books, and in 1860 its issues were 41,710,203—being an increase of 276 per cent. These publications are chiefly intended for circulation among the poor.

The extraordinary increase in the number of letters sent through the Post Office is no, doubt, mainly to be ascribed to the admirable measure of Sir Rowland Hill, reducing the postage to a penny. But it also indicates a very great increase in the mental activity of all classes of the people. The number of letters going through the post in the year 1839 was 82,471,000; in 1859 it it was 544,796,000—being an increase in twenty years of 560 per cent.

I shall adduce one more fact illustrative of the vast augmentation in the intelligence of the people; it is afforded by the increase in the production of that article which constitutes the raw material of books, newspapers, and letters, namely, paper. The quantity of paper which paid duty in the year 1831 was 62,738,000lbs.; in 1860 it was 223,575,285lbs., or an increase of 256 per cent. And you have only to remove that duty entirely to give another impulse to literature and to the public mind.

I will next allude to a class of facts tending to show the habits of business which have already been acquired by many of the working class, and which prove, quite as decisively as their extended education, a fitness for the exercise of the franchise. I refer to the number of co-operative societies formed amongst them for the conducting of businesses for their own profit. In Rochdale and other towns of South Lancashire, at Leeds, and other places, such societies have been established, and have existed for several years with great success. Some of them have flour and grocery stores; some have flour mills, to supply their members with good flour at a cheap rate; and there are considerable manufactories for spinning and weaving cotton, for making paper, for machine making, &c. They are mentioned with respect by Mr. Redgrave, the factory inspector. A list of these societies has been published by Dr. Watts, with the capitals respectively belonging to them, and which amount in the aggregate to £1,088,000, of which it is supposed that £600,000 is paid up. Those concerns are organized and conducted by working men, very large sums of money are turned over, and the profits are equitably divided. As some of the establishments in question have existed and flourished for years, they show both a capacity for business and a trustworthiness in their managers and members which entitle them to the respect of their fellow-countrymen and the confidence of the Legislature. To suppose that men actively conducting great mercantile and manufacturing establishments are unworthy to have a voice in choosing Members of Parliament is absurd; and yet it was stated in this House by my hon. Friend the Member for Birmingham, that out of thirty-two persons filling the position of managers of co-operative societies in Rochdale, and turning over £400,000 a year, there was only one who had a vote for the borough and one who had a vote for the county.

I now come to another manifestation of the intelligence of the working classes, combined with those provident habits which are of the highest possible value, not only for the comfort of themselves and their families, but also as a guarantee for their good conduct as members of society. It is not easy to estimate the amount of the savings of the working classes, because of the many forms which they assume, some of the most important of which have no public record. But we know the number of depositors in the public savings banks and the amount of their deposits; and these facts of themselves prove a moral and social progress of the most decisive kind. In the year 1831 the number of depositors in savings banks in the United Kingdom was 429,503; in the year 1859 it was 1,503,916; in the former year the amount deposited was £13,719,495; in the latter it was £38,968,312; showing an increase of 250 per cent in the depositors, and of 184 per cent in the deposits.

But this is only one way in which the working classes have begun to exercise the habit of provident care for the future. There are numerous institutions for the purpose of mutual insurance in sickness and old age, and for the expenses of funerals, under the title of Provident Institutions, Friendly Societies, Odd Fellows, Sick Clubs, &c. I am not aware that there are any complete Parliamentary or official Returns of these institutions; but having applied to Mr. Tidd Pratt, the well known Registrar of Friendly Societies, I have been favoured with the following particulars. He says—

> "The number of Friendly Societies enrolled and certified and now in existence is about 20,000. The number of members (including the children and women in building societies) exceeds 2,000,000, and their property in hand is about £10,000,000. These observations apply to enrolled or certified societies, and not to unenrolled or uncertified societies, of which there are a considerable number. In France one inhabitant out of seventy-six belongs to a legally established Friendly Society; in Belgium, one in sixty-four; and in England and Wales, one in every nine."

But this refers only to "the legally established" friendly societies. The Rev. Nash Stephenson, M.A., in a paper on benefit societies, read at the Social Science Congress in 1859, said—

> "Every village and hamlet in England and Wales has its friendly society, while the towns and cities have them by hundreds. The computed number of members of all the societies is not less than 3,052,000; the amount of their annual contributions is estimated at £4,980,000, and their accumulated capital at £11,360,000."

The fact that such vast numbers of the working classes are practising self-denial to provide for the future wants of themselves and their families, affords the most encouraging evidence of their increased morality and thoughtfulness. In addition to the provident institutions, there are also the benefit building societies, in which, I am assured by Mr. James Taylor, of Birmingham, who has taken a leading part in promoting them, there are 100,000 members, subscribing annually £1,750,000, and with a capital of £6,000,000 lent to their own members only upon the security of land and houses.

There still remain another class of institutions indicative of virtuous aspirations, and which prevail chiefly among the upper and better portion of the working classes, namely, the temperance societies, the members of which abstain wholly from intoxicating liquors, either as a safeguard to their own morality or by way of example to others. There are no general statistics of these societies; but I believe Mr. Tweedie, the publisher, who has for many years been one of their most active promoters, has more knowledge of them than any other individual, and he writes to me as follows:—

> "I should say that there are at least 4,000 temperance societies in the United Kingdom, and not less than 3,000,000 teetotalers, including all ages, three-fourths of whom are not likely to belong to any society, and perhaps more than half of whom are under fifteen years of age. During last year I sold pledge-books sufficient to take 270,000 names, and during the same time sold over 200,000 pledge cards. In the United Kingdom, during last year, there were thirteen large temperance associations, employing forty paid lecturers, with an united annual income of £22,000. The movement sustains three weekly newspapers, with an united circulation of 25,000 weekly; also six monthly magazines, with an united circulation of 20,000. The *British Workman* may also be classed as a temperance monthly, and its circulation alone is upwards of 250,000. Besides these there are two periodicals for the young, namely, the *Adviser*, whose circulation is over 50,000, and the *Band of Hope Review*, with a circulation over 250,000. There are also two quarterly reviews, with a joint circulation of about 10,000. There are two societies on a large scale supported by teetotallers—the first the Temperance Provident Institution, with an annual income of £114,000, and the second the Temperance Permanent Land and Building Society, with an income of £77,000."

As the excessive use of strong drink is the greatest curse of the country, so these societies must be reckoned among its greatest blessings. But if this is their general operation, peculiarly are they important at popular elections, when drink has time out of mind furnished the commonest and most degrading instrument of corruption. The temperance societies have all risen since the year 1831.

Whilst education, providence, and temperance have so largely increased, a diminution might of course naturally be expected in the amount of crime; accordingly we find that there has been such a diminution, although there are several classes of crimes which seemed to be nursed by prosperity, especially those which result from drunkenness and licentiousness. The number of commitments for trial at assizes and sessions recorded in England and Wales in 1831 was 19,647, and in 1859, notwithstanding the increased population, 16,674; but this remarkable decrease is partly to be ascribed to the greater number of cases now dealt with summarily by the magistrates. The general contentment of the people may be inferred from the fact that prosecutions for political offences seem to be forgotten. No information or indictment for libel against the Government has been resorted to for many years.

There is also another fact which I offer to the House as a mark of increasing popular intelligence, namely, the amazing multiplication of public meetings, in the form of anniversaries, soirées, lectures, &c., connected with all the institutions I have mentioned—with places of worship, schools, Sunday schools, mechanics' institutions, benefit societies, temperance societies, religious and other charities. Every hon. Gentleman who is connected with a populous constituency must have a lively impression of the number of these meetings; and I think there can be no doubt that they are calculated to draw forth and exercise the faculties of those who attend them. I have often been struck with the great talent for public speaking displayed on these occasions by the humbler classes; and I have thought it would be impossible, with such an amount of speaking power, to deny those classes their fair share in the representation.

I have now, Sir, offered a great number of important facts, chiefly drawn from national records. But before I conclude I must add two or three testimonies to the increased intelligence and improved character of the working classes, in a few of our largest cities and towns. I was much struck by the statement made by Mr. Alderman Heywood, the extensive publisher, of Manchester, before the Committee of this House on Newspaper Stamps in 1851, as to the great number of newspapers, magazines, and other publications sold weekly in the city of Manchester; and I wrote to him and to a few other large publishers of periodicals for the working classes, to ask for facts and opinions on the improved condition of those classes. I have been obliged with replies in several instances, and I will read brief extracts from two or three, which are really important. Mr. Alderman Heywood, of Manchester, in reply to my inquiry whether the class occupying houses between £6 and £10 are (generally speaking) qualified by their intelligence and character to exercise the franchise says—

"My long connection with the working men at trade meetings, temperance meetings, social improvement meetings, political meetings, &c. &c., enables me to speak with confidence when I say that from the rentals mentioned their intelligence, character, and conduct qualify them for the exercise of the franchise. Since 1848 Manchester has been more peaceable than during any former period in my knowledge. The general tone of the people, the bitter acrimonious religious feeling which thirty or thirty-five years ago existed towards the Catholics and others, is truly wonderful to compare with the present state of feeling. The order and regularity maintained by the police force, compared with twenty years ago, is very gratifying. The working men are a new class and order of men, when contrasted with what they once were. *Newspapers*—There were no daily papers published here in 1831. The gross number issued by the four weekly papers was not more than 12,000. Periodicals had not begun their career at that time, except the *Poor Man's Guardian.* It is true there was the *Mechanics' Magazine* and the *Mirror*, and a few small ones, the contents of which were tales, poetry, and romance. The sale of the *Poor Man's Guardian* was then 2,000 weekly. The newspapers now published in Manchester in one week, including daily and weekly, are 346,000. *Periodicals*—The nearest approximation I can make with certainty to the sale of periodicals which come into the city weekly will be 200,000.

Newspapers . . .	346,000
Periodicals	200,000
Total . .	546,000

In this statement I have not included the London Daily papers, nor those published in the surrounding towns."

Mr. Jas. T. Staton, bookseller, of Bolton, says—

"The change that has taken place both socially and morally in the £6 occupiers is very strongly marked and decided. In 1839 there was much political excitement in this neighbourhood. Chartism was then very rife, and the country was much agitated upon the points raised by what was called 'The People's Charter.' The people were led to believe in the most extravagant and dangerous doctrines; and in the height of their enthusiasm they actually purchased *pikes* and other weapons, and prepared for a general and simultaneous rising. From that time to the present a change in the dispositions and political peculiarities of the people has been gradually but surely developing itself. The cheap daily and weekly press has done much, very much, to dispel the false notions which had been sown broadcast over Lancashire, to indoctrinate the masses with the true principles of political economy, and to imbue them with a solid conviction that it is not only unwise and unbecoming to attempt to change the laws of England by violence and outrage, but that the true mode of effecting changes is that which is shadowed forth in the Constitution. Thirty years ago we had one newspaper printed in Bolton; its circula- was not more than a thousand. The circulation of the two Bolton papers is now upwards of 5,000 a week: and a monthly journal, half literary and half political, has a circulation of about 3,000. There are about 2,000 Manchester papers sold here daily. The working classes are not satisfied until they have seen the daily paper, and they are better informed of passing events than were the squirearchy thirty years ago. I think you will be able to gather from the foregoing sufficient to convince you that the six-pounders are men whom it is now safe to trust."

Mr. James Guest, bookseller, of Birmingham, sends me the following interesting and remarkable statement:—

"In the year 1830 there were two newsvendors in Birmingham, whose business it was to supply the daily and weekly papers, taken almost entirely at public houses, where the working man took in his news, and left, on an average, one-third of his wages. There were at that time several stationers who supplied the monthlies. Several publications had been tried, and all seemed to fail except two, the *Mirror* at 2*d.* and *Mechanics' Magazine* at 3*d.*—I have no doubt for want of persons who could read. The only survivor of this antediluvian period is the *Mechanics' Magazine.* The *Penny* and *Saturday Magazine* and *Chambers's Journal* were started, and sold wonderfully well for that period. These were for a long time the only unexceptionable ones published. The sale of all kinds, I should say, about 7,000 weekly in 1831—the immoral and objectionable publications forming a very large proportion of this number. Now, in 1861, I find over 300 newsvendors and 24 very respectable booksellers who deal more or less in periodicals, selling, on an average, 83,200 per week, comprising very few of an objectionable character. Almost every tradesman and many working men have now their penny daily paper; and the fact of about 2,000 copies of the *Cornhill Magazine* at 1*s.* being sold in Birmingham, of No. 1, will give some idea of the improvement of the working classes and small tradesmen since 1831. These classes all then resorted to the public-house, either kitchen or parlour, nearly every night. They now join building societies, and many become their own landlords. I can tell you something of the mining district, as I went myself once a week for a long time, taking with me such unstamped news and periodicals as were then current, and I know the lamentable state of ignorance in those districts in 1830-33. I have entered a room in which twenty men, all black from the pits, were drinking beer, and asked if they wanted a newspaper at only 1*d.* or 2*d.*, and the answer was, '*Noa,* I *caw* read, I wish I *kud.*' There was not one in all that district sold anything of the periodical kind. Shops are now opened in every direction, selling from twenty dozen to fifty dozen per week each, or, I should say, 15,000 weekly, where I could (thirty years since) sell about 200. The beer-house is now less attended, and a great proportion of the people can read. I have been much mixed up with working men and boys, and I consider them very much improved in all respects, and fully as much entitled to the franchise as the men of 1830 were to what they had. The £6 men now are better than the £10 men of 1830."

Will the House reflect for a few moments on the extraordinary import of the facts which have been laid before them, as evidence of improvement in the intellectual, moral, and social condition of the people since the year 1831. The House will remember that the increase in the population since the passing of the Reform Act has been only 43 per cent, or less than one-half; but that within the same period all the elements of improvement have increased from 200 to 400 per cent, whilst many of the instruments for social elevation have been absolutely created. It will remember the vast augmentation in the material wealth and comfort of the people—in the number of schools and institutions for primary and secondary education—in the political, scientific, and literary publications which supply the intellectual appetite created—in the circulation of the Scriptures and of religious works—in the letters sent through the Post Office—in the co-operative societies formed and managed by the labouring class—in the depositors in savings banks, and the members of provident institutions, building societies, and temperance societies. It will remember that railways and telegraphs have been invented, that wages have been increased whilst commodities have been cheapened, that labour has been shortened, that pauperism has been reduced one-half, and that crime has been diminished. With regard to most of these elements of improvement, the House will observe that they apply chiefly to the better portion of the working classes. In their nature they cannot apply to the upper and middle classes; it is feared they do not apply very greatly to the lowest portion of the working classes: therefore they must apply with concentrated power to that very section of society for whom I now claim admission to the privileges of the constitution. In them the mental and moral improvement must have been immense, and I say that that improvement constitutes a right to the suffrage.

While the scholars, the readers, the abstainers, and the savers of the country have been increased by millions, the whole addition which I propose to make to the number of borough voters is 170,000, or one-seventh of the voters in England and Wales.

I believe, from my own observation, as well as from the testimony of others, that among the upper section of the working classes there is much independence of thought and feeling, there is both physical and moral strength, there is industrial energy and domestic virtue. In look upon these classes as forming much of the pith and marrow of the nation. In any time of national trial they would be a bulwark of defence if invested with the rights of citizens, but an element of danger if deprived of them.

Mr. Baines

I believe, Sir, England has gone too far in the course of freedom to be able now to resist a full measure of justice. Your representative institutions, your free and cheap press, your numberless public meetings, are inconsistent with the exclusion from constitutional rights of a large section of the people as well qualified to exercise them as their present possessors, and knowing that they are so qualified. It is said that "knowledge is power," and if it is power to any purpose, it is pre-eminently power for the attainment of right.

Sir, England has been blessed by a kind Providence with a long and almost unparalleled course of prosperity. But experience teaches us that there is no such thing in this world as prosperity without interruption. We have had one bad harvest, and we are threatened with a second. Recent events across the Atlantic have raised doubts as to the supply of our most important raw material, on which the industry of Lancashire, Cheshire, Nottinghamshire, Lanarkshire, and other counties so much depends; whilst we are likely to be almost excluded by the new American tariff from our largest foreign market. Though I fervently hope we shall adhere to the policy of non-intervention in continental quarrels we cannot see without concern the nations of Europe bristling with arms. It is possible that a time of trial awaits us from domestic distress or foreign danger. Should it be so now or at any future time, where would be our security but in a people satisfied with their institutions? I believe the English Constitution to be the strongest and grandest citadel of freedom in the world; but it is strong by the fidelity of its garrison; and surely it would be the height of folly to thrust out from that garrison and from the pale of the Constitution a large proportion of the stoutest hearts and strongest hands amongst us.

Sir, there seems to be in Parliaments, as in men, a natural repugnance to the work of Reformation. They are ever ready, on one excuse or another, to put it off to a distant day, and to the very eve of dissolution. May I respectfully counsel the House not to trust to a death-bed repentance; a kind of repentance which, it is to be feared, is often not sincere and not accepted. Parliaments, like men, are liable to sudden death, and after death to judgment.

It may not be inopportune to remind the House of the lesson which the history of so many European countries is now teaching us, that there are two main errors into which Governments have fallen, when forced to make concessions to their subjects. Their first error is that they offer too little, their second that they offer too late. Let not the Parliament of England fall into either of these errors: let it not, in an ungenerous and niggardly spirit, concede too little to a deserving people; and, above all, let it not defer the concession till it comes too late.

I am encouraged to hope better things from a Parliament which was expressly elected to carry the very measure of Reform I have now the honour to propose. It is to timely reformations that we owe all the strength of our institutions, the harmony and happiness of our people. And it is my conscientious conviction that a juster and better deserved Reform has never been proposed than that contained in the Bill of which I now move the second reading.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. DIGBY SEYMOUR said, he rose with much pleasure to second the Motion of his hon. Friend (Mr. Baines), and he joined with him in the fervent prayer that the House would consent to the second reading of the Bill. His (Mr. Seymour's) labour had been made light by the admirable way in which the hon. Gentleman had proposed his Motion. There was no aspect in which the working-men of England could be put before the House, so that their position and their claims might receive attention, which had not been dealt with by the hon. Gentleman. He (Mr. D. Seymour) came down to the House with a large supply of notes; but he found, as the hon. Gentleman proceeded, they were rendered one after another unnecessary. And he appealed to the House whether his hon. Friend had not spoke with singular moderation? In this, at least, he (Mr. Seymour) would follow his example. He believed this was a subject which ought to be treated in a spirit of moderation. There was a radical Reform which was sometimes true Conservatism, and there was frequently a false Conservatism which was revolutionary; and he believed that by sanctioning the second reading of this Bill the House would most strengthen the hands of the friends of constitutional freedom, and of those whose desire was to give additional security to the institutions of the country. He believed that this Bill had a claim for support, not alone from the merits of the parties whom it sought to introduce within the pale of the Constitution, but also on its own merits. The Bill asked for nothing revolutionary: it simply sought to popularise our institutions. It did not seek to destroy the Constitution, but to introduce thinking men within it. It sought to restore the first principle of the Constitution by giving a wider extension to the representation. Those who had studied the Constitutional history of the country, and read the works of Constitutional historians, from Granville down to Hallam, would not call in question the proposition that the old Constitutional rule was in favour of the vote being given to every burgess who paid scot and lot in his own particular borough. What, then, was this Bill but an attempt to restore first principles? But this was not all. The Bill sought to supplement the Bill of 1832. That Bill opened the door of the Constitution to the great middle class. And what had been the result? Why, from 1832 to the present time we had got law reform, Church reform, educational reform, financial reform, commercial reform, sanitary reform, and reform in every department of the State. There had, in fact, been one general course of improvement from 1832 to the present time. And with the growth of commerce and manufactures, there had been an increasing class of working men who were entitled to enjoy Constitutional privileges. The Bill of the hon. Member for Leeds was, then, a further working out of the problem of 1832. Then came the third question, as to the fitness of the working classes to be admitted within the pale of the Legislature. His hon. Friend (Mr. Baines) had thrown considerable light on this subject. And he (Mr. Seymour) might mention one circumstance as bearing on it also. He had been to Liverpool lately, and he had visited the Free Library, which the splendid munificence of Mr. Brown had given to the people of that thriving town. He was astonished at observing in the reading-room of that building the number of men dressed in the ordinary habiliments of working artisans engaged in poring over books of art and travel, of history, and biography. At his request the librarian furnished him with an average of the number of volumes which had been distributed weekly in the library during the first month or six weeks. The average number of volumes distributed was between 8,000 and 9,000; and though this at first included a large proportion of novels and romances, yet in the last week these light works were exchanged for a sounder class of literature. With respect to co-operative institutions, a newspaper had been recently started called the *Co-Operative,* and he was struck by seeing reduced there into figures the extraordinary progress which had recently attended many of these institutions. The Co-operative Society of Rochdale, which started in 1844, with a capital of £28, possessed a capital for the past year of upwards of £33,000. These societies could not be spoken of as communistic institutions, which had no respect for private rights or private investment. They were a number of men who had associated themselves together and worked for the common good with honesty, independence of character, and sobriety. This showed to him that the working classes were entitled to a further share in the franchise. Allusion had been made to the Manchester Society of Oddfellows, and the Foresters' Society of this country, in which were comprised something like 500,000 men. Now, if they took it that each man belonging to these two societies represented something like £6 capital they would get something like £2,500,000. How was that money invested? It was invested for the purpose of meeting the time of sickness, supporting the widow in her desolation, and providing for the education of the orphan. These were strong proofs in favour of the present measure, and in favour of a large introduction of the working classes to a share in the representation. He thought the working classes had just ground to be indignant at the manner in which hopes were held out to them, which were afterwards to be forgotten or broken. In 1852 a Reform Bill was proposed by the noble Lord the Member for the City of London, and withdrawn. In 1854 another Bill was proposed, and withdrawn. In 1859 a Bill was introduced by the right hon. Gentleman opposite (Mr. Disraeli), but was thrown out on a Resolution proposed by the noble Lord (Lord John Russell). The result was that the right hon. Gentleman was now an ex-Minister, and the noble Lord occupied a seat on the Treasury bench. The excuse of the noble Lord for not bringing in a Reform Bill this Session was that the Bill brought in by him during last Session had been criticized by various Members sitting on his side of the House. The noble Lord referred, he supposed, to the speeches made by the hon. Member for Salford (Mr. Massey), the hon. Member for Rye (Mr. Mackinnon), and other Members, and endeavoured to represent himself as a political Actæon worried by his own dogs of Reform. If there had been greater unanimity on the Treasury bench on the subject of Reform those speeches would probably not have been delivered; but when hon. Members saw that the Government were undecided, and when one leading statesman among them was believed to be inimical to Reform, it was too much to expect that among the Liberal Members there would be unanimity on the subject. He hoped that the present Bill would be allowed to go into Committee, where it could be amended. There was a clause dealing with the borough franchise, and perhaps some hon. Member might introduce a clause dealing with the county franchise. The principle of the Bill was to extend the limits of the franchise. Let hon. Members show that they were sincere in their professions for Reform by going into Committee on the Bill, and they would have the feeling of the country with them. They would, then, be justifying the sincerity of their former acts and aid in the task they had imposed on the hon. Member for Leeds to introduce the present Bill. The noble Lord the Member for the City of London had spoken on a previous occasion of the difficulty of tiding a Reform Bill over the bar of the House of Lords; and of the necessity of waiting till a rising wave should carry it over. Why was it that his ship was unable to get over the bar? Because she was down too much in her bows, and lay too low in the water—she was over-freighted; her cargo was not properly trimmed, and her mariners were not sensible of the importance and difficulties of their duties. His hon. Friend the Member for Leeds had applied himself to the task, and he had built and launched a simpler and a smaller craft, more lightly laden—she carried on board no schemes of re-distribution, no schedule of disfranchisement. Her simple freight was a £6 franchise, and she wanted no high wave to carry her over the bar. All she wanted was a cloudless sky and a favouring breeze, and in the name of the people of England he wished his hon. Friend a happy venture and a prosperous voyage.

MR. CAVE rose to move the Previous

Question; and he did so with more confidence, because, with all due attention, he had not been able to discover anything new in either of the speeches of the two hon. Members who had brought forward this Motion—anything in the arguments urged, or the facts adduced which could justify Parliament in departing from its manifest determination of last Session, expressed equally by both sides of the House, or of running counter to the decision deliberately arrived at and communicated to the House a few weeks since by Her Majesty's Government of whose original measure this was a mere fragment. It might be asked why with these feelings he did not at once move that the Bill be read a second time this day six months? His answer was this, that they on that side of the House had never objected to the principle of admitting the working classes to such a share of the franchise as should be just, moderate, and safe. They had said so before, and they said so still. They had proved it, and were ready to prove it again. For these reasons they did oppose the second reading of the Reform Bill of last Session, and for this reason he did not now ask the House to negative the principle of the hon. Member's Bill. But there were three distinct and capital grounds for his thinking that this question ought not to be submitted to the House. The first was that it appeared in a most objectionable form; the second that it was introduced at a most inopportune time; and the third, that the source from which it emanated was not one which could command the confidence of the country. He would take the last head first, that he might lose no time in assuring the hon. Member for Leeds that he intended nothing personally offensive to himself. He hoped never to say anything of that kind, to any Member of the House. His meaning simply was that the House and the country expected, as they had a good right to expect, that a measure of such great importance as a change in the Constitution—the transfer of power from one class to another — should be brought in with the authority and upon the responsibility of an united Cabinet—differing however much in other things yet agreeing in this—representing various portions of the country, and, therefore, acquainted with the desires and peculiarties of all—chosen for experience and sagacity to guide the helm of the State—skilful to weigh objections and reconcile inequalities, and, therefore, likely to bring forward a measure beneficial to all, though for that very reason, perhaps, failing to be immediately popular with any. This he said the country had a right to expect, and not that these important changes should be introduced at the whim of a private Member, however able, who was responsible only to himself and those who sent him there, whose views were likely to be limited by the desires and circumstances of a small section of the community, and whose measures, therefore, were apt to be cast in the mould of a partisan rather than in that of a statesman. The instances quoted of private Members bringing in measures of this kind corroborated his view, showing as they did that these proposals were so premature that they had, in some cases, to wait nearly half a century before the nation was ripe for them. Like pioneers and inventors of other kinds, they were on the right track, but advanced a little too fast for security or success. But, secondly, the proposition came in a most objectionable shape. The hon. Member called it a simple measure, and so it was; but its simplicity was that of the savage arising from paucity of material and ignorance of art. It might seem adapted to some infant State. Who would imagine it the reconstruction of the ancient and complicated Constitution of England? That it was such a reconstruction who could question? Not those hon. Members opposite, who, night after night last Session—as the debate dragged its slow length along—night after night got up and insisted that, although they were zealous Reformers, that was not the kind of Reform which suited them; and why? Because they had begun to discover that this portion of the Bill, apparently so harmless, was really a transfer of power from the middle classes to the lower. The Committee of the House of Lords had since proved, even by the confession of one of its Liberal Members, that this must be so. But he need not go beyond these walls. The Member for Birmingham, the great authority in such matters, ridiculed the notion; he told them that the addition of 160,000 to 440,000 electors could make no perceptible difference. Well, if the 160,000 were all on one side and the 440,000 on the other, this would be true enough. If five men attacked twenty they had not much chance, but if the twenty were equally divided the addition of five to either side would, he imagined, go very hard with the other. The hon. Member for Leeds had given the House some interesting statistics; he might almost call it a volume of contemporaneous history, which would have been a valuable addition to the papers they had filled up the day before yesterday (the census); but they seemed rather to tell against his proposition, as showing the great prosperity attained under the system he wished to destroy. He also seemed to seek to reconcile them to the measure by showing how few real working men there would be admitted —a most awkward argument for a working man's franchise. But what was the opinion of the Member for Birmingham? Why, he said if the Bill passed they must have the ballot. The ballot would be necessary, and must be carried. What did that show? Why, that a very low franchise did not necessarily imply a really popular Government. To secure that they must have an independence that could do without the ballot. Their Hampdens and Sidneys were men of the middle class who dared to withstand the encroachments of tyranny. Despotic power could exist even with universal suffrage; and the ballot had been the tool of oppression quite as often as the handmaid of liberty. The hon. Member ridiculed the idea of constituencies being swamped; but what was the case of the metropolitan boroughs? Take Marylebone, where the upper classes were so entirely swamped that a third of them never went to the poll, and were practically disfranchised. So in the case of the United States, they found a large body of those Americans, who from their education, leisure and independent position were most fitted to bear a part in the government of their country, forming small colonies in Paris, Vienna, and other capitals of Europe, deterred from public life by the overwhelming preponderance of mere numbers—a fact often lamented by American writers. Precisely the same thing would happen to the humbler employers of labour, and even to £10 voters in the smaller places. Of what use would it be for a man to go to the poll if his half-dozen journeymen were going against him? Who would ask for the vote of the £10 householder when he would be so much out-numbered? The hon. Member said they did not know the working classes, and, therefore, did not trust them. He believed he knew as much of them in his humble way as many who declaimed so confidently about them. He had admired their patience and endurance under suffering and privation, their unbought, disinterested kindness and charity to each other. He did not believe the hard hand of the working man was more likely to be soiled by a dirty action than the hand of any Member of that hon. House. He acknowledged the good sense and good feeling of many individuals among them with whom he was acquainted; but it was as individuals he must go to them; he must have a chance of appealing to that good feeling and good sense. He had told them, and probably should tell them again, that he was afraid of them in the mass, when infected with that contagion common to masses—especially when inflamed by demagogues, who knew well how to inflame them by perverted facts and specious arguments—when, in spite of what the hon. Member said of their various opinions, they were apt to go almost blindfold one way, and to do things for which in their calmer moods they were the first to grieve. The hon. Member had spoken of the great improvement of the working classes of Leeds. He could well believe it. They were improving everywhere. While some of their friends had contented themselves with inciting them to claim higher privileges, others had laboured less ostentatiously to fit them for those privileges. Without wishing to detract in the least from hon. Gentlemen opposite, with some of whom he had long had the pleasure of working in this cause, he could not help drawing attention to the fact that on his side of the House, especially on the benches below him, were many whose names were household words in the country wherever the education of the working-man was mentioned. Yes, they were improving; yet painful events—some of them very recent, some even now taking place around them —showed that the working men had still a lesson to learn and a position to achieve before they could safely be intrusted with a preponderance of weight in the Legislature. The lesson was greater tolerance to each other; the position was independence of those agitators who, while professing to defend their rights, used them as instruments for their own ambition or greed of gain, and fettered them with disabilities in their daily work infinitely more degrading to themselves and inimical to their progress than any fancied evil produced by want of the franchise. Then, lastly, this measure was introduced at a most inopportune time. They had heard a great deal, one way or another, of the apathy of the country. There had been a few meetings, and the usual crop of petitions, which on these occasions were garnered into the bags at the table. The promoters of this measure, with all their organization, could scarcely have done less. Still he confessed that this apathy would not seem to him a sufficient reason against any unexceptionable or necessary measure. The voice of the people had before now, compelled their rulers to unjust and imprudent as well as to beneficial actions. But he confessed he did not wonder at the apathy. There was no parallel between these times and those of the first Reform Bill. Circumstances had changed very much since then. Those were the days of low wages and insufficient food. Famine stalked through the manufacturing districts. Demagogues, who were as capable then as now and not more scrupulous, told the people that when the Bill passed the price of bread would fall, and wages rise; that there would not only be a political but such a social revolution, that it was notorious servants refused to engage themselves for the usual time, because they said, the Reform Bill was coming, and they should change places with their masters. That was worth fighting for. But the people were wiser now; they saw that they were offered a barren duty, not a privilege—hence their apathy. There was a sharp contest even for the post of parish clerk or beadle; but whoever heard of a rush to fill a jury box? They proposed to extend to them an onerous duty, which they purposed to make still more onerous by obliging them to go at their own expense long distances to discharge it. They took away with one hand what they gave with the other, and, while professing to extend the franchise to the working men, they practically disfranchised all who did not live within easy distance of the polling places. But there was a still graver cause for apathy at this moment. When the Æqui and Volsci were moving, even the patricians and plebians of old Rome ceased to strive for the mastery. Had we no parallel now? Was Italy so tranquil? Was Austria disarming? Were not the seeds of discord being sown in Hungary and Poland? Was not Prussia threatening Denmark, and France threatening Europe? Hon. Members opposite laughed at these alarms, but while they were crying peace, the nation, with a truer instinct armed itself, and the working man, feeling that these were not times for hazardous experiments upon our laws, enrolled himself in defence of that Constitution which he prized, in spite of the efforts of so many to persuade him that it was worse than worthless. What then was wanted? Was it a Reform of Parliament itself? He could hardly think so when he looked around and saw the representatives of great territorial houses not voting as a class, but sitting on both sides of the House; when he saw, on the other hand, men of the people, some who had even themselves belonged to the working classes, and if not their best exponents—why, that was admitting a great deal—when he saw all professions and all interest represented, he beheld a tower of strength which no English Parliament could hope to surpass, and which no other assembly in the world had ever equalled. And what had been the course of legislation? Whichever side had been in power it had been marked by measures for elevating the working man by education, and relieving him by readjustment of taxation. They heard, indeed, complaints of Members who fancied they were not properly appreciated, but even a democracy would hardly cure that. They heard occasionally denunciations of unjust wars and oppressive taxation; these were mere idle tales, which

> "Nec pueri credunt, nisi qui nondum ære lavantur."

But the working man, it was said, desired a share in the formation of the Government which he helped to support. Well, such a wish was very creditable to him, and a statesmanlike measure might gratify that wish without destroying the balance of power. There was the counterpoise of what were called the fancy franchises, and there were precedents of even graduated universal suffrage in ancient times, to which he need only allude. Something similar had been advocated in our day by a deep thinker, Mr. John Stuart Mill; and a still keener and more practical writer, also of Liberal opinions—the late Mr. James Wilson, at least in a paper which was understood to embody his sentiments. These were not views to be lightly dismissed. Not that there was really any class deprived of the franchise, as a class, kept down by any insurmountable barrier. The best were always emerging as children grew to manhood. The changing value of property was constantly assisting them and the best workman would all, ere long, doubtless, live in £10 houses. Some safe mode might be adopted for bringing them more rapidly forward, but this Bill, in his so-called simplicity, admitted many who were confessedly unfit, and excluded many more who ought to have been admitted long ago. He impeached no man's motives, he questioned no man's sincerity, he could imagine that in the hon. Member's own locality there might be exceptional causes which justified him. That might well be, but they would not justify that House, who are not the delegates of this or that place, but the Parliament of England. Her Majesty's Government had chosen a wise and patriotic course; but they had not fully carried it out. It was good generalship to retire silently from an untenable position; but it was not good to tolerate irregular bands which might cause much irritation and do much mischief, but could exercise no influence on the result of the campaign. Therefore, he could not but think that this Motion of the Previous Question should have come from Her Majesty's Government. But, however, that might be, he felt confident that though individuals and even parties might deem themselves fettered by obligations hastily incurred, and bound by opinions formed upon an imperfect knowledge of facts, yet that a majority in that House, and a majority of thinking men throughout the country, in their inmost hearts concurred in the views he had imperfectly expressed. Feeling this, he had no hesitation in suggesting that whatever might be the abstract merits of a proposition like the one now before them, when combined with other carefully considered plans, and brought in as a Government measure, at a favourable moment, yet that in its present shape it did not commend itself to the support of the House, or the confidence of the country. It was for these reasons that he ventured to move that the present was not the time for putting this question.

Mr. AUGUSTUS SMITH said, that as no member of Her Majesty's Government had risen to second the Previous Question—as the hon. Gentleman opposite seemed to think that they should, he rose to do so. He should not enter upon all the important points which the speech of the hon. Mover of the second reading had opened; but there was one question which might be asked—namely, whether the franchise should be given to the working classes unaccompanied by the ballot? It would be almost useless to them without that protection. A meeting had been held the other day at which two Members of that House attended; and one of them stated that inasmuch as the number of voters for Sheffield at present was 6,000, if this Bill passed, it would make them 18,000 or 20,000. What would be the result of that? It was quite clear that, if this Bill passed, the whole electoral power of the borough must be transferred from those whose qualification was £10 to those whose qualification was under £10. That was one of those great revolutions which ought to cause Members on both sides to pause before they gave their assent to this Bill. If the hon. Member for Leeds succeeded in getting his Bill through the House, the result would be that all the other important measures which had been introduced, or were to be introduced this Session, would be either delayed or hurried over, or perhaps abandoned altogether. A measure most important to the commercial interest had been introduced by the right hon. Gentleman the President of the Board of Trade; another most important measure was yet to be introduced by him; the Home Secretary had brought in several measures of great importance as regarded the local administration of the country—the Highways Bill, the Local Government Bill, the Parochial Assessment Bill, which must necessarily engage a large amount of attention; and then there were the Estimates. The Navy Estimates had already been introduced; but the Civil Service Estimates, notwithstanding the promise of the Secretary to the Treasury some six weeks ago that they would be laid upon the table in a fortnight, had not yet made their appearance, and when they would it would be impossible to say. It was quite clear that the Government were at their old dodge of keeping back the Estimates till the close of the Session when they could not be thoroughly discussed. In fact, those Estimates alone would, in his opinion, be fully sufficient to justify the House in refusing assent to the second reading. It was several years since there was a thorough discussion of the Estimates at such a period of the Session that they could be properly attended to. For these reasons he was decidedly opposed to the second reading.

Mr. LEATHAM: Sir, I shall not take up the time of the House by any attempt to refute the proposition of my hon. Friend who has just sat down, that because this measure is likely to be defeated by the opponents of Reform, therefore, it is the duty of the friends of Reform to aid them in defeating it. Nor shall I combat the arguments of the hon. Member for Shoreham, because those arguments ought, I think, to have formed part of a speech in which the hon. Member moved that this Bill be read again this day six months. Indeed I do not think that the debates will suffer materially if we dispense altogether with the arguments of both hon. Members, because I cannot regard them in any other light than as clever skirmishes thrown out in very loose order in advance by hon. Gentlemen opposite to cover a more serious attack upon our position. Nor, Sir, shall I enter upon any elaborate criticism on the policy of the Government with regard to this question, because I desire to speak no evil of the absent. If, Sir, the professions upon the faith of which the noble Viscount and his friends were permitted to oust the Government of Lord Derby were not quite sincere (but far be it from me to believe what everybody believes out of doors); if this cry about Reform was manufactured for a paltry party purpose, then, Sir, I fear that those who will come after us (who somehow or other will have to believe a great many things which it would be highly unparliamentary to express in this House), will simply say that this great triumph of the Reform party—this displacement of the Government of Lord Derby—was after all an impudent usurpation. If, however, those professions were sincere, what must be our opinion of the prostration, or the timidity of a Ministry which, thoroughly and profoundly in earnest upon this great question, is compelled thus to wash its hands of it altogether? Nor, Sir, shall I attempt to go over any of the same ground which has been occupied by my hon. Friend who, with so much ability, has asked the House to read his Bill a second time to-day. Leaving then the positive arguments which may be adduced in favour of the Bill, I shall proceed, if the House will permit me, to call their attention to arguments drawn from the inconsistencies in which hon. Gentlemen opposite have been involved in the attempt to hold what I believe to be an untenable position. I think, Sir, that if anyone takes the pains to glance through the debates upon this question in the last Session of Parliament, especially that portion of them which came from the other side of the House, he cannot fail to be struck with two things—the length of the speeches and the brevity of the arguments. Of the argument I will speak presently; but the staple of the speeches consisted of observations upon something which had been said, or what was reported to have been said, or supposed to have been said, or imagined to have been said, by my hon. Friend the Member for Birmingham (Mr. Bright). So much was this the case that I think if any stranger had entered the House during the course of our debates he must have gone away with the inevitable conviction that it was not the Constitution which we were endeavouring with so much labour and so much eloquence to reform, but the hon. Member for Birmingham. Why, my hon. Friend was a positive butt for the rifle practice of hon. Gentlemen opposite, not only for the skilled and organized sharpshooters of debate, but for every clumsy volunteer to point his random piece at and to run away, and yet my hon. Friend survives, and I dare say, if the truth were known, it has afforded much gratification to my hon. Friend to have given so much recreation and occupation to his hon. Friends opposite and at so trifling an expense to himself. Now when hon. Members had exhausted all they wished to say about the hon. Member for Birmingham they sometimes condescended to say something about the Bill, and that amounted generally to pretty much the same thing, and it was this. The Bill of the noble Lord will have the effect of introducing into the constituency of the Empire a new class—a homogeneous class—a class so numerous, so unanimous, and at the same time so poor and so immoral that they cannot fail to outvote every one above them, and then to invade the rights and property of every one above them. This was what the right hon. Baronet the Member for Hertfordshire (Sir E. Bulwer-Lytton) picturesquely called giving "poverty and passion the lion's share of political power," and the right hon. Baronet rang many changes upon the words "poverty and passion" as though there were nothing offensive in them, and as though he were enamoured of that alliteration which the right hon. Gentleman the Member for Bucks told us a few days before "tickled the ear, was a very popular form of language among savages, but was not an argument in legislation." The right hon. Baronet made himself and the House extremely merry at the expense of that poverty, and in one of the most impassioned speeches to which it was ever my good fortune to listen denounced that passion. And the right hon. Baronet was followed in the course of the debate by the right hon. Gentleman opposite (Mr. Disraeli) who spoke of this reduction of the borough franchise as "the degradation of the franchise," and proceeded to draw an alarming and spirited sketch of the evils which must ensue from its adoption. To listen to the right hon. Gentleman the House would hardly recognize the same right hon. Gentleman who, about a year before, had come down to the House and told us that "he was perfectly prepared to deal with the question of the reduction of the borough franchise and the admission of the working classes by the reduction of the franchise in boroughs and by acting in that direction with sincerity." Although to do the right hon. Gentleman justice only a month before he made this startling announcement he had taken the pains to foretell to the House all the calamities which must follow this course of procedure. But, Sir, during that short interval something had happened—something which I wish would happen now—something which would have the effect of very materially accelerating the progress of this measure through the House. The right hon. Gentleman in common with every Member of the House had been compelled to avail himself of Montalambert's prescription. They had been to take "a life bath in free England," and I suppose that hon. Members found some one to put them into the pool at the moment when some angel, perhaps that of Reform, was "troubling the waters" for political miracles were wrought on every side. The blind came seeing, and the cripples danced. The right hon. Gentleman who had gone down with the country a Reformer (the whole House were Reformers then, in the event of a dissolution the whole House would be Reformers now with the solitary exception of the noble Lord the Member for the City); but the right hon. Gentleman had gone down to the country a Reformer of a somewhat paralytic type, and the right hon. Gentleman returned from the country with the full use of his limbs. And if there was anything more remarkable than the rapidity of the right hon. Gentleman's cure, it was the rapidity with which he afterwards suffered a relapse. Now, Sir, I should not have called the attention of the House to this vacillation in the policy of the right hon. Gentleman with regard to this question if I heard a good deal about the inconsistency of hon. Members upon this side of the House—and if I were not desirous of presenting to the House something like a little tabular statement of a few of those inconsistencies into which hon. Gentlemen opposite—even the most astute politicians, have been led in the exigencies of their defence. The right hon. Gentleman — and here I would pause a moment to apologize to the right hon. Gentleman for the frequent use which I am about to make of his speeches. I hope that the House will not misunderstand me. I hope the right hon. Gentleman will acquit me of any foolish and presumptuous wish to seem in any sense to enter the lists with him. The right hon. Gentleman has few more attentive auditors, and his eloquence and ingenuity few more sincere admirers in this House. But the right hon. Gentleman speaks with authority. The right hon. Gentleman speaks as the organ of the great party which he so skilfully heads, and it is with the official arguments of the party that I am now attempting to cope. On March 31, 1859, the right hon. Gentleman said—

> "You cannot encounter the objection to the reduction of the borough franchise by sentimental assertions of the good qualities of the working classes. The greater their good qualities, the greater the danger."—[3 *Hansard*, cliii. 1246].

And on 19th March, 1860, he says—

> "It is said that the working classes are exceedingly intelligent and educated, and, therefore, likely to appreciate the possession of the franchise. But these are reasons why you should take care in legislating upon the subject that you do not give them a preponderance."—[3 *Hansard*, clvii. 844].

Well, but the very same day the right hon. Gentleman is criticizing the conduct of the noble Lord because he did this very thing, because he took the pains to ascertain the number of those who would be enfranchised by his Bill in order, I suppose, that he might not alarm the apprehensions of the right hon. Gentleman. The right hon. Gentleman says—

> "In proposing to confer the franchise upon those who do not now possess it, we ought to look to their fitness; we ought not to consider how we can obtain a certain number of additional votes, and then ask the House to support our measure because the number is one which may not alarm them. I say that if, instead of 257,000 there had been 557,000 men who, in the opinion of the House, were fit to receive the suffrage, the suffrage ought to have been given them."—[3 *Hansard*, clvii. 841].

But on the 25th of March, 1859, the right hon. Gentleman was anticipated by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside), who asked—

> "What is the only principle upon which this

question can now be fairly and properly discussed? It is not whether it may not be expedient to infuse new blood into the body politic; whether it would not be advantageous to extend the area of representation, and to give all who deserve it the right of being represented if they fairly and reasonably ask for it?"—[3 *Hansard*, cliii. 887.]

Now, I want to know how all this can be made to agree with the argument that we are not to pass this Bill because it would have the effect of swamping the constituencies. For example, the noble Lord the Member for Stamford (Lord Robert Cecil) says—

> "The worthiness of the working man was not in question. It was impossible to admit the working men indefinitely, however worthy they might be."

MR. MACKINNON rose to order, and questioned the propriety of reading the speeches of hon. Mambers.

MR. SPEAKER said, that if the speeches were delivered in the present Session, the course taken by the hon. Gentleman would be irregular; but as they were not delivered in the present Session his conduct was not irregular.

MR. LEATHAM, in continuation, said, that the noble Lord the Member for Stamford had declared that

> . . . . "It was impossible to admit the working classes indefinitely, however worthy they might be, even if educated morally up to the last degree, without swamping every other class. . . . . . If every one worthy of the franchise was admitted to its enjoyment, it would not be possible to stop at a £6 or a £5 franchise, for at the rate at which education was going on everybody would soon be worthy of it."—[3 *Hansard*, cliii. 478.]

And when everybody is worthy of it where is the voice in this House which will forbid it? Is it the voice of the noble Lord the Member for Stamford? But mark the tendency of the noble Lord's opinions. The noble Lord treats as revolutionary the opinions of hon. Members who sit in this part of the House; and as the noble Lord is candour itself, he has never hesitated to intimate to us that we hold revolutionary opinions. With equal candour, then, I do not hesitate to tell the noble Lord that there is something in this opinion of his more revolutionary than anything which was ever uttered below the gangway; not even my hon. Friend the Member for Birmingham when, as the noble Lord with so much propriety says—

> "Like Cato to give his little Senate laws—
> And sits attentive to his own applause."

Not even my hon. Friend ever uttered anything so fatal to the patience, so provocative of the indignation of the working man as that which was uttered by the noble Lord when he dared to say that he would refuse to him the franchise, however worthy he might be, even if educated morally up to the last degree. I have been astonished, Sir, to hear hon. Gentlemen opposite thus sowing sedition broadcast and in the same breath, after every offensive thing has been said against the people, to hear them talk about the inflammatory language of hon. Gentlemen below the gangway. Well but, Sir, as this assertion about swamping the constituencies has proceeded out of the mouth of the hon. Member for Shoreham, and every hon. Member who has spoken on that side of the House, I think it would be scarcely courteous were we to meet it by a simple negation—equally unsupported by evidence and argument. The hon. Member who moved the Amendment (Mr. Cave) was referred to a Committee which was appointed in "another place" to make curious and elaborate researches into the manners and customs of the people among whom we dwell. Their Lordships collected a mass of conflicting evidence which they were either unwilling or unable to sift, and to decide whether or not it tended to confirm the Returns which had been made to the Government. Indeed, although there appeared to be every disposition on the part of some of their Lordships to throw if possible discredit upon those Returns, they were wholly unable to arrive at any Report which should have this effect; and I think that the supplementary Returns which were laid before the House tended very materially to confirm the first rough estimate which had been made. But, supposing that for the sake of argument we accept the greatly exaggerated estimate which was formed by our noble Lord, and which he failed to induce their Lordships to adopt. Supposing that we grant that to a borough constituency in England and Wales amounting 442,000, this Bill would make the addition of 320,000. What then? How would this hand over the Government of the country to "poverty and passion?" "Because," the right hon. Gentleman will say, "these new voters will all be taken from the same class—their habits, feelings, principles and opinions will be identical." But will they all be taken from the same class? In the first place we shall have a vast number of retail traders. Then we shall have a vast number of skilled artizans. But the skilled artizans according to your own showing belongs to the middle class, to the class already directly represented, and the class which hon. Gentlemen opposite declare governs the country. For the right hon. Baronet the Member for Hertfordshire speaks of the middle class as

> "The combination of various interests which is formed in the middle ranks of society, which cannot be called a class because it comprises all classes—from the educated gentleman to the skilled artizan."

Now, if hon. Gentlemen opposite, instead of reiterating the assertion that we are about to swamp the constituencies, had taken the pains to do that which was done by my hon. Friend who with so much ability has asked the House to read his Bill a second time to-day, for the great borough which he so worthily represents, and that which was done by my hon. Friend the Member for Stirling for the city of Edinburgh, they would have found that in the class whom he proposes to enfranchise there exists the same combination of classes which is to be found in every other class of society. But the noble Lord the Member for Stamford admits that

> "Upon every other question except taxation the lower classes would probably be divided like the upper ones."

Of course they would. And the right hon. Gentleman the Member for North Staffordshire amused the House on one occasion by telling them that the skilled artisans of Birmingham had met in one of their clubs to discuss whether or not my hon. Friend represented their opinions, and that after the question had been duly debated the club divided, and one-half the club, minus one, voted in the negative; and the other half, plus one, in the affirmative, so that my hon. Friend had a very narrow majority indeed. Turning again to the evidence which was laid before their Lordships we shall find that Mr. Griffin, the clerk to the Guardians of Stoke-upon-Trent (which by the bye is one of the few places where the skilled artisans have been admitted in any numbers to the franchise), Mr. Griffin was asked, "You stated, did you not, that there are a very large number of skilled artisans upon the electoral list at present?" "Yes." . . . . "Can you state on which side the majority have lately gone, whether on the Conservative or the Liberal side?" "Both the Conservative and the Liberal sides have committees of working men; and in Hanley and Shelton, where the contest has been as warmly fought as anywhere, they are as equally divided as possible." Well but, Sir, I am ashamed to multiply proofs of what everybody who knows anything of the working classes is perfectly aware of, that among them there exists the same diversity of opinion which exists amongst ourselves.

But, Sir, I think that our position is so strong that we can afford to grant, for the sake of argument, that the classes to be enfranchised are identical in principle and opinion. How many seats would change owners through their unanimous action? Where is it that they would possess a numerical majority? Is it in the large boroughs or in the small boroughs? Unquestionably in the large boroughs, in the very boroughs in which the right hon. Baronet the Member for Hertfordshire tells us that "even under the present franchise the suffrage is practically so low that democracy may be said to prevail." But I am prepared to grant still more. I will grant that it is not merely in the large boroughs, but if you like in every borough in the kingdom that the working classes will have a numerical majority. You may think that I have at last surrendered our position altogether. But I turn for consolation and defence to the speeches of right hon. Gentleman opposite; and really right hon. Gentlemen do express our arguments with so much force and ability that I am delighted to shelter my own clumsiness behind the eloquence and ingenuity of right hon. Gentlemen who have the ear of the House. On the 28th February, 1859, the right hon. Gentleman the Member for Bucks said—

> "We know very well what takes place at a Parliamentary election in this country. The man of princely fortune has, when he goes to the poll, no more votes than the humble dweller in a £10 house, because we know very well that his wealth, his station, and his character will give him the influence which will adequately represent his property, and the constitution shrinks from a plurality of votes in such a case."—[3 *Hansard*, clii. 975.]

On the 19th March, 1860, he repeats the argument—

> "First of all I think he (Lord John Russell) is acting on a complete fallacy in establishing what I venture to call cumulative Members for places already represented. Now, I want to know from the Government on what principle they have so acted. You do not act on that principle in the electoral body. If a man has £100,000 a year he has only one vote, and on very good grounds;

> for you know that although the man has a large fortune, and you give him the same vote as the humblest dweller in a £10 tenement, he has an indirect influence in the country, which asserts itself and sufficiently protects his property. Why should you do that in Manchester and Birmingham which you do not do for the wealthy individual?" —[3 *Hansard*, clvii. 852.]

The right hon. Gentleman, therefore, appears to admit that the mere unit of a vote is no measure of individual political power, and I would venture to submit that in surrendering this proposition he surrenders that upon which the whole argument about swamping the constituencies is based. Then the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) says—

> "It is said that an organized minority can never overmaster the will of the majority. Did you read in *The Times* to-day the admirable lesson taught on this subject in the American Assembly? You will there see how completely an organized minority may, even in a free and enlightened country, trample over the principles of humanity and justice by their perseverance, their zeal, and their union."—[3 *Hansard*, clvii. 1106.]

Now it may be said that recent events have impaired the force of the right hon. Gentleman's illustration, but if his illustration proves anything it proves that in a free and enlightened country a mere numerical majority is no proof of political ascendency. I will take one more illustration from the speeches of hon. Gentlemen opposite, and I will take it from a very memorable speech delivered on the 22nd March, 1859, by the right hon. Baronet the Member for Hertfordshire (Sir E. Bulwer Lytton). The right hon. Baronet is speaking of what he is pleased to call "the majesty of disciplined intellect," and he quotes Mr. Fox, who says, "What gives England her place in Europe? It can never be numbers, it must be always intellect." If the right hon. Baronet had been in his place I should have asked him to apply his own illustration to the question before the House. If the "uninstructed numbers" of whom he speaks be so ignorant as he supposes what chance have they in their conflict with the "majesty of disciplined intellect?" Can not and will not that which gives England her place in Europe give to the educated classes their place in England?

And now, Sir, if I do not weary the House I should like to refer to other inconsistencies which I think I have discovered in the policy of hon. Gentleman opposite upon this question. And one of them is the extremely complimentary manner in which hon. Members invariably speak about the working classes and the extremely uncomplimentary manner in which they invariably vote about them. For example, the noble Lord the Member for North Leicestershire (Lord John Manners) says, that "he does not fear the use the working classes would make of the franchise." The hon. and learned Member for Cambridge (Mr. Macaulay) says, "No one doubts the good feeling and the loyalty of the working classes." The right hon. Gentleman the Member for North Staffordshire (Mr. Adderley) says of the skilled artizans of Birmingham, that "no persons were more fit to enjoy the franchise; among them were to be found some of the most independent voters in the kingdom. They allowed themselves to be at the beck of no master . . . They discussed political affairs together, and were capable of forming an independent opinion respecting them." The noble Lord the Member for Huntingdonshire (Lord Robert Montagu) says, that "he has no distrust of the working classes, on the contrary, he thinks they have a perfect right to be represented." The noble Lord the Member for Haddingtonshire (Lord Elcho) "will say for his own part that no man entertains a higher respect for the working classes than he does." And the hon. Member for West Norfolk (Mr. Bentinck) who is the champion of rustic intelligence and rural energy says, "that he agrees so far with the noble Lord that he believes that popular intelligence has greatly increased within the last few years, that the diffusion of education has tended much to humanize the masses in this country, that men are not so easily worked upon and their passions aroused as formerly, and upon the whole he thinks too highly of the English people ever to believe that it would be possible to substitute violence for reasoning, and intimidation for argument, whether such a course were suggested by hungry placemen or (with a withering glance below the gangway) by disappointed demagogues." But what a comment upon all this adulation are the votes of hon. Gentlemen. This working man, of whom you have no fear and no distrust, who stands so high in your esteem and your respect, whose good feeling and loyalty no one doubts, who has a perfect right to be represented, of whom you think too highly ever to believe that it would be possible to substitute violence for reasoning, and intimidation for argument, this admirable and model elector you proclaim by your votes, is to be kept at all hazards at arm's length—and cost what it may we are called upon to protect the Constitution from the invasion of his impatient poverty and of his unprincipled passion. So "there are tears for his love, joy for his fortune, honour for his valour, and political death," I suppose, Sir, "for his ambition."

Now, I know very well what hon. Members will say in reply to all this. They will say, "We brought in a Bill full of fancy franchises, the express object of which was to give representation to working men. But that was not representation, that was filtration, and the working man does not thank you for a franchise which is not frankly given; he does not thank you for a vote which is clogged with conditions which do not attach to the votes of any other man. Possibly he is not yet convinced of the fact of which you appear to be so confident, that he is an unclean beast who is only to be admitted into the ark of the Constitution, a single male at a time, while all the rest are clean and go in by sevens. But there are some hon. Members who appear to think that the working-man is directly represented already. "Take any borough, any county," says the right hon. Baronet the Member for Hertfordshire, and asks with a *naiveté* which is perfectly exquisite, "Have we not all and each of us several working men among our constituents?" Do you call this the representation of an interest? Hon. Gentlemen opposite lay great stress upon the representation of all the interests in the country in this House. "This House, in my opinion," said the right hon. Gentleman, "ought to represent all the interests of the country." "I agree with the Government," says the right hon. Gentleman, the Member for North Warwickshire (Mr. Newdegate), "that the different interests of the country should be represented. There is the agricultural interest; there is the mineral interest, the manufacturing interest, the monetary interest, the maritime interest to be represented in this House;" and why not the interest of labour? Because, perhaps hon. Gentlemen will say, the interest of the labour which is employed and the capital which employs the labour are identical. What, then, becomes of your argument which is based upon the assertion that they are not identical—that they are frequently antagonistic—and that the men whom we propose to enfranchise would avail themselves of the power that we give them in order to wrest the rights of those against whom they already combine? What becomes of the argument of the noble Lord, the Member for Huntingdonshire, when he says—"Agricultural labourers are attached to the country gentlemen, but the working classes did not entertain the same feelings towards their employers. In cotton mills, mines, collieries, and factories, you may see the relations of the workmen towards the capitalists. They were ready to sacrifice their comfort and their savings, and to see their families ruined and their children die in a fierce struggle with the capitalists who employed them. They had many defeats to avenge and much despotism of capital to repay." Strange that between interests which are identical there should be this fierce struggle going on—all their defeats to avenge, and all this despotism to repay. But the noble Lord goes on to say—"The employers would perhaps be the first victims marked for destruction, if once they evoked a spirit and a power which they could neither command nor control." It is very kind and thoughtful of the noble Lord to take the master manufacturer under his protection, and the master manufacturer ought to be extremely obliged to him, especially when he reflects that this is the first occasion upon record on which the noble Lord has vouchsafed to fling over him the ægis of his eloquence. But perhaps my hon. Friends around me—their first unconscious victims marked for destruction—think that they know the workmen among whom they have spent their lives as well as the noble Lord can know them; and perhaps they think that in giving them the franchise they are calling into existence no new and uncontrollable power. By the Bill of my hon. Friend you are calling into existence no new power at all. I was struck with a passage in a speech by the noble Lord the Member for King's Lynn (Lord Stanley), delivered in the debate upon the second reading of Lord Derby's Reform Bill—

> "The Act of 1832 did not create that power (of the middle class), it merely recognized and embodied in the political institutions of the country that which it found already existing."—[3 *Hansard* cliii. 424.]

And so it would be with the Act of 1861. It would recognise and embody in the institutions of the country a power already in existence. And, Sir, we think this an object of such vast importance as to justify us in opening that whole question of the constitution of Parliament which the hon. Member for Salford considers to be of so sacred a character. But, Sir, in conclusion, I would venture to submit that there is something which is more sacred still—that which renders that Constitution possible, which repairs its defects, which restores its decrepitude, which reconciles its anomalies—the sacred loyalty, the sacred love of order and of justice, the sacred patience of my countrymen.

Sir JOHN RAMSDEN said, he believed the great majority of the House and of the country would have been well content to leave the question of Parliamentary Reform, for this year at least, where it was placed, and apparently with so much deliberation and judgment by the Government, on the first night of the Session. They then announced their determination not to attempt this year a measure of Parliamentary Reform, and the reasons given for that determination were generally approved, as they were based on facts that were acknowledged to be indisputable. But the question had not been permitted to rest there, and the Bill of his hon. Friend, the Member for Leeds, and the Amendment moved upon it, raised two distinct questions for their consideration. The one as to the abstract merits of the measure, the other as to its reasonableness and practicability at the present time. The Amendment of the Member for Shoreham, which came to be first considered, pronounced no condemnation of a £6 franchise—it invited them to no opinion upon it; but the question was shown, in the very clear and concise explanation with which he prefaced his Amendment, to be this:—Whether, as the Government had determined, for reasons approved by the House and the country, to leave the question of Reform this year untouched, any practical advantage was to be gained by individual Members of Parliament undertaking a task which the Government had relinquished as beyond its powers? and the hon. Gentleman thought that it would be a very unbusiness-like and senseless proceeding on the part of the House of Commons to affirm, in the same breath, two such conflicting propositions, as that the Government introducing a Bill that they had little chance of carrying, would be such a waste of the public time as ought to be discouraged, while an individual Member introducing a Bill which he had no chance of carrying at all was so wise and profitable an employment of the public time that it ought by all means to be supported. He must own that it appeared to him that the views of the hon. Gentlemen were recommended to them by every consideration, not only of consistency but even of common sense. He wished to remind the House how this question now stood. The present Ministry, having taken office pledged to deal with the question of Reform, did last year introduce a Bill in fulfilment of that pledge. It failed, and as the noble Lord himself (Lord John Russell) had told them, from the very general dissatisfaction which it exhibited on all sides of the House, and the Bill was withdrawn. This Session the Cabinet had to consider what they were to do; they had the experience of last year to guide them, and when the House met in February they appeared to have profited by that experience. Their means of dealing successfully with Reform were not increased: the country was still cold and the prospect very uninviting. The Government had decided, therefore, not to hazard a repetition of the damaging debates and discomfiture of last year. They made known that decision to the House and their reasons for it; and it seemed to him that the opinion entertained by Members of the sufficiency or insufficiency of those reasons, must guide their votes on the Amendment of the Member for Shoreham. Those of them who thought that the Government ought to have proposed a measure of their own—that they were too easily disheartened and deterred, and so shrunk from a plain and very practicable duty—he thought that such Gentlemen might feel justified in saying, with his hon. Friend, the Member for Leeds, that the question should not drop, and in vindicating their convictions and consistency by an impossible measure of their own. But those who, on the first night of the Session, supported the Ministry; and from a sincere conviction that the introduction of another Bill, in which the Government themselves did not believe, would not raise the character either of the Government or of the House — they he thought, could hardly stultify their own convictions by voting for the further progress of a Bill which practically affirmed that legislation was possible and desirable, and that the Government were wrong not to undertake it; and, although they understood that the Government were prepared to-day to pronounce this censure upon themselves, he for one, must decline to join them in it; for he could not acknowledge, either the consistency, the dignity, or the wisdom of such a proceeding. But he would not only endeavour by his vote to vindicate the Government against themselves on this point, but he would go further, and say that on another point he thought he was bound in common with the general body of their supporters to share with the Government a blame that had hitherto been cast too exclusively upon them. The Government were now reproached very bitterly from their own side of the House with unfulfilled expectations and broken pledges. Now what did that mean? He understood it to mean that they had rejected Lord Derby's Bill, and turned out Lord Derby's Government on the promise of a Reform Bill which they had since failed to pass. But the rejection of that Bill, and the expulsion of that Ministry, were the act of the whole Liberal party and not exclusively of their leaders—they were all free agents—and with their eyes open they had joined in what they knew was a party move, and one directed far more against the Ministry than against their Bill. It had turned out to be a false move, but they had no right to say that they were deceived by the Government—for they were willing to be deceived; they could judge for themselves of the probability of carrying a better Bill than the one they had rejected; and when the very small Bill of the Government was introduced to them last year, its dimensions did not surprise them, because they knew that their diminished majority could not carry a larger one, and no one in any part of the House blamed the Government for withdrawing it. Did any one really believe that the Government could have passed a Reform Bill this year? Then what were they to do? Were they to introduce a Bill and dissolve upon it? Why, did not they all know that a dissolution this year on Reform would have been the dissolution of the Government and the destruction of the party? It was not fair, it was not manly, that they on that side of the House should now endeavour to shift all the blame from their own shoulders on to those of the Government. They were bound to share it with the Government, for they were parties to the pledges given on that side of the House—they were parties to the introduction of a small Bill—they were parties to its withdrawal—they had been parties—aye, and before the country, they, the supporters of the Government, who had placed and kept that Government in office, they were responsible parties to the policy of this year, and it was of no use trying to disguise the fact; the Government did not legislate on Reform because they were unable, and their inability had arisen from causes which the party were responsible as well as the Government. And how did the honourable Member for Leeds help them out of their difficulties by this Bill which every one knew he could not carry? Suppose even that it should pass a second reading to-day, it could still never pass into law, and so it would become another abstract Resolution, and he thought they had had abstract Resolutions enough. The Liberal party did not thrive upon abstract Resolutions, for look at their condition now whenever Reform was mentioned—crimination and recrimination amongst themselves—the Ministers blaming their supporters, and their supporters reproaching the Ministry; and that party that had been so strong on the other side of the House had constantly declined in strength, in numbers, and in credit since it came to this. And all this arose from their mismanagement of Reform—by raising expectations they were unable to fulfil, and giving pledges under which all sections of the party had broken down; and they might rely upon it that the same mistaken course that had made their condition bad, would not, if repeated on that occasion, conduce to make it better. It was, therefore, in his opinion high time that the Liberal party—both followers and leaders—should profit by what were now acknowledged mistakes, and cease to deal carelessly and lightly with the very serious question of Reform. It was much to be regretted that the settlement had been so long delayed, but they were responsible for that delay. If a satisfactory measure were possible that year, they ought to compel the Government to undertake it, and it would be unworthy of them to permit the Government to shift the responsibility on to other shoulders from their own; but if such a measure were not now possible, he owned he could see no advantage in making a flourish of Reform, when it must begin and end with a mere party flourish. For his part, while he was ready and anxious to support to the utmost of his power any well considered measure that might lead to legislation, he deprecated stirring the question for the mere purpose of stimulating agitation, and on that ground he gave his vote that day, not against the principle of his hon. Friend's Bill, not against an extension of the suffrage to which that House was pledged, but against relieving the Cabinet from their responsibility to deal with a great constitutional question, a question which could only be dealt with properly by the Executive Government, and to which of all other men in that House, the present Executive Government were most deeply pledged.

Mr. LAWSON said, he agreed with the hon. Gentleman who had just sat down that the credit and honour of the Liberal party in the House of Commons were declining, but he differed from him as to the cause. He believed it was on account of the House having done too little in the way of Reform, and because it had not fulfilled the pledges which hon. Members had given to their constituents. The noble Lord at the head of the Government had stated the other day at Tiverton that the reason why he and his colleagues had not brought forward a measure of Reform this Session was because they were not geese. According to that doctrine, the hon. Member for Leeds belonged to that class of creatures. But, in his opinion, the hon. Member for Leeds, in bringing forward this Bill, had acted in a wiser and more honest manner than the Government. The noble Lord the Member for the City of London, who had been so long regarded as the leader of the Reform party, had astonished the world at the commencement of the present Session by making the announcement that he was retiring from that position. He appeared before the House as an unsuccessful agitator. That, however, need not prevent other Members from bringing the subject before the House. The noble Lord excused himself by alleging the apathy of the country. But on what grounds did the noble Lord decide that the country was apathetic on this subject? Since that declaration was made the country had shown pretty plainly what its feeling on the Reform question was. Meetings had been held in all the great towns, and a large number of petitions had been sent to Parliament. The country was astonished at the way in which the Government had treated the Reform question, and was manifestly as anxious for Reform now as it was some years ago. Another reason the noble Lord gave for abandoning Reform was this—that no comprehensive measure would pass through the House of Lords. If that were true it was no reason why a measure like the present should not pass the Lords if supported by the whole influence of the Government. And he must protest against the doctrine that the House of Commons was not to do right because it was apprehended that the House of Lords might do wrong. After the admirable speech of the hon. Member for Leeds, it was not necessary for him to say anything regarding the fitness of the working classes to exercise the franchise. He must remark, in conclusion, that Parliament might go on too long resisting the wishes of the people, which had been distinctly expressed. It was of no use, he knew, to appeal to the noble Lord the Member for the City, nor to the Government, nor to the party opposite, to give their hearty support to this Bill; but he did appeal to the Liberal Members of the House to show that the House of Commons was still the people's House, by giving them those rights which had been so long withheld.

Mr. BLACK, who spoke amid continued cries of "Divide," said, he hoped to be permitted to refer to a circumstance in which he was personally concerned. The noble Lord the Member for the City of London, in his speech at the opening of the Session, stated as one reason for not bringing in a Reform Bill this year that there appeared to be no strong desire for it, or there would have been condemnation meetings held, in which those who had opposed the Bill of last Session would be visited with the disapproval of their constituents. Now, he must acknowledge that at a large meeting held at Edinburgh, which both he and the Lord Advocate attended, there was much irritation expressed against them by considerable numbers, but not on that account, while he justified his vote against the £6 clause in the last Bill they felt little interest, it was only the support he gave to the Annuity Tax Bill that excited their indignation. There were Reformers whose only idea of Reform seemed to consist in lowering the franchise, and he was the best Reformer who was prepared to go lowest in the social scale. There might be some defects in the present system of representation, but he thought, there was no class whose interests were so much attended to in that House as those who lived by manual labour, whom it was the fashion to designate as the labouring classes, as if they were the only working bees in this great national hive of industry. The hon. Member for Leeds stated before the Committee of the House of Lords that a £6 franchise would add 4,736 voters to the present constituency of 6,023 in the town which he represented; while

Mr. Baxter stated the addition at 10,000 and another Gentleman at 19,000. By this Bill it was proposed the right of voting should be given to all occupants of houses rated at £6 or of a house and land, when the house itself might not exceed £3 or 1*s*. 3*d*. a week. It should be remembered that by the increased rate of wages, owing to the increase of employment and the influx of gold, the working classes were now enabled to live in houses of a higher rent than formerly; the number of those who had the £10 household franchise had been doubled since 1833, and 3 per cent was added to it every year; but from the anxiety of Members to come to a division, and the lateness of the hour, he would not proceed further.

MR. STANSFELD said, if the House would listen to him he would promise not to detain them more than ten minutes. ["Divide."] He was anxious to reply, and he had a right to some reply, to the arguments addressed to the House by the hon. Baronet the Member for the West Riding (Sir John Ramsden). The hon. Baronet said that the faults of the Government upon the question of Reform ought to be shared by the party which placed them in power. He entirely agreed with that conclusion, but he could show some reasons why those at least who remained sincere in the cause of Reform were not bound to share in the blame in which his hon. Friend was so willing to participate. A correct view of the opportuneness of the measure of the hon. Member for Leeds depended upon a correct view of the recent history of this question as a Parliamentary question. A Session or two ago no party in that House pretended to doubt the expediency or opportuneness of Reform. This universal sense of its expediency culminated during the Administration of Lord Derby, when the right hon. Gentleman the Member for Buckinghamshire, as the organ of a large party, introduced a measure of Reform into that House. What was the fate of that measure? The late House of Commons refused to receive it, because they said it was not a genuine Reform Bill—they said that the Reform Bill which they were bent upon enacting should be brought in and carried through by an earnest, a Liberal Ministry, in whom they and the country could have confidence. The Derby Ministry were placed in a minority, and they appealed to the country. The country responded not to the Derby Ministry, but to the House, and decided that the passing of a Reform Bill should be placed in the hands of the Liberal party and of the Ministry representing that party, and that it should contain amongst others precisely the provisions contained in the Bill of his hon. Friend the Member for Leeds. The present Parliament met, and the Government, in redemption of their pledges, introduced their measure. It was, as had been truly said, a measure of no great proportions, but it had the aspect of genuineness, and the country accepted it universally because it recorded those conclusions which it was to record, and which the country and the House had decided that it should enact. It seemed impossible that the measure should not pass the House. But the very imminence of the question brought to light a new element upon which they had not calculated before. No man had yet gauged the want of earnestness upon this question of public men. He verily believed that they were unconscious of it themselves. But the imminence of the question brought this element into play. It lay in the hands of the Liberal majority to pass the measure, and precisely because this was so they began to doubt, and to cavil, and to hint dislike. They all knew how rapidly the cue was taken up by hon. Members across the floor; and though the change was too new to be unblushingly avowed, it was felt possible to talk out if not to vote out the measure. And so, at length, with certain reserves maintained, and certain decencies half observed, it was forced to be withdrawn for the Session. They had come now to the concluding act in that drama, and to the present Session, when they found an amazing progress in their anti-Reform tendencies. They seemed to have grown strangely familiar with their vices—the very point of honour seemed to have changed, and hon. Members appeared desirous of showing their consistency by hastening to ignore the virtuous professions of their earlier days. Even the noble Lord the Member for the City, who might be supposed to feel some personal mortification in the loss of his own measure—and who, he persisted in believing did regret, with some bitterness its loss—even he caught the prevailing infection, and announced the withdrawal of the Bill in terms of affected complacency—which were as mistaken as he believed them to have been unreal. Upon the noble Viscount at the head of the Government the effect was somewhat different, for nothing could undoubtedly be more evidently and really unaffected than the sense of joyous relief with which he announced his own freedom from the incubus of Reform. But the aptest scholar of the Session was to be found in the right hon. Gentleman the Member for Buckingshire, for he fairly did penance before the whole House for his former unorthodox sins of Reform—and he deliberately sought to win back the hesitating allegiance of his party, and to give unmistakable assurances of his future fidelity, by treating the whole question of Reform with contempt, and covering with ridicule those who, like the hon. Member for Leeds remained faithful to the pledges which brought them into that House. And now he would ask his hon. Friend the Member for the West Riding (Sir John Ramsden) whether he had to travel far for their justification after the things which had been enacted in that House? It was said that the country had fair warning after the withdrawal of the Bill last Session, and that it remained quiescent; that the noble Lord had invited the country to manifest itself in "indignation meetings," and that the country refused to be roused. He was not there to discuss the amount of indignation or of apathy—that hon. Members must guage at their own discretion. Nay, more, he would make a candid and fair admission — they were not dealing with the fidelity of certain leaders, but that House was collusively responsible for the position in which it found itself today—it had tried its *coup d'état* against the political morality of the country, and the country had not risen in overwhelming indignation to protest against it. What followed from that? Did those who sought for every opportunity to evade Reform hope to read in this temporary quiescence their certificate of indemnity for the past? They seemed to forget that public opinion was not bound to be ready at a moment's notice—to answer to their call. Public opinion in these days required public men to divine and anticipate its decrees. Time ran not against its right of judgment and when the hour should come, as come it would, when public opinion should pronounce its verdict on those who had sought to evade Reform, on them and on them only would it visit the offence of professions volunteered without faith and abandoned without shame. That was their (the Liberal party's) justification. He was well aware that they might be fairly expected to take their share even of the odium of any course which they had in any manner or degree approved of were it only by a tacit approval before or after the event. But there was one thing in the world in which he never heard that any men or any party could be bound in honour to share, and that was in the weight of a shame which was not their own.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided:*—Ayes 193; Noes 245: Majority 52.

List of the Ayes.

Adair, H. E.
Adam, W. P.
Alcock, T.
Angerstein, W.
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Barnes, T.
Bass, M. T.
Bazley, T.
Beale, S.
Beamish, F. B.
Bellew, R. M.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biggs, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, Sir G.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buller, J. W.
Buller, Sir A. W.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Caird, J.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, Col.
Clive, G.
Colebrooke, Sir T. E.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Col. F.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Divett, E.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, rt. hon. Sir D.
Dunlop, A. M.
Dunne, M.
Ellice, rt. hon. E.
Enfield, Visct.
Ennis, J.
Evans, Sir De L.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Ferguson, Col.
Fermoy, Lord
Forster, C.
Forster, W. E.
Fortescue, hon. F. D.
Fox, W. J.
Freeland, H. W.
French, Col.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J
Gregson, S.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hardcastle, J. A.
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Hodgkinson, G.
Hodgson, K. D.
Howard, hon. C. W. G.
Humberston, P. S.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.

Kingscote, Col.
Kinnaird, hon. A. F.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, J.
Lysley, W. J.
MacEvoy, E.
Marjoribanks, D. C.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Mellor, J.
Merry, J.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
O'Connell, Capt. D.
Onslow, G.
Owen, Sir H. O.
Padmore, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Peto, Sir S. M.
Pigott, Serjeant
Pilkington, J.
Pinney, Col.
Ponsonby, hon. A.
Pritchard, J.
Ricardo, O.
Ricardo, J. L.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Shelley, Sir J. V.
Sheridan, H. B.
Sidney, T.
Smith, J. B.
Stansfeld, J.
Stuart, Col.
Sykes, Col. W. H.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Trelawny, Sir J. S.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Warner, E.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
Wickham, H. W.
Wilcox, B. M'Ghie
Williams, W.
Wyvill, M.

TELLERS.
Baines, Mr.
Seymour, Mr. Digby

List of the NOES.

Adderley, rt. hon. C. B.
Annesley, hon. Col. H.
Astell, J. H.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, H. B.
Barrow, W. H.
Barttelot, Major
Bathurst, A. A.
Bathurst, F. H.
Beach, W. W. B.
Beaumont, W. B.
Beaumont, S. A.
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, T. T.
Black, A.
Bond, J. W. M'G.
Botfield, B.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Browne, Lord J. T.
Buckley, Gen.
Bunbury, Capt. W. B.
Burghley, Lord
Burke, Sir T. J.
Burrell, Sir C. M.
Cairns, Sir H. M'C.
Cartwright, Col.
Cecil, Lord R.
Cholmeley, Sir M. J.
Clive, hon. G. W.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R.W.B.
Codrington, Sir W.
Cole, hon. H.
Collins, T.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, G.
Curzon, Visct.
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Dickson, Col.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Dunne, Col.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Elmley, Viscount
Elphinstone, Sir J. D.
Estcourt, rt. hn. T. H.S.
Farquhar, Sir M.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Finlay, A. S.
Fitzgerald, W. R. S.
Forde, Col.
Forester, rt. hon. Col.
Franklyn, G. W.
Gallwey, Sir W. P.
Gard, R. S.
George, J.
Getty, S. G.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greenall, G.
Greenwood, J.
Gregory, W. H.
Grey, de W. Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, rt. hon. H. A.
Hervey, Lord A.
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Howes, E.
Hubbard, J. G.
Hume, W. W. F.
Hunt, G. W
Ingestre, Visct.
Jervis, Captain
Johnstone, hon. H. B.
Jolliffe, rt. hn. Sir W. G. H.
Kekewich, S. T.
Kennard, R. W.
Kerrison, Sir E. C.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. Maj. S.
Lacon, Sir E.
Leeke, Sir H.
Legh, Major C.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. G.
Leslie, W.
Lindsay, hon. Gen.
Long, W.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lyall, G.
Lygon, hon. F.
Lytton, rt. h. Sir G. E. L, B.
Macaulay, K.
M'Cormick, W.
Macdonogh, F.
Mackinnon, W. A.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Marsh, M. H.
Maxwell, hon. Col.
Miller, T. J.
Mills, A.
Montagu, Lord R.
Montgomery, Sir G.
Moody, C. A.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Murray, W.
Newdegate, C. N.
Newport, Visct.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Packe, G. H.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palmer, R. W.
Papillon, P. O.
Parker, Maj. W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, Sir R.
Peel, rt. hon. G.
Pevensey, Visct.
Phiiips, G. L.
Potts, G.
Powys, P. L.
Pugh, D.
Ramsden, Sir J. W.
Repton, G. W. J.
Ridley, Sir M. W.
Rolt, J.
Rowley, hon. R. T.

Salt, T.
Sclater-Booth, G.
Scully, V.
Selwyn, C. J.
Shirley, E. P.
Smith, Montagu
Smith, A.
Smith, S. G.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Stirling, W.
Stuart, Lieut. Col. W.
Stracey, Sir H.
Sturt, H. G.
Sturt, N.
Talbot, hon. W. C.
Taylor, Col.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Turner, J. A.
Upton, hon. Gen.
Vance, J.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Walter, J.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Whitmore, H.
Williams, Col.
Woodd, B. T.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Col.
Wynne, C. G.
Yorke, hon. E. T.

TELLERS.
Cave, Mr.
Smith, Mr.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 11, 1861.

MINUTES.] PUBLIC BILLS.—1^{a} Consolidated Fund
3^{a} Queensland.
(£3,000,000) Government.

PRIVATE BILLS.—RESOLUTIONS.

On the Motion of Lord REDESDALE it was

Resolved,—

"That no Private Bill brought from the House of Commons shall be read a Second Time after Tuesday, the 9th Day of July next:

"That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Tuesday, the 9th Day of July next:

"That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended."

LORD REDESDALE said, the House having agreed to these Resolutions respecting private Bills he wished to state that he would not give notice of any Resolution regarding public Bills similar to that he usually proposed at that period of the Session. He had come to this conclusion, not because he had changed his opinion on the subject, but because he thought it better to see what recommendations would be made by the Committees of both Houses, now sitting on Public Business. The Resolution come to in former Sessions on this subject had been disapproved by several Members of that House; but he could show a precedent for it in the proceedings of their Lordships' House. As far back as 1668 there was a Standing Order made, on the occasion of a Bill coming up from the Commons at a late period of the Session with a great many clauses, that

> "There be no such argument hereafter used in this House of shortness of time for the passing of Bills to precipitate the passing thereof: but that due consideration be had hereafter."

There was thus a Standing Order 200 years old on the subject. He believed that the principle of fixing a time for second readings was substantially a sound one, and that the business of their Lordships' House could not be got through properly unless they knew, at a reasonable period before the prorogation, what were the measures that were to come under consideration. It was urged, as an objection to it, that at the time the Resolution was moved it was not known when the Session would terminate; but, the fact was, that the Session did always terminate at a particular period, and the business could not be got through by that time if the Bills were not before their Lordships prior to a certain date. He wished the other House of Parliament would adopt a similar rule. Practically it did so, because some weeks before the probable close of the Session the Minister was asked what Bills he intended to proceed with, and a statement was usually made that such and such Bills would be proceeded with and that others would be dropped. His opinion was that the course of fixing a certain day after which no second readings should be taken would be preferable to that.

EARL GRANVILLE thought, that the noble Lord the Chairman of Committees had exercised a wise discretion in confining his Motion to private Bills, and in not moving his customary Resolution in regard to private Bills, while the matter was under consideration of two Committees. As he had done so, it was not necessary for him to enter into a discussion of the principle as applied to public measures; and he had not offered any opposition to the Motion of the noble Lord.

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, April 11, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Marylebone *v.* Edwin James, esquire, Manor of Northstead.

PUBLIC BILLS.—1° Common Law Procedure Act (1854) Extension; Poor Assessments (Scotland).

2° County Surveyors, &c. (Ireland); Voters (Ireland).

DUBLIN BOTANIC GARDENS.

QUESTION.

MR. VINCENT SCULLY said, he rose to ask the Chief Secretary for Ireland, Whether the Government will recommend that the Public shall have a more frequent and free access to the Royal Botanic Gardens, near Dublin?

MR. CARDWELL said, the Botanic Gardens were under the direction of the Privy Council of Education. He had ascertained from his right hon. Friend (Mr. Lowe), that it was their intention to open the gardens as freely to the public as Kew Gardens are now opened.

THE MISCELLANEOUS ESTIMATES.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, Why the Miscellaneous Estimates have not yet been printed, and when they may be expected?

MR. PEEL replied that a portion of the Estimates would be ready to-morrow (Friday), and another portion on Monday.

SUB-INSPECTORS OF FACTORIES.

QUESTION.

MAJOR EDWARDS said, he would beg to ask the Secretary of State for the Home Department, Whether he has any intention to increase the number of Sub-Inspectors of Factories upon the Bleach Works Bill coming into force, and whether any recent Correspondence has taken place with the Inspectors of Factories upon any proposed increase of the staff of Sub-Inspectors; and if so, whether there will be any objection to lay such Correspondence upon the Table of the House?

SIR GEORGE LEWIS said, in consequence of the operation of the Bleach Works Bill he had addressed a communication to three Factory Inspectors, in order to ascertain whether any increase would be required in the number of Sub-Inspectors. He had not yet received any answers to these communications, which were not of a strict official nature, so as to permit it to be laid upon the Table of the House.

THAMES CONSERVANCY.

QUESTION.

MR. LOCKE said, he wished to ask the Secretary of State for the Home Department, When the Annual Return of the Conservators of the Thames will be made, according to the provisions of the Thames Conservancy Act of 1857?

SIR GEORGE LEWIS, in reply, said, that the Annual Report of the Conservators of the Thames was not made to the Home Department. It was made to the Houses of Parliament directly. He had not any knowledge on the subject, as the Report did not pass through his hands. He observed, however, that the last Report was dated 23rd April, 1860, therefore an entire year had not elapsed since the last Report had been presented.

THE GRAVES AT SEBASTOPOL.

QUESTION.

GENERAL BUCKLEY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether his attention has been called to a letter in *The Times* of 22nd March, from Colonel Gowan, respecting the Cemeteries at Sebastopol, in which he states "that there are a great number of Cemeteries that require repair," and that he does not believe the present guardian to be aware of the position of a dozen of the seventy-two English Cemeteries around Sebastopol?

SIR ROBERT PEEL said, before the noble Lord answered the question of the hon. and gallant Member he should like to ask whether any communication has passed between Sir Andrew Buchanan and the Spanish Government with respect to the persecutions which have taken place there?

LORD JOHN RUSSELL said, in answer to the first question I have to state that in July of last year it was decided that the Consul General at Odessa, Mr. Murray, should recommend a person to take charge of the graves at Sebastopol. That gentleman recommended an officer in the Russian service, who made an elaborate report on the subject. But from information subsequently received it was thought better that the care of those graves should be placed in the hands of Mr. Eldridge, the Consul at Kertch—a very deserving person, who was of great use to our army at the time of the Crimean war. The Foreign Office proposed, and the Treasury consented, that a sum of £1,800 to £2,000 should be expended in repairing these graves. I am sorry to say that some desecration and opening of those graves has taken place. I trust that this measure will be effectual for the preservation and restoration of them. With regard to the other question I would rather answer it another day as I am not prepared now.

SUPPLY—NAVY ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair,"

CONSTRUCTION OF SHIPS.

RESOLUTIONS.

Mr. LINDSAY rose to move as an Amendment the Resolutions of which he had given notice—

> "1. That it is expedient to defer any further expenditure on the construction or conversion of wooden line-of-battle ships. 2. That it is inexpedient to incur during the present year the expenditure requisite for the completion of the line-of-battle ships now on the stocks; and that during the present year it is not expedient to commence the construction of any wooden vessels which carry guns on more than one deck. 3. That it is inexpedient, without further experience, to sanction the expenditure of any money for the purpose of adapting Her Majesty's dockyards for the construction of iron vessels."

He said, that it was with considerable reluctance he adopted any course which might appear to retard unnecessarily the progress of business; but there were certain important matters which hon. Members would do well to consider before they voted the Supplies. He would at once admit, so as to prevent, if possible, any unnecessary discussion, that the safety of a country should be its first consideration, and if England was in danger no premium was too high to pay for the protection of our homes and our property, and also of our national honour. All prudent men insured their property. As it was with individuals, so it ought to be with nations; but the former insured against dangers beyond their control, such as the casualties at sea, or ravages by fire. The dangers, however, which threatened a nation such as England were often within its own control, and were, at times, of its own creation.

Danger was often increased by mistakes in diplomacy, by interference in the affairs of other nations, and often by speeches in that House. The noble Lord at the head of the Government had lately delivered a speech of such a nature that if he (Mr. Lindsay), as an underwriter, had been asked to take an insurance upon the national risk, he would certainly have demanded a higher premium after the speech than he would have taken before it. It was said that the best security for peace was to be prepared for war; but when it was known that a nation had a sufficient amount of ships of war to resist the attacks of at least any other two nations combined, independent of the vessels necessary to protect her widely-extended commerce, and her shores, any excess of tonnage was considered by other nations, and it undoubtedly was, a menace.

The people of France looked upon our large naval armaments as a menace to them. The *Journal des Débats* a few years ago remarked (and that well-known journal had certainly cause for so doing) that—

> "The First Minister of England should once more have no other means of obtaining enormous Votes of money and oratorical effects than by parading before the House of Commons, the *monstrum horrendum* of invasion is what we cannot understand—or, rather, what we understand too well. If France does not arm, if France is not armed—if her navy, inferior, not in value, but in number both as to men and ships, is not ready to enter upon a struggle with the naval power of Great Britain—where is the danger? History is full of instructions which we must not neglect. There are temptations which the best friends, when they are the strongest, cannot always resist. The most ordinary prudence would recommend not exposing them to the trial. But it is averred that beside the squadron in the Chinese seas, France has not one single armed vessel more than she possesses in ordinary times. Against whom, therefore, are prepared the formidable armaments of England—her sixteen vessels in the Mediterranean, where we have only eight; her squadron in the Channel where we have not one? Must we arm also? Such is the question which suggests itself, and to which we do not hesitate to answer —Yes. Who, then, will be first to halt in this reckless and ruinous course, if not the stronger?"

Well might the writer ask, Who was to halt in that reckless and ruinous course? England had a large fleet in the Channel, France had none; England had a fleet twice as large as France in the Mediterranean. What was the consequence? France went on increasing her navy because England was increasing hers; that reacted upon us, and we went on increasing ours; and thus two great nations, professing friendship and entering into matters of commerce with each other, went on at the same moment playing the foolish and, in this instance, dangerous game of "beggar your neighbour." Now, what were the facts? France had 35 steam line-of-battle ships built, and 2 building — 37 in all; England had 53 line-of-battle ships built, and 14 building—67 in all. Surely, with 37 line-of-battle ships, France would not attack a nation with 67. He had taken some trouble to go into this matter, and what had he found? Take all the world, exclusive of England, and it had of efficient steam line-of-battle ships only 45. Did they want anything more? If the House saw that we had 22 line-of-battle ships more than all the world combined would it say that we wanted more? All he desired then was that they should not, in those Estimates which they were about to vote, call for more money for line-of-battle ships. How did they stand with regard to frigates? Much had been said of the number and superior force of the vessels of that class belonging to France. That country had 25 screw and 18 paddle frigates, and England had 42 screw frigates and 9 paddle; so that England possessed 9 more frigates than France. He did not think it would be denied by the noble Lord the Secretary to the Admiralty that in point of efficiency our frigates were vastly superior to those of France. Of the 43 vessels of this class possessed by France, 5 of the screw frigates had only 200-horse power; and out of the 18 paddle-wheel vessels, 16 were built 21 years ago, and built, not for ships of war, but for the purpose of transatlantic steam navigation. If he took the number of steam vessels mounting 20 guns and upwards, he found this country had, in round numbers, about 145, and France had 75. All the nations of the world combined had only 139, so that we had sufficient of these vessels to compete with the whole world, and more than sufficient, unless we were prepared to own that our ships and our men were inferior to those of foreign nations. Now, with regard to iron ships, France had only one of that class ready for sea at the present time, and that was *La Gloire.* She had 2 others launched, which could be got ready in the course of the present year, and 3 more were building, making in all 6 iron vessels, which mounted from 36 to 52 guns. She had 4 other smaller vessels of this class building, mounting 14 guns, and which were intended for battery vessels and the protection of harbours; and she had 5 more, mounting only 2 guns. Those vessels could not be got ready within two years and a half from the present time. How many of these vessels had we building? We had got 7 built or building, 2 of which—the *Warrior* and *Black Prince* — had been launched. Each of these two vessels were of a tonnage and power equal to two *La Gloires.* It was said that France had ordered 10 more iron-cased vessels, similar in size to *La Gloire,* but he was unable to ascertain that such was the fact. He knew that there were not 10 more of these vessels building, and he did not think that they had been ordered. But where was the money to come from? Many hon. Members were under the impression that money to any amount could be expended upon the navy of France without our knowledge. He had received a letter from a most intelligent Frenchman and a member of the Senate, with which he would trouble the House, as there appeared to be a very erroneous impression in regard to the mode of expending the public money in France. The writer says—

"A singular notion is now prevalent in England that France is under the rule of an absolute and despotic Government, with no control from the Chambers, or from the Public, in regard to finances and financial accounts, so that estimates are a mere mockery, and the budget a farce or a joke, at the pleasure of the Emperor. Such a notion is perfectly groundless. Our system of finances has never ceased to be one of control and guarantees. It is governed still, with very few changes, by an ordinance of 1838. For each minister there are estimates voted by the Legislative body. These estimates may be increased by special laws, and by what are called *credits supplementaires credits* and *extraordinaires;* but any credit of either kind is granted by a decree deliberated in the Council of State, and published in the Gazette (*Bulletin des Lois*). Besides, all the *credits supplementaires* or *extraordinaires* must be approved of by a law in the next sitting of the Chambers. A special volume is published every year containing the details of these credits, and this volume is to be got on the quays for a trifle. When the year is past, the proper minister is bound, and never fails to publish another blue book, containing all the sums which have been granted under the shape of estimates (*le budget*) or of special laws; or as *credits supplementaires* or *extraordinaires*, and to give an account of all that he has expended under each head.

"Then there is a special Committee appointed every year to look into these accounts. They also publish a blue book."

"Then a law is required for the approval of the same.

"Besides, there is a sharp control from the audit office, which is an independent body, being appointed for life. They look most minutely into the accounts. They would never allow a single penny, granted to any Minister by the Estimates, or by the credits, to be expended by another Minister. In fact, this change from one Minister to another is never thought of, and the smallest *employé* here would smile were he told that, for instance, the Minister of the navy may receive any part of the budget, or of the credits of any kind of any other Minister. The audit office annoy the Ministers, because they require many formalities, and they see that all the regulations are strictly complied with. They publish every year a large volume, sometimes with unpleasant comments."

But even this statement, he feared, would not banish from the minds of some hon. Members the impression that vast sums of money ostensibly voted for one object were expended upon another. They might still be of opinion that no control was exercised by the Chamber or by the people in regard to the Estimates. He had, therefore, from another source of information, obtained a list of the votes for the navy of France for the last ten years, and the actual expenditure during that period. In 1850 the vote amounted to £3,463,000; 1851, £3,883,000; 1852, £3,738,000; 1853, £3,736,000; 1854, £3,800,000; 1855, £4,118,000; 1856, £4,172,000; 1857, £4,165,000; 1858, £4,607,000; 1859, £4,910,000; 1860, £4,940,000; 1861, £4,975,000. The following were the sums expended:—1850, £3,327,000; 1851, £3,204,000; 1852, £3,412,000; 1853, £3,972,000; 1854, £4,696,000; 1855, the year of the war, £8,640,000; 1856, also a year of war, £8,309,000. The war ceased, and the expenditure fell down to about the usual mark; 1857, £5,076,000; 1858, £5,400,000. For 1859 he had no Return, as the expenditure for that year, and for 1860, had not yet been compiled and published; but no doubt it would be something like the same in proportion to the votes, as it had been in former years; one year less, another more, and in years, after war, when ships had to be refitted or replaced by others, the expenditure might, as in 1857 and 1858, considerably exceed the Estimates. But was it not so with us? In 1859 the Vote for the British Navy amounted to £9,113,000, but the Minister of the day asked for and got another Vote, and in that year the expenditure in round numbers amounted to £2,000,000 more than the original Estimate. But see how our expenditure has been increasing compared to that of France. In 1835, the sum voted for the British Navy amounted to £4,240,000, and in 1852 it amounted to £5,800,000. In 1855 and 1856, it was in each year some £17,000,000 or £18,000,000, on account of the Crimean war. In 1857, £8,200,000; 1858, £8,800,000; 1859, £11,775,000; and in 1860, a year of peace, the Vote was no less than £12,822,000—more than double the Vote for the navy of France. Items to the extent of about £2,000,000, included in their Estimates were not included in the Estimates of France, and if they struck off those £2,000,000 it would make the English Estimates £10,000,000, against the French Estimates of £5,000,000, so that they were spending double the amount of France. The Government proposed this year a Vote of no less than £12,029,000; and when they had a navy greater than all the navies of the world combined, and were at peace with all nations, what did they want with that sum? On Vote 10 (Stores) alone they asked for £3,289,000, which was £300,000 in excess of last year, though 1860 had greatly exceeded any previous year—the two years of the unfortunate Crimean war excepted. We were asked to vote £949,000 for timber, though the Votes for that article in former years had been somewhat as follows:—for 1850, £325,000; 1852, £322,000; 1858, £363,000, and for 1859, when we had a wooden navy to build or "re-construct," the Vote was only £453,900; while this year, when we had an efficient wooden fleet greater than all the navies in the world combined, no less a sum than £949,000 was demanded from us. He could not believe that the Cabinet had considered these Estimates. Vast sums seemed to be taken at random. We are asked to vote them almost without consideration or debate; and if we do not vote them, we will likely be told that this vast expenditure is no business of ours, and that if the proposed Resolutions are pressed to a division, the Government will deal with them as a vote of censure. £271,000 was also demanded of us for metals, a large portion of which was for bolts, iron knees, and so forth, for wooden ships. £380,000 or thereabouts for hemp, canvass, rope, paint, &c., &c. £685,000 for machinery; a considerable portion of this sum was for the engines of new line-of-battle ships, and wooden vessels of various kinds: and £755,000 for iron vessels to be built by contract, independent of to iron ship about to be laid down in the Dockyard, Chatham, but including

£150,000 for transports. If they were not to build any more wooden line-of-battle ships, the country would expect that they should reduce the Vote for timber from £1,000,000 to £700,000, at most. For the same reason they might with perfect prudence strike off £100,000 from the Vote for metals; £80,000 from the Vote for hemp, and such like stores; and from the Vote of £685,000 for machinery, they might strike off the odd £185,000, leaving £500,000 for new engines. He did not think it would be advisable to expend money for the purchase of more transports until the Transport Committee should lay their Report before the House, which he hoped they would be able to do in a few months. If they did not continue to build those great ships they would not require so many workmen. The permanent staff in the yards and factories consisted of 13,300; and why should they be asked for 2,938 men extra? They might take from £150,000 to £200,000 off that Vote. They would not require so many measurers and surveyors, and a reduction might be made to some extent in Vote 6. He also begged to draw attention to the expense of the Admiralty Department at Whitehall. They had some 450 altogether in Whitehall, and Somerset House, and no less than 154 clerks in the Accountant General's Department, and yet the Government wanted money for extra clerks. He submitted that they might altogether make a reduction in the various Votes, but especially in Votes 10 and 11, to the extent of £1,150,000. He would next refer to his third proposal—That it was inexpedient, without further experience, to sanction the expenditure of money in Her Majesty's dockyards on the construction of iron vessels. He was anxious to have the opinion of the House upon this matter. Can we go on with advantage constructing iron vessels in Her Majesty's dockyards? The Report of the Dockyard Commission has just been laid upon the table. It was an able and a most striking document. That Report was drawn up by gentlemen who evidently felt that they had an important duty to perform, and their recorded opinion was that iron shipbuilding should not be carried on in Her Majesty's dockyards under the present system of keeping accounts. The Government considered it necessary—or at least it was so stated by their representatives in this House—to build iron ships in the public yards for the purpose of having a check upon contractors as to their cost; but the Commission had arrived at the conclusion that there could be no such check under the present system of accounts. They say, "The system is elaborate and minute, but, so far as we can judge, its results are not to be relied upon for any practical purpose." No sentence could be more severe than that, because if accounts were of no use for practical purposes they were worthless—nay, worse than worthless, because they were misleading. As a proof of the alleged inaccuracy they state that, in Woolwich Dockyard alone, there occurred in the course of eight months 7,966 errors. If this was a specimen of the rest, then in the accounts of all the yards there could not have been less than 80,000 errors in the course of the year. They occurred in various ways. In the rating, valuing, and totaling of timber; in calculations for workmanship; in rating, totaling, and so forth. In fact, everything seemed to be in error. The sum of £4,480 for the engines and boilers of the *Rainbow* were omitted to be entered in the monthly return for May; sums from £1,000 to £1,200 were charged twice; and a sum of £5,210 for expenses incurred in the victualling department was omitted to be charged. This was a most lamentable—a most deplorable state of things. The witnesses examined, it should be remembered, were servants of Her Majesty, and they stated that, to make the accounts balance, there had to be entered an item called "general expenditure." If that was equivalent to "sundries," which covered a multitude of evils, it was something fearfully bad; but if it was simply "petty cash," and if all the items could be accounted for it was a much less serious matter. But with accounts of this kind it was absolutely impossible to say what our ships had cost, and what an iron ship would cost in Her Majesty's dockyards. It did, however, appear from calculations made by the Commissioners who had just reported that in Pembroke Dockyard, from January, 1848, to January, 1859, vessels had been built of 67,435 tons, and they had cost at least double the sum they might have been built for, and ought to have cost. In the face of such facts as these he was astonished that it should be proposed to go on building iron ships in Her Majesty's dockyards; and he trusted that the House of Commons would refuse to spend more of the public money in this way till there had been a thorough change of system. Let the present Vote, at least for a ship built at Chatham, be at all events delayed till it could be shown that the dockyards could build the vessels at as low a price as private builders. He asked the House also to consider the people who were called upon to pay for these ships. And in considering the people, consider also their prospects of employment. The telegrams which told of the strike of thousands of workmen at Ashton, Staleybridge, and other places against a necessary reduction of wages might be regarded as the handwriting on the wall, by which the House would do well to take warning; and if it could reduce the Estimates by £1,000,000, or £1,200,000, without impairing the efficiency of the service it was bound to do so. The people who sent hon. Members to that House expected that they would see that no unnecessary taxes were imposed. It was their first duty to do so, and for that reason it was not without confidence he left the matter in the hands of the House. The hon. Member concluded by moving the first of his Resolutions:—

"1. That it is expedient to defer any further expenditure on the construction or conversion of wooden line-of-battle ships."

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient to defer any further expenditure on the construction or conversion of wooden line-of-battle ships,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR MORTON PETO: Sir, I trust the House will, on this occasion, afford me its indulgence in permitting me to refer to various documents, and even to risk the trying of its patience by reading extracts from some of them. I trust they will feel the importance of the subject will warrant my doing so. I must first refer to the introduction of iron ships to the navy, and show how difficult from the constitution of the Admiralty itself is the introduction of any improvement; and I feel this to be the more important, as, at the present time, the reconstruction of the Board of Admiralty is under the consideration of the House.

I find the first introduction of any iron vessels was in 1839; but they were then only used for the Post Office packets at Dover. From that time to the year 1846 the extensive use of iron in the commercial marine had forced itself on the attention of the Government, and I find that the Government had ordered several vessels of iron construction. In 1846 there was a change of Ministry. The first act of the new Ministry was to send round to the various yards to ascertain the state of progress of these vessels and immediately to suspend them. They charged the preceding Ministry with having ordered iron vessels at a large cost, without having instituted any sufficient experiments or inquiries to justify their doing so. They also inquired what progress had been made in the adaptation of the screw to vessels of war; and it was only on the report of the superintendents of the yards that they were too far advanced to permit of any change, that the whole of what had been done by Sir George Cockburn in the adaptation of the screw now universally approved and in use was not altogether abandoned. But did that Ministry introduce the use of iron with inconsiderate haste? I deny such to be the fact, and will now proceed to prove it. That Ministry had instituted and carried out a series of well-conducted experiments at Woolwich, extending over a considerable period. Besides these experiments they had before them the experience derived from four vessels constructed for the late East India Company. The *Nemesis*, built of ⅜-in. plates, 700 tons, in China for three years; the *Guadaloupe*, of ⅜-in. and ½-in. plates, two years on the coast of Mexico; the *Lizard* and the *Harpy*, of ⅜ in. plates, 340 tons; and these Reports, made to the Admiralty by their respective officers, are so important that I must read them to the House.

Captain Hall, R.N., states—

"*Nemesis* was frequently struck, as often as fourteen times in one action, and much damaged by shot in her upper works. But only one shot can be said to have gone straight through the vessel, which made a hole as if you put your finger through a piece of brown paper. Other shot struck the *Nemesis* in a slanting direction, and merely indented the iron, glancing off without penetrating. We remarked no particular danger from splinters of iron; but I would remark that the *Nemesis* was constructed of the best possible material, and put together with the best possible workmanship. She was divided into seven water-tight compartments; and I am of decided opinion that no war steamer of iron should be divided into less. The *Nemesis* had holes knocked in her bottom many times by sharp rocks, and these were easily stopped for the time by driving in plugs of wood and oakum from the inside. For myself, judging from my own experience, and well knowing that the sides of iron steamers (particularly between wind and water) could be strengthened and supported so as to prevent the destructive effects of shot, which have caused so much alarm, I should still give the preference to an iron over a wooden steamer as a command under all circumstances."

Captain Charleswood, R.N., states—

"Notwithstanding all the extraordinary reports which have been sent home of the effects of shot upon one of our iron men-of-war, my opinion is as strong as ever upon this point, providing the vessel is properly built. And I should still certainly prefer commanding an iron steam frigate to a wooden one. I think, also, that you will consider my opinion as to the effects of shot upon iron vessels as not a rash one or made upon slight grounds, when I inform you of the following particular cases which occurred to the *Guadaloupe* Mexican frigate, two of which occurred when I was actually on board in command of the vessel, and the others very shortly after the Admiralty orders reached me instructing me to return home, when Mr. Martin, a relative of mine, was in command. Full particulars of each case I have both from him and other officers who were on board:—

"No. 1. A 24-pound shot struck the vessel on the bow where the woodwork of the head is bolted to the bow, and consequently lies over the iron side. This shot, fired from a distance of about 1,000 yards, passed through the woodwork (say about five inches thick) and iron, and dropped on board, simply making a hole sufficiently large to let the shot pass through.

"No. 2. A shot struck the counter, indented the iron, and glanced off; had the vessel been constructed of wood this shot, I think, would have entered.

"No. 3. A 24-pound shot nearly spent struck the iron bulwark on the inside, having passed over the port side of the vessel. This shot started the iron, and burst the rivets of a plate for about nine inches in length.

"No. 4. A full plumper 24-pound shot struck just abaft the mainmast on the port side, and about two feet under water; this shot passed through the side, and lodged in the coal bunker; the hole was made quite tight temporarily with a common plug; no rivets were started or damage done beyond the circular hole made by the shot.

"No. 5. An 18-pound shot fired at a distance of about 200 yards. This shot struck the vessel's side near the foremast, passed through the iron, making a clean hole as if it had been drilled, and through three casks of salt provisions.

"These shot-holes were all repaired by the boiler makers, who served on board as engineers and firemen. Four holes were drilled round each shot-hole from the inside, corresponding with four holes in an iron plate lowered down outside, and four screw bolts made them perfectly tight and secure, not a drop of water finding its way through. The vessel was in severe weather repeatedly afterwards, and I believe to this day nothing more has been done to these shot-holes. I should remark that the case of No. 3, of the spent-shot, would have been the worst leak to contend with had it struck the vessel under water, as a plug could not easily have been applied; but still the leak would not have been, comparatively, a severe one. Several other shots struck the vessel about the hull when I was on board and afterwards; but these are the only cases worth mentioning, and which have any bearing on the question in point."

Sir Morton Peto

Lieutenant Proctor, R.N., commanding the *Harpy*, states—

"One shot only, after passing through two floats and damaging a segment of the wheel, struck the iron portion of the hull immediately outside an angle iron. The shot had not sufficient momentum to pass through the side, but caused a split in the form of a cross, breaking the said angle iron, which there is no doubt impeded the shot from passing through. It was necessary to rivet a patch of sheet-iron a foot square over the part damaged."

Lieutenant Tylden, R.N., commanding the *Lizard*, states—

"This vessel received seven shots between wind and water, besides nine cannon, fourteen grape, and forty-one musket balls, in the hull and bulwarks, and seven cannon and grape shot in the funnel and steam-pipe."

Now, Sir, these reports show, without any doubt whatever, that iron vessels, built even of thin plates, when injured are easily repaired; that when they are built in compartments they are safer vessels than any wooden ones which can be constructed, and in their being to a larger extent safer from the casualty of taking fire, they are on that account possessed of an immeasurable advantage; and I contend that from these Reports, and the result of the experiments at Woolwich, to which I have referred, the Government were justified in making a trial of iron ships for Her Majesty's Navy. But, Sir, did the Government take no advice before they refused proceeding with the iron ships then far advanced which had been ordered by the Government preceding? We find from the works of Sir Howard Douglas that he was consulted, and his advice is so important that I prefer reading to the House an extract from it. He says—

"I was consulted by the late Sir Robert Peel on his accession to the Government, as to the use and efficiency of a certain half-dozen iron frigates, two of which were finished, and four constructing by contract. I stated in reply, that vessels wholly constructed of iron were utterly unfit for all the purposes of war, whether armed, or as transports for the conveyance of troops. I stated that a shot striking with great velocity would drive into the ship numerous splinters of the disc struck; that shot striking with reduced velocity, as when fired from a distance, would make large jagged holes which could not be plugged from the inside; that shot striking a rivet or rivets, as at the junction of four plates they might do, would make a large breach in the side of the ship; that the shot might break on impact, and its fragments, together with those of the plates would drive into the ship a mass of splinters, consisting of pieces of shot-bolts, bolt-heads, nuts, and innumerable pieces of iron, which would prove more deadly and extensive than any shell, grape shot, or case shot."

I do not blame Sir Robert Peel for consulting Sir Howard Douglas; nor am I prepared to state that the opinion Sir Howard gave was not conscientiously formed ; but the House will see that however talented a particular individual may be, if he has been educated in a certain school, if his mind is affected by habits of routine, his opinion is not to be relied on.

It will be seen that the experience of the four commanders thoroughly disproves all Sir Howard Douglas says ; and in such a case nothing less than a Commission of scientific and practical men should have been resorted to before such a decision was taken ; but, as it was necessary that this opinion of Sir Howard Douglas should be supported by experiment, the Government ordered that the effect should be tried of gunnery from a three-decker at Portsmouth on an iron vessel, and I must now show the House how this experiment was conducted, and its worth :—In 1841 a small iron steamer of 73 tons, 20-horse power engine, and a coal-stowage of 2 tons, had been built at Bristol of the very slight material of one-eighth plates ; and in her employment of taking shipwrights to and fro between Portsmouth Harbour and Spithead she had been already worn out and formally condemned as unsafe. This was to be the representative—and this is the description of her state as recorded in the evidence of the officers who surveyed her —Her state was very bad: the iron of which she was constructed was originally very thin—not thicker than a half-crown ; the seams of the rivets were many of them almost quite gone ; the ribs were very far apart — I should consider it likely they were about four feet apart, instead of being perhaps ten inches or a foot ; the heads of her rivets were quite gone, especially internally ; the deck was also partly removed for the purpose of lifting the machinery out previous to the experiment, and made the vessel still weaker.

And, by another of her surveying officers, it is stated that the plating between the ribs yielded so much to the foot as to lead to the conclusion that it could not safely bear a man's weight.

In this state the *Ruby* was placed before the broadside of a three-decker at Portsmouth. She afforded practice for two days ; 40 shots in all being fired through her from a distance of 450 yards, with all guns, and all charges, from the 10-inch Paixhans to the 32-pounder corronade, and in all cases with complete success ;—the vessel being swung round during the operation, so as to receive her full share of punishment, "end on" as well as "broadside on,"—all effects of each shot being minutely described, and measured, and pictured, and duly reported. But throughout this very minute "Report," and throughout every subsequent reference made to it, it is remarkable to observe how every word which could inform us of the original thickness of the *Ruby's* plates, or their actual state when fired at, seems to have been overlooked ;—not that this "Report" itself, with its illustrative pictures, was at all procurable at the time, nor did it, indeed, become so until it took position as "Parliamentary Return No. 737 of 1850."

The result of this experiment was paraded to the House—they were informed the Government had taken the only effective means of settling this question—they had tried the effect of firing against the sides of an iron vessel itself, and found that the perforations of the shot were of a character which admitted of no repairs—that indeed the advice which had been given the Government that iron ships were "totally unfit for purposes of war," had been found to be based on results which in practice admitted of no doubt. So far, indeed, did the Admiralty carry their view that they determined they would not even allow the packets built by commercial companies and subsidized for postal service to be built of iron ; and it was not until very strong representations had been been made by the Cunard, Peninsular and Oriental, and other companies, that they were induced to relax this rule as to the mail steam-packets, as they have since been obliged by the example of foreign governments to relax it with regard to the navy itself.

Now, the House will be told, that for certain purposes, wooden ships will still be needed. Admitting they may be, the question arises, have we not enough ? The hon. Member for Sunderland has shown that we have already more wooden ships than all the rest of the world put together. The only power to whom the hand of fear constantly points is that of France—she has for three or four years ceased to build any wooden ships—why should we not then stay our hand?

But, Sir, I am prepared to carry the House much further in this matter, and to show, beyond all question, that the gravest doubts may be entertained whether your larger wooden ships can ever be used at all, having special reference to the new class of projectiles which would be used; and here I must ask permission to quote from the works of Sir Howard Douglas himself as to what was the effect of the time-fuzed shells of the Russians on our wooden ships and on those of the Turkish navy—

> "The damage sustained by the combined fleets was caused chiefly by the Russian shells, which were fitted with time-fuzes, as were those which they used at Sinope. The *Albion* received several shells close to the water-line, three entered the cockpit, and she was once or twice on fire. Having ceased firing in consequence of being compelled, when on fire, to close the magazine, and having signalled for the assistance of a steamer, the *Albion* was towed out of action stern foremost, by the *Firebrand*, in effecting which both vessels were severely damaged. The *Arethusa* was set on fire several times, and severely damaged by the Russian shells. One burst on the main deck, and knocked down a considerable number of men of the adjoining guns' crews; another shell burst on the lower deck, and set fire to some material close to 200 live-shells placed there for immediate use! Another shell blew out portions of several planks in the bends, and had there been any sea the ship must have sunk. A shell lodged and burst in the timbers at the water-line. An officer and five out of seven men standing together on the upper deck were dangerously wounded by the bursting of a shell. After having retired out of fire it was found necessary to heel the ship to plug shotholes below the water-line. The *Sans Pareil* suffered severely in men and spars. The *London* suffered considerably in her hull from shot and shells fired from the Telegraph Battery, and was three times on fire in two hours. The *Queen* was also forced to withdraw, a red-hot shot having set fire to her.
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> "The affair of Sinope was much more serious. The whole of the Turkish squadron was burnt by firing time-fused shells into them, from which they were set on fire from the ignition of powder circulating on the fighting decks, and which, there is no doubt, produced so much panic among the crew that they were unable to extinguish it."

Now, Sir, I would ask the House whether with this experience, any Ministry sending to sea a man-of-war built of wood, with 1,000 men on board, to be opposed by iron ships, themselves invulnerable, would not deserve impeachment? and whether there can be any hesitation in complying with the terms of the Motion that it is expedient to defer our proceeding further with wooden vessels?

I find a somewhat singular proof in this same work of Sir Howard Douglas of the blindness of prejudice. He admits that iron plates five-eight inches thick are shell-proof, and yet he does not see the immense advantage of a vessel which, though she may be perforated by iron shot, is proof against the shells which he describes in so graphic a manner, and which I have felt it right to read to the House.

Now, Sir, we find that France discontinued, in the years 1856-7, the building of wooden vessels. Why did she do so? Because they found that in the action against the forts at Kinburn neither shot nor shell could penetrate the sides of the iron vessels they employed. These experiments were as well known to our own Admiralty as they were to the French. Ample Reports were sent home; everything was minutely described. They were, no doubt, duly deposited in the Record Rooms of the Admiralty.

But while the French used their information, and learned the practical wisdom of staying a useless expenditure, what was our course of action? Why, Sir, since that time (will the House believe it?) we have built and converted 70 wooden vessels of 155,000 tons, 33,000 horse power, and carrying 3,800 guns; and we have now, at the present moment, upwards of 700 ships-of-war of 720,000 tons, of 125,000 horse power, and carrying 17,200 guns, and yet the present Estimates before the House contain a Vote of nearly a million of money for wood in store only!

In a recent debate, my hon. Friend the Member for Sunderland, in his statement to the House of what the French Government were at the present moment doing, read a paper which had been given him by the French Minister of Marine. That statement was received by many hon. Members with expressions of incredulity, and as much so by hon. Members on the Treasury bench as by any others. I determined to ask a practical engineer to visit the French ports, and report to me what was actually doing. He returned only two days since, and reports there is not the slighest sign of activity; that at Toulon, where more is doing than at any other port, if the convict force were withdrawn, there would be scarcely anything doing at all.

What does the House think, then, of the statements which have been made, that such was the activity of the French dockyards that men were clustered on the sides of the iron vessels like bees in a summer hive? My friend could only find the six frigates which were stopped in 1858, having been begun as wooden vessels, and now in process of being iron-plated. The *Gloire* has been launched, and, as the House is aware, her speed tried at sea. The *Normandie* has been launched; but instead of being ready for action, as stated, she has not yet an iron plate fixed on her side, though there were 200 delivered ready for fixing. My friend went to France with very different impressions. He returns and gives me the assurance that the statement of the French Minister was an understatement rather than the reverse, but that it was in every respect correct.

I must now call attention to the fact that these vessels building by France are all of one class—the same speed and the same carrying power; and I maintain that until France builds any other class of vessels, those which we build should be of relative speed and class, able in every respect to cope with them. Let us see what we are doing in this respect. We have first the vessels ordered by the late Administration, the *Warrior* and *Black Prince.* These, in the opinion of all practical and scientific men, are worthy of the country, and will be found far more powerful in action than the French vessels, and will equal them in speed: they carry 36 guns: they have stowage for fuel of between 900 and 1,200 tons, and are calculated to have a speed of between 13 and 14 knots an hour. These vessels are being built by Napier and the Thames Company. We are also building Class 2, two vessels—the *Resistance* and the *Defiance* by Westwood and Baily of the Thames; and Palmer, at Newcastle. They are small vessels of 16 guns—3,000 tons burden; their speed cannot be calculated to exceed ten or eleven knots an hour. Class 3, two vessels—one building by Westwood and Baily of the Thames; and one by Napier of the Clyde: these are ships of 4,000 tons; the weight of their hulls alone may be taken at 4,000 tons, leaving the difference only between nominal and actual tonnage for armament and fuel: these two vessels cannot be calculated from their form and engine-power to have a speed of more than nine knots an hour, and will not have the carrying capacity for fuel for more than three days consumption.

Now, Sir, I would ask gallant Admirals who are Members of this House, whether, if in command of a fleet, they would not like to have vessels with something of the same powers of speed and stowage of fuel? I would ask them whether they would wish to sail with a fleet, some vessels of which carry twelve or thirteen days fuel, and others between three and five days fuel? Now, I think, the Admiralty is bound to give some explanations to the House why these alterations have been made? Why, if they were building six vessels to oppose six other vessels, all of which had uniform power and speed, they departed from the model laid down by the late Board of Admiralty. Independently of the want of power and stowage, these latter vessels would be built at a greater cost per gun, though with inferior seagoing qualities.

But there is another reason why the progress of any wooden ships of war now building should be stayed. Let us ask whether it is not possible to turn them to a better account? Suppose we have a three-decker in process of building at a certain stage of advancement, by removing the upper deck they would take off at least 1,800 tons of dead weight. By applying that weight in the shape of iron plates to the sides of the ship they would get, not indeed a 90 gun wooden vessel, but a 36 gun iron-plated ship, with 250 men instead of 900. I should like to ask the gallant Admiral now below me, who rendered the country such services in China, whether he would not rather be in command of the smaller vessel than the larger one; and whether the larger one would stand the slightest chance in action with the smaller one?

My noble Friend the Secretary to the Admiralty stated the other evening as an objection to iron vessels, that their bottoms would be foul and like a lawyer's wig. Then this conversion would commend itself to my noble Friend, for we should then have—as the French have—iron sides and copper bottoms.

I will now call attention to another important consideration, namely, the difference in the cost of repairing wooden and iron vessels. According to the Estimates before the House the cost of the steam factories for the year was £300,000. The cost of steam engines for the iron fleet would not be more than for the wooden fleet; but suppose they expended £500,000 instead of £300,000, and allow £500,000 for the repairs of the hulls of the iron fleet—and it should be borne in mind that, excepting after an action, the cost of the repairs of the iron hulls would be but trifling—they would have as the entire cost of the repairs and maintenance of the iron fleet one million sterling per annum. Moreover, the iron fleet would always be ready for action, whereas it was not certain that wooden vessels would, when laid up, be capable of going to sea at all. It often happened that when the hulls had been built some time extensive repairs were necessary before their engines could be put on board at all. But what had been the cost to us of the wooden fleet? During the last eight years we have spent twenty-nine millions sterling on ships alone, without any works or repairs to the dockyards. During these eight years we have added 2,000 guns to the naval force. Now, taking each gun at £4,000, we have an expenditure of eight millions; which leaves us twenty-one millions as the cost of converting, repairing, and maintaining the wooden fleet. The House should also consider the difference of cost of manning the wooden and iron fleet. We have now 50,000 sailors afloat. Now 25,000 in iron-clad ships would be far more effective than the 50,000. It is true you may require to be more select in your choice of men. It may be judicious to have more officers to direct them. But still, whether in maintenance or in working, I contend that an iron fleet presents the feature of an enormous economy in comparison with a wooden one. It presents also an aspect which a wooden fleet has never shown—certainty of expenditure. What have we to represent the twenty-one millions to which I just now referred? What a sum has the want of scientific and practical skill cost the country! What a sum is it now costing us! Iron ships are also universally acknowledged to be stronger than wooden vessels. Many of your best frigates dare not have the full power of their engines applied to the screw; and many of them, after but short service, require extensive re-caulking. In iron vessels this never can occur—the rivetting of the plates causes the joints to be as strong as the plates themselves.

With regard to the building of iron ships in the dockyards, if the building of these ships is an experiment, we are unwise in incurring the loss of providing plant for their construction; but if they are not an experiment, then to begin to build them at Chatham without proper arrangements, and as a temporary expedient, is what no man of business would recommend for a moment. There is no difficulty in obtaining the iron hulls at a fixed price—there is no difficulty in ensuring perfection of material and workmanship; but if all are built in our own dockyards as proposed, we shall never know the real cost to the country. We have a lesson in Keyham on dockyard expenditure. We started there an establishment for the repairs of our steamers to cost some £300,000 or £400,000, and it ended in spending upwards of a million and a half. The country is perfectly ready to pay for efficiency; but it has a perfect right to demand that efficiency shall be the result of its expenditure. Moreover, efficiency is the only measure of value; our Admiralty never seems to learn this lesson. Look, for instance, at the gunboat question. During the last war, when we were hard driven for gunboats, we purchased from the Prussian Government two iron gunboats which they had ordered for their small navy. With these we were able to burn the Russian stores at Kertch and Arabat, and the *Weser* and *Recruit* are still admirable vessels. But did our Admiralty order any more iron vessels to be built? No, but they built large numbers in wood, and such was the nature of the material used, that within two or three years half of them were found to be rotten! Every pound thus mis-spent entails many evils in the further cost of retrieving time and position.

I am of opinion that the hulls should be built in the Thames, Mersey, Clyde, or Tyne; that the whole of the engines should be supplied by builders of acknowledged character, and that the dockyards should be kept for repairs only. Your wooden ships, and the machinery necessary for them, require no addition; as I have before stated, the hulls of iron vessels require no repairs excepting after action. If these changes are made, we shall know our future expenditure, and it will be immensely less than it is at present. We have no need to spend any more money in this country on account of troop-ships. France in this respect is differently circumstanced. We have always our commercial marine to fall back upon for transports.

Much has been said about Sir Baldwin Walker's evidence. I have perused the evidence he has given before the Dockyard Commission. He gives it in a straightforward, manly way. He states that more than once he offered to resign, being conscious that he could not fulfil, to his own satisfaction, the responsibilities which his office incurred. Sir Baldwin, though a good sailor, had never studied the construction of vessels prior to his appointment to the office of Surveyor. In the case of Admiral Robinson, the Admiralty has done the same thing over again. Who can be surprised at these results when men who have no practical knowledge are thus appointed? We should have for Surveyor of the Navy a person intimately acquainted with the construction of vessels. He should have a direct responsibility in connection with these affairs. He should be aided by a council of practical and scientific men. When any particular class of vessel is added, its merits should be tested in every possible way. When it is found to answer its purpose perfectly, you can contract for the hulls and machinery. The votes can be taken for distinct expenditure. We shall know what we are voting, and the country will have the satisfaction of knowing that it gets value received for the taxes imposed. I have read with wonder and surprise in the evidence of Sir Baldwin Walker that engineers in the employment of the Admiralty have been offered large sums of money to furnish designs of vessels. We have plenty of practical knowledge and engineering skill in the country if the proper means are taken in having recourse to it. It could not be said that any deficiency of talent was shown in the construction of the Cunard vessels and those of the Peninsular and Oriental and Royal Mail Steam Packet Companies; or, was it that, all the talent of the country being in the hands of the Admiralty, these companies were indebted to its concentration there for the designs from which their vessels were constructed?

Another mode might be adopted of eliciting the talent of the country. Nothing was easier than for the Admiralty to say to six or seven firms of acknowledged ability, "We will give you certain conditions as to speed, armament, stowage of coal, accommodation for men, and every other requirement. You shall build us a vessel. We will not take one which does not fulfil these conditions, and to the firm which produces the best vessel, regard being had to all these conditions, we will give a large premium and future orders."

I believe, Sir, the faults of the Admiralty are more in the system than in the men. Great expectations were entertained of the results of placing my noble Friend, the Secretary of the Admiralty, in his office, and I cannot give the House a stronger proof of the faults and defects of the system than the fact that my noble Friend, with all his good intentions and his undoubted talent, has done so little for the country in the office which he occupies.

We live in eventful times. The future of any nation will no longer be determined by its pluck and courage alone; science and its practical application will decide our future battles; and surely this should be a cause not of weakness, but of strength. We have unlimited supplies of iron and of coal; we have the best practical and scientific engineers. Our country has been the birth place of the steam-engine itself. The rest of the world have copied us in its application to the thousand ways in which it has contributed to the advancement of civilization and progress. It is a new thing which has happened to our country—that in naval affairs, instead of leading, we are taught by France and the rest of Europe. This must not be: we have a great duty to perform, and we must not rest until we see the resources of this great nation properly applied. The country expects that we should act with decision and firmness in this matter, and without finding fault with individuals, or attributing anything to them but the most patriotic intentions, we must have courage to satisfy the just expectations of the nation. We must declare to the Admiralty that until its defective organization is remedied we will confide no more money to the hands of the Government than is absolutely necessary for defending the honour and safety of the country, and that we will wrest this vital arm of our power from incapacity and the paralysing influence of a system so ill-conceived and working such mighty mischief. I trust, Sir, that the House will agree unanimously to the Motion of my hon. Friend.

LORD CLARENCE PAGET: Sir, the House has listened with great, I may say with surpassing, interest to the statements made by my hon. Friend and by the hon. Baronet. If I abstain from following them and from defending the department to which I have the honour to belong from the various charges which have been made as to its incapacity and want of ability, and as to almost every detail connected with Admiralty management, it is not because I am unprepared to show that the Board of Admiralty has done its best under the circumstances in which it has been placed to rectify such errors as appear to have crept into its constitution, and into the various departments which it comprises. I abstain from attempting any such defence, because we have now to deal with certain Resolutions connected with the building of line-of-battle ships. It will, therefore, be my business to show to the House that it will be highly inexpedient to agree to these Resolutions as they stand, because, if we do agree to them, it is impossible that the Admiralty can be responsible for the maintenance of your fleet; it is quite impossible that the Admiralty can say, "We have done what we consider right for the safety and honour of the country," if an abstract Resolution of this nature is sanctioned by the House of Commons. With regard to the details of this Motion, my hon. Friend says, in the first place, that it is expedient to defer any further expenditure on the construction or conversion of wooden line-of-battle ships. Now, if my hon. Friend had followed me three years ago, in the days when it became obvious to practical men that our line-of-battle ships were not likely to maintain the position which they had held in former wars, he would have conferred a much greater boon upon the country than by coming forward at this moment.

MR. LINDSAY: The noble Lord must surely have forgotten that I seconded his Motion on the occasion he refers to.

LORD CLARENCE PAGET: I am alluding not to that speech, but to a speech which I made in 1857 and 1858, calling attention to the building of line-of-battle ships. My hon. Friend now comes and asks us to abstain from building line-of-battle ships. As regards that part of his Resolution I can offer no objection, inasmuch as it is not the intention of Her Majesty's Government at the present moment to proceed with the construction or completion of line-of-battle ships; but he couples this request with another Resolution, or part of a Resolution, which I think the House will see it is quite impossible that we can carry out consistently with our duty to the public, and with a due regard to the maintenance of the navy. I have expressed my opinion very often in this House with regard to the conversion of these line-of-battle ships; but my views have not been always followed out, and we have gone on converting as before. These ships are now in progress of conversion. They are occupying your docks, and so long as that is the case the dockyards are not available for the repair of your ships now at sea. That is at once a reason why we should not agree to the Motion to give up at present the conversion of these line-of-battle ships. There are four at present undergoing conversion. They will be probably out of their docks in the course of the present year, and after they are out I sincerely hope that there will be no more of these line-of-battle ships converted. My hon. Friend then calls on the House to declare—

> "That it is inexpedient to incur during the present year the expenditure requisite for the completion of the line-of-battle ships now on the stocks; and that during the present year it is not expedient to commence the construction of any wooden vessels which carry guns on more than one deck."

The first part of this Resolution, namely, the completion of line-of-battle ships on the stocks, I have already adverted to, and with respect to the second part, I have heard various arguments upon this question of wooden ships. Hon. Members tell us on a sudden that wooden vessels are to be no longer component parts of the navy; that they are to be thrown on one side, and that all our war vessels must henceforth be built of iron. Sir, the Admiralty are not prepared, and I do not think that any practical naval man is prepared, to subscribe to such a doctrine. I quite admit that these very large iron-cased ships should obviously be built of iron, because you cannot build wooden ships of very great tonnage—at least I do not believe you can—consistently with the strength which is required for such vessels. That is a reason in itself, but there are various other reasons why it is very advisable to construct these large ships of iron. But one of the most serious defects of iron vessels is their liability to foul. In any future war, speed will mainly be the quality which will determine the superiority. The vessel which has the greatest speed, and can carry, not the largest number of guns, but the heaviest guns, in all probability will have the advantage over other vessels. But iron vessels in warm climates are so liable to foul that unless they are continually docked they cannot maintain their speed. I am not prepared to say that we may not discover some scientific method of keeping the bottoms of these vessels clean, but according to our present lights it would be highly inadvisable to give up building wooden vessels. Moreover, the term employed by the hon. Gentleman, carrying "guns on more than one deck," is so exceedingly vague that I do not understand what it is that he means; but I must ask the House not to agree to any abstract Resolution which would bind the Government to cease from building any more of that very useful class of vessels, corvettes and gunboats.

The third Resolution of the hon. Gentleman lays down that—

> "It is inexpedient without further experience to sanction the expenditure of any money for adapting Her Majesty's dockyards for the construction of iron vessels."

In reply to that, I can state that there is not the slightest intention, that I am aware of, on the part of the Government to adapt the dockyards generally for the construction of iron vessels. I am not prepared to say that the iron ship which is about to be built at Chatham will be built cheaper than a vessel built by contract. It is very doubtful whether she will be, but there are strong reasons, under the circumstances, why one ship should be built at Chatham. We have no experience with regard to building these vessels. It is quite impossible for any Board of Admiralty or any scientific man to foresee what improvements might suggest themselves in the course of the building of these vessels. As a proof, I may mention that in building the *Warrior* we found that it would be advisable, as the Armstrong 100-pounder admits of a narrow port, that her ports should be reduced in size. But the *Warrior* was ordered by contract; the consequence of which is that we were tied to a certain form of vessel and a certain size of port, and to various other details which we have been obliged to alter, and the contractors necessarily come down upon upon us for additional sums in payment for these alterations. It may be said that these points ought to have been considered beforehand, and no doubt it would have been advisable, if possible; but I have always believed and said that the greatest care and consideration was bestowed by my right hon. Friend on the commencement of the formation of that vessel. We have found out since that we can get a greater flotation by giving a flatter midship section to the sister ship which is going to be built; but if we had entered into a contract for that vessel we should be tied down to the exact form of the *Warrior*. There are various other details, with which I will not trouble the House, which make it quite reasonable that we should try one vessel in our own yard with a view of carrying out any improvements which may suggest themselves in the course of construction. The hon. Baronet the Member for Finsbury (Sir Morton Peto) is for having us confine the contracts for the building of these vessels to the three rivers—the Mersey, the Clyde, and the Thames; and, with singular favouritism, he would exclude all other manufacturing ports. I do not know where he got his information, but he would have the House believe that the *Warrior*, built by the right hon. Gentleman opposite, is a great success and will have great speed, while the present Board of Admiralty are building vessels which will have no speed, no stowage, which will be left behind to be captured by the enemy, and, in fact, will be totally useless. Let us see what is really the estimated speed of the different classes. The *Warrior* and the *Black Prince*, and vessels of that class, it is hoped, will have a speed of 14 knots; the *Defence* and the *Resistance* 11.45 knots; and the newest class 12.24 knots. These are not vessels that can be said to be destitute of speed, or which cannot be expected to keep pace with the fleets of this country. In fact, I do not believe there is a single line-of-battle ship in the navy which has the speed of the slowest class of these vessels. I trust, then, that with regard to these three Resolutions the House will not agree to them, that it will put some confidence in the department which is responsible for building and maintaining your fleets, and that it will not tie us down to building nothing but one description of vessels.

The hon. Gentleman who moved these Resolutions made some observations which I think he had not duly considered. He has come home primed with information from France. I have no doubt that the Minister and the authorities there have relied on him for setting right the English people, who were altogether in a mist, and seemed possessed with an idea that the French had a large fleet, when in fact they had nothing at all. But I do not think my hon. Friend is consistent with himself in the figures he has given us. The last time he spoke he told us that the French had only 88 ships.

Mr. LINDSAY: I referred entirely to efficient ships.

Lord CLARENCE PAGET: In our calculations we only speak of efficient ships; we only include steamships, and leave sailing ships out altogether. My hon. Friend says that England has 22 line-of-battle ships more than all the world combined. But this is really not the case. We have 67 line-of-battle ships built or building. France has 37, Spain 3, Russia 9, and Italy 1, making 50. I admit that that is a very great superiority. But it does not amount in figures to what the hon. Gentleman stated, because he stated that we had 22 more line-of-battle ships than all the rest of the world put together. Again, he says that we have nine more frigates than France. Now, England has 52 frigates and France 47, and not, as my hon. Friend states, 43. When he comes to tell the House these things it makes it appear that we are going to an enormous and unnecessary expense in building ships when Francehas no force at all commensurate with ours. He tells us that the iron ships constructing in France could not be furnished and ready in less than 2½ years. I say that is entirely erroneous. I do not say that all the French iron ships will be ready in 2½ or in 5½ years, but I say that every one of the French iron-cased ships, big and little, may be ready in the course of the present summer. I state that to my hon. Friend on the best authority. I am not prepared to say that they will be ready, but I say that every one may be ready in the course of the present summer. With regard to the *Magenta*, one of the very largest of the French iron-cased ships, carrying 52 guns, it is only within the last two days I have been told that the *Magenta* is very nearly ready for launching. It is true that the plates have then to be put on. But it is unfair for my hon. Friend to state that we are making these vast warlike preparations, and that other nations are not making due preparations. I do not blame them. But I say that the French and every nation on the Continent are making great naval preparations, and, therefore, that it is the bounden duty of Ministers to see that we have a fleet sufficient to maintain the safety, honour, and dignity of this country.

The hon. Gentleman has quoted the Navy Estimates of France. He compared the Estimates of past years, and he made out that the French are less than half the Estimates of this country. But will the House remember that we have to maintain a vast force upon the seas to protect our colonies and commerce, and that we cannot do that without paying for it? Our navy is spread all over the globe. Our navy is frittered away—[Mr. BRIGHT: Hear, hear!]—and large expenditure is the consequence. The hon. Member for Birmingham says "Hear, hear!" I should like to ask him what his Manchester friends would say if in some outlandish country British ships were plundered by pirates and their crews murdered, and no British man-of-war at hand to protect them or obtain redress. There are constant demands from abroad for the presence of British men-of-war, and if you will maintain this great fleet you must pay the piper. I wish to make allusion to the statement of the hon. Member for Sunderland with regard to timber. I think, if there is one thing for which the Admiralty has been blamed more than another, it is for not maintaining a proper stock of timber. It has been said, "You are building your ships of green wood. You are living from hand to mouth, and no one can tell what would happen to the country if a war broke out when your dockyards are denuded of timber." What has the present Admiralty done? They have listened to the wise advice which was given to them by many hon. Gentlemen—namely, to get together a good stock of timber. If the House agree to the Vote, large as I admit it is this year, we shall then be in a position in which we have not been for a considerable number of years with regard to the stock of timber; and I believe that, come what may—whatever emergency may arise, we shall have a stock of timber which will enable us to repair and, if necessary, to build the ships which are requisite for the navy. I will advert to certain peddling reforms which the hon. Member asked for with regard to the Admiralty Department. I have a comparative statement of the expense of the Staff of the Admiralty now and in former times, when the Estimates used to be only £6,000,000 or £7,000,000 per annum. If the hon. Member would look at it, he would be satisfied that every possible economy has been introduced in the *personnel* of the Admiralty. In 1829, in the old days of the Navy Board, when 30,000 was the number of seamen, and the Estimates were £6,000,000 a year, the Admiralty consisted of five Lords, 16 Commissioners, four secretaries, 26 clerks at Whitehall and 93 clerks at Somerset House, making together 244 individuals, and the amount of their cost was £162,800 a year. In 1861—I will spare the House the intermediate years—when 78,200 is the number of seamen and the Estimates are £12,000,000, the Staff at the Admiralty consists of six Lords, two secretaries, five principal officers, 47 clerks at Whitehall, and 223 clerks at Somerset House, making together 283 individuals, and their cost is £96,780. There is also a considerable number of temporary clerks, but in those days there was the same proportion. I cannot help thinking, therefore, that with the great reform which the hon. Member wishes to introduce he might have spared the *personnel* of the Admiralty.

The hon. Member reverts to the Report of the Commission on Dockyard Expenditure, and quotes very strong language used by that Commission in their Report. I cannot but admit that the Commission have given, upon the whole, a very fair Report; but I wish they had not rather left it to be inferred that defects in the accounts of the navy bore out any suspicion of malversation. I am quite sure that it was not the intention of any Member of the Commission to leave such inference. I know of nobody who has ever accused any individual of malpractices with regard to the accounts, but the impression has got abroad. It has created great pain in the department, and one of the most intelligent and distinguished superintendents of dockyards has earnestly requested me to remove it. I should state to the House, and I am sure the hon. Gentlemen who composed the Commission will corroborate me when I say that from the first the Admiralty has been most anxious to give every information. To whom is it due that these errors, upon which such great stress is laid, have been discovered but to the Board of Admiralty? The Commissioners would never have discovered the errors, but the Board of Admiralty took pains to go into the accounts at Woolwich, and through that excellent officer, Commodore Drummond, to check them; and the moment any error was discovered, his instructions were to lay it before the Commission. It was the earnest desire of the Admiralty that every error should be laid before the Commission, with a view to rectification. When, therefore, the hon. Gentleman says, "Look at the accounts — how worthless they are," he should at least do the Admiralty the credit of adding that the Admiralty have used their utmost endeavours to have the errors discovered. The Admiralty have already taken steps to rectify these errors in the accounts, and in August last, long before the Commission reported, they instructed their Accountant General to go into the dockyards, and prepare a proper system of accounts, on the double-entry system, with a view to bring these great shipbuilding accounts under proper regulations and management. I think, therefore, that the observations of my hon. Friend on the conduct of the Admiralty in that respect are scarcely justifiable. My hon. Friend also stated that the average cost of ships in our navy was £33 per ton. The Return furnished to the Commissioners of the cost of ships built at Pembroke gave that average per ton, but then about a fifth of those ships were line-of-battle ships, which are much more costly per ton than other vessels. As the proportion of line-of-battle ships constructed in the dockyards generally is only a tenth, it is clear that the average cost per ton throughout the navy is much less than the amount stated. Although I entertain every respect for his judgment in matters of shipbuilding, I sincerely hope that my hon. Friend will not press his Motion, which, in reality, will operate as a Vote of Censure on the Admiralty, which I do not think they deserve. They have earnestly endeavoured to rectify any defects in the administration which came under their notice. I believe I have furnished the House with more information as to the expenditure and operations of the Admiralty than was ever given before, and we intend always to pursue the same frank and open course. It is also the anxious desire of the Admiralty to exercise the greatest economy which is compatible with the maintenance of our navy in a state of efficiency. I hope, therefore, that my hon. Friend will not press his Motion, or that if he does the House will not agree to it.

Mr. BENTINCK said, he did not rise for the purpose of following his hon. Friend the Member for Sunderland through the various remarks he had made on the subject of the Royal Commission, which had just reported to the House, neither did he intend to follow the hon. Baronet the Member for Finsbury into the details he had quoted and the discussion he had wished to raise as to the comparative merits of wooden and iron built ships. He wished to address himself rather to the general remarks of his hon. Friend the Member for Sunderland bearing upon the point, whether it was essential to the safety of this country to retain a very large naval defence? His hon. Friend had on former occasions endeavoured unsuccessfully to make him (Mr. Bentinck) a convert to his opinions, and he had also failed by what he had now advanced to convert him. Neither did he place the slightest reliance upon the sources of information to which reference had been made. His hon. Friend rested his assertions and opinions on what seemed to be very meagre authority. He gathered from his remarks that the present and all preceding Boards of Admiralty were and had been entirely indifferent as to what were the naval armaments of France, and that his hon. Friend was really the only person who had thought it worth while to obtain reliable information on the subject. His hon. Friend said that a large navy was a "menace." [Mr.

LINDSAY: Hear, hear!] That meant, he presumed, that the Navy of England was a menace to France and other countries. [Mr. LINDSAY: Hear!] His hon. Friend had completely transposed the position of things in this comparison. It was not the Navy of England that was a menace to France, but the Navy of France was a menace to England, and it was necessary to arrive at a clear understanding on that point before he could go into the question raised by his hon. Friend. First, as to the question of numbers. What use he (Mr. Bentinck) would ask had France for a navy compared with England? They had heard from the noble Lord that night that the requirements of England, even in times of peace, were tenfold those of all the other countries in the world. But the activity and preparations in France in her naval department were a full justification for active measures in this country. Further than that the state of affairs in Europe was such that our Government would deserve impeachment if they neglected a resort to precautionary measures. Would not his hon. Friend admit that the menace came from France, and not from England? His hon. Friend said that France could never attack this country, as England was superior in line-of-battle ships. But did his hon. Friend suppose that an invasion would be conducted by means of line-of-battle ships? Such would be a new view of the subject. It was a singular fact that the French Ministry of Marine had been devoting all their energies to the construction of a class of vessels adapted to the purposes of invasion. Perhaps his hon. Friend would tell them against whom he supposed those vessels were destined to be employed. He owned that he did not place the same confidence as the hon. Gentleman in the simplicity of the French. He even believed the story as to the reason for converting the Transatlantic steamers, which, if report did not err, were originally intended for men-of-war, and were only built as commercial vessels in order to prevent their construction exciting attention in this country. His hon. Friend then touched upon the amount of money expended in French dockyards, and told the House that the system of finance over the water was one of control and guarantee. He (Mr. Bentinck) admitted the control but could not see the guarantee, as it was impossible for persons in this country to know how money was expended in the French dockyards. "Money," said his hon. Friend, "could not be transferred from one Minister to another without such transfer being made public." But what guarantee was there that such was the fact? It was true that our Estimates were double those of last year, but that result was attributable not to extravagance but partly to the menacing character of the French naval armaments, and partly to those improvements in science which rendered necessary an almost yearly reconstruction of our navy. His hon. Friend asked why so much timber was required in our dockyards? Did his hon. Friend not know that, during the last six or seven years, the French Government had obtained a large supply of seasoned timber in the best possible condition? If the House was not prepared to abandon wooden ships altogether he apprehended the Admiralty had acted wisely in supplying the glaring deficiency of well-seasoned timber in our dockyards. The hon. Gentleman concluded with the favourite appeal *ad misericordiam* in favour of the taxpapers. He (Mr. Bentinck) disliked paying taxes as much as any man; but it was singular that whenever money was asked for the protection of the country the champions of trade and commerce, whose interests were bound up in our national security, raised the cry of unnecessary expenditure. What would become of our trade and commerce in three months if precautionary measures were withdrawn? The champions of trade and commerce seemed determined pertinaciously to urge a course calculated to imperil their safety. The Resolutions were objectionable as their practical effect, if carried, would be to debar the Admiralty from building ships of any kind. The whole machinery would come to a dead lock, and the country would be compelled to fall back upon the energy and capabilities of the private dockyards. That was a position in which the country ought never to be placed. Private yards should be occasionally employed to enable the Admiralty to compare the relative expense of building in them and in the Government yards, but the efficiency of the latter ought not to be impaired. The third Resolution, providing that no more money should be voted for the purpose of adapting Her Majesty's dockyards to the construction of iron ships would, if the wish of the hon. Baronet the Member for Finsbury that all our ships should be constructed of iron were carried out, have a still more injurious effect, because if you could not build a ship in a dock you could not repair her there; and therefore if a war broke out, and any of our iron ships were damaged, we should not, if this Resolution were agreed to and acted upon, have any docks in which to repair them. These Resolutions were, moreover, founded upon a mistaken view of the business of the House. It was not the duty of the House to usurp the functions of the executive in matters of detail connected with the Admiralty, or to reconstruct the navy. If the Board of Admiralty could be shown to require reconstruction, Parliament ought, then, to interfere and reconstruct it. If it could be shown that the present construction of the Board was defective it was the bounden duty of the House of Commons to reframe it; but any attempt on the part of the House to deal with details in the manner proposed by these Resolutions he was prepared to deprecate as involving a principle erroneous and unsound. For these reasons he should vote against the Resolutions of his hon. Friend.

The Earl of GIFFORD said, he agreed with the greater portion of the Resolutions moved by the hon. Member for Sunderland. He trusted that the ships referred to by the noble Lord the Secretary to the Admiralty would be the last to undergo the process of conversion, and he also believed that until greater experience had been gained it would be judicious to postpone, at least for a year, the expenditure requisite for the completion of the line-of-battle ships now on the stocks. In case it should turn out after experience, that iron is in future to be substituted for wood in the construction of ships of larger classes, the money required to finish these wooden ships will have been well saved, and in any event the vessels themselves would not receive any damage from being allowed to season on the stocks. In the latter clause of the second Resolution he did not agree, because its effect would be to put a stop to all shipbuilding in Her Majesty's dockyards; even the laying down of corvettes would be forbidden, because they carried guns on their spar deck. In the last Resolution he fully concurred, and in the Report of the Commission, of which he had the honour to be a member, it was recommended that iron shipbuilding should not be commenced in Her Majesty's dockyards while the existing system of accounts continued. He did not want the House to pledge itself never to commence iron shipbuilding in the dockyards, but he thought that till further experience had been gained of the vessels already launched it would be prudent to postpone the expenditure on the plant which would be necessary to adapt the dockyards to iron shipbuilding. At Chatham, for instance, it would be necessary, with the object of building iron ships in view, to erect extensive buildings, to purchase expensive machinery, largely to increase the number of artisans in iron engaged in the yard, and, above all things, in the absence of a slip sufficiently long at Chatham, it would be necessary to occupy one of the largest docks in the country, which ought to be reserved for more legitimate purposes. The late Controller of the Navy, in the evidence which he gave before the Commission, assigned two reasons in justification of the commencement of iron shipbuilding at Chatham—First, that it was necessary Her Majesty's dockyards should have within themselves all means and appliances requisite for effecting necessary repairs for the navy; and, secondly, that it was desirable Her Majesty's Government should have the means of testing the price paid for the construction of ships built by contract. To those two propositions he entirely subscribed; he thought it not only desirable, but absolutely essential that the dockyards should be able to repair iron as well as wooden ships. But did they not already possess in the vast establishments at Keyham, at Portsmouth, Sheerness, and Woolwich, all means and appliances requisite for the repairs which iron ships in Her Majesty's Navy were likely to require for the next five, ten, or even twenty years? With regard to the second reason assigned by the late controller, he would ask hon. Members who had read the evidence taken before the Commission, whether it was not manifest that Her Majesty's Government—however desirable such a power might be—had not at their disposal at that moment the means of testing with anything like accuracy the price paid for a vessel built by contract by comparing it with the cost of one constructed in the Royal dockyards? Under existing circumstances, and with the accounts in their present condition, the best test, as appeared to him, which Government could have would be open competition in the public market. With the scores of great shipbuilding firms scattered round the coast who would be able and willing to undertake the contracts, he thought it would have been more prudent had the Government postponed the commencement of the novel and expensive system of iron shipbuilding at Chatham at least until they had some experience of the *Warrior* and *Black Prince*. If fears were entertained as to the quality of the work executed by contract, the best security lay in the appointment of a sufficient number of salaried inspectors to superintend the work while in progress. But until the portion of the Commissioners' Report relating to the accounts was carried out, as he earnestly trusted would be the case, by placing them under the control and superintendence of the Accountant-General of the Navy, and until a double entry account, showing with certainty the cost of the various items was kept, it would be impossible for the Government to tell with the slightest approximation to accuracy what was the cost of any service performed in the dockyards. The noble Lord (Lord Clarence Paget) had stated that the process by which the Commissioners had found out errors in the accounts had been recommended by Commodore Drummond. The Commissioners had expressly mentioned this in their Report. Commodore Drummond had, they stated, suggested the original inquiry, and the Commissioners did but follow it up and state the result in the Appendix to the Report. The noble Lord added that a feeling had gone through the dockyards, in consequence of the Report, that there had been malversion in the dockyards. He did not, however, remember the slightest remark in the Report that would justify such a suspicion. The noble Lord had also complained of the Commissioners going to Pembroke Dockyard for the cost per ton of the vessels built for the Royal Navy. According to the terms of their instructions, the Commissioners were desired to state the cost per ton of building ships for the navy. The Commissioners naturally expected to have accounts laid before them that would enable them to answer this question. But they had not been engaged in this inquiry for a fortnight without perceiving that the accounts were kept in such a manner that no assistance from them could be expected. They, therefore, selected a dockyard where there was no fitting performed, so as to disturb the calculations, and then took the ships as they came, whether they were two-deckers or three-deckers. He did not see what other course the Commissioners could have pursued if they were to attempt to carry out their instructions.

MR. CORRY said, the first two Resolutions which had been moved appeared to imply that wooden ships of the larger class, such as line-of-battle ships and frigates, were destined to be altogether superseded by iron-cased ships, such as the *Warrior* and *La Gloire*. In that opinion he did not concur, and, therefore, could not support the Resolutions. If the only use of our navy was to defend our own shores he was not sure that he would not go along with the hon. Member for Sunderland; but it must be remembered that a large portion of the fleet was needed for the defence of the colonial empire and the commercial marine of this country, and to this description of service he did not think iron-cased ships would ever be extensively applied. With respect to the question of national defence, though it was doubtful whether the iron-cased ships would prove invulnerable, yet it was very evident that it would be idle to oppose them with wooden ships; and consequently in the narrow seas, within the reach of their resources it was probable that iron-cased ships would be chiefly employed, and that our wooden walls would be ultimately superseded by iron walls. He did not think, however, that iron-cased ships would be employed to any great extent on distant stations. He did not mean to say that the *Warrior* was not fit for distant service; but the expense would be so enormous, the wear and tear so great, and there would be such difficulty in keeping the bottom clean, that it would be almost impossible for large iron-cased ships to be generally employed in distant seas for the defence of the colonies and of the commerce of the country, which, in the event of war, would demand protection in every sea. The House was probably little aware of the extent to which in former wars our ships of the larger classes were required for the protection of these great interests. When he was at the Admiralty he ascertained from documents that during the four wars previous to the peace with France in 1814, we had hardly ever more than one-third of our line-of-battle ships and one-fourth of our frigates on the home station. Considering, then, the present force of France in wooden line-of-battle ships and frigates he did not think that this country possessed one single ship more than it ought. In 1799 there were employed abroad on distant stations 85 line-of-battle ships; at present the whole navy comprised only 53. In 1809 we had 114 frigates abroad, and there were now only 40 afloat. We had 40 frigates and 42 colonies; and though, as regarded line-of-battle ships, we had perhaps a sufficient force, he did not think we were in so satisfactory a condition with respect to frigates compared with France and other nations. It had been stated that our armaments were on the most exaggerated and gigantic scale; but the true test of the force of our fleet was the number of men required to man it. In the last war we had 147,000 seamen and marines afloat, and in the American war 120,000, whilst from a Return which he moved for last year it appeared that to man every steamship in the navy 112,000 men only would be required. Of course, every ship could not be in commission at once; and all those in commission would not be fully manned; and allowing for the reductions necessary on these accounts, the number of men required to man the whole of our effective navy might be assumed to be about 90,000, as compared with 147,000 actually employed in the last great naval war. Not only had there been exaggeration as to the strength of our navy as compared with that of former times, but also as compared with the present naval strength of other nations. The hon. Member for Sunderland (Mr. Lindsay) had stated that we had a greater force of vessels bearing 20 guns and upwards than all the rest of the world, but that statement was a most extraordinary one. Of screw line-of-battle ships and frigates—the classes to which these Resolutions referred—actually afloat, and not including those now building, England had 93, France 74, Russia 26, Spain 14, and Italy 19. These figures were given by his noble Friend, the Secretary of the Admiralty, and the hon. Member (Mr. Lindsay) had said that Sweden, Denmark, Holland, and the United States had 33 such ships; therefore, the combined navy of all these nations contained 166 line-of-battle ships and frigates; whereas England had only 93. He seldom looked into a French work referring to the invasion of England but he found that that idea was coupled with another—namely, an alliance of France with Russia, and their combined navies amounted to 100 line-of-battle ships and frigates against the 93 possessed by England. Again, France could concentrate almost all her ships, in the event of war, upon her own shores, whilst we must detach two-thirds of our navy to foreign stations; and it was impossible that we could, with our present force, concentrate in the Channel, after making due provision for the protection of our Colonies and our commerce, a force equal to that which France and Russia combined could bring against us. The hon. Member stated that our frigates were individually superior to those of France; which was quite true, and was, he supposed, another proof of the inferiority of the naval administration of this country. But still it must be borne in mind that there was not a single frigate in the French navy not perfectly fitted for the service in which it would be employed in event of war—namely, in the destruction of English commerce. That this was the use to which they would be applied appeared from the Report of the proceedings of the Commission of Inquiry into Naval Affairs in France in 1851, where it was stated—

> "The mission of frigates must henceforth be to harass the trade of the enemy on every point of the globe. If war should break out, we must at its very commencement strike the trade of the enemy simultaneously at every point. To strike at the trade of England is to strike her at the heart, and to force her to make peace. England would require, not 50, but 200 frigates to protect her trade on the different stations she possesses in the world."

If war broke out they would soon be asked by gentlemen connected with the commercial marine who were now calling for economy for a frigate here and a frigate there for protection; and he did not believe that our naval reserve in port contained more than ten steam-frigates and five corvettes. He wished to make one observation as to the shot-proof ships ordered to be built by the present Government. He must say that he very much concurred with the hon. Baronet the Member for Finsbury (Sir Morton Peto), that the present Board of Admiralty had made a great mistake in building four iron-coated ships, inferior in power and in speed to the *Warrior*. His noble Friend the Secretary of the Admiralty himself admitted that in the present state of gunnery it was very doubtful whether 4½-inch iron would resist shot, and that, therefore, it was prudent to have built the *Warrior* as she had been built, of such dimensions that they might, if necessary, increase the thickness of the plates to nine inches without bringing down the ports lower than six feet six inches from the water. Now, that would be impossible in the case of the four new ships of smaller dimensions, for their ports were to be two feet lower than the *Warrior's*. When the late Board of Admiralty determined on constructing the *Warrior* they were almost alarmed at the gigantic dimensions of the ship, and at a meeting in the room of the Surveyor of the Navy, the subject was discussed for two hours, the result of which was to show that one of the essential elements of the success of such vessels, great speed could not be attained by ships of smaller dimensions. He was very glad, therefore, to find that the ship laid down at Chatham was to be, at least, as fast and as powerful as the *Warrior* herself. Reference had been made in the course of the discussion to ten iron ships which, it was said, had been ordered by the French Government, and he felt bound upon that point to state that he had himself heard, a short time ago when in France, that it was intended to construct that additional number of iron-cased vessels—no very agreeable prospect if they were to cost £400,000 a piece, and if we must follow in the same direction, as undoubtedly we must do in the event of the report being correct, even though an expenditure of £1,000,000 sterling were necessary for the construction of each ship. He earnestly trusted that the Government would keep a watchful eye on the proceedings of France in this respect, and that no consideration would deter them from at least keeping pace with France in the construction of this formidable class of vessels. He had simply to say, in conclusion, that he did not agree with the hon. Member for Sunderland in the opinion that it was impossible that any money could be laid out on the navy of France which had not been voted for that express purpose, inasmuch, as two years ago he had been a member of what was called the Treasury Committee which had occasion to enter into an investigation of French accounts, and he found that from the year 1852 to 1856 inclusive, the French Naval Estimates were only £19,807,000, whereas the expenditure was £31,691,621—in other words more than one-third more than the amount of the Estimates.

Sir JOSEPH PAXTON said, that as the hon. Members for Sunderland and Finsbury had gone so fully into the question of expenditure he would confine himself simply to the relative merits of wood and iron ships. One of the great objections stated against iron ships was, that their bottoms got so foul that they could not sail as they ought to do, but he himself had had the honour of showing his noble Friend a plan for raising vessels, which could be carried out at no great expense. By this plan vessels as large, even, as the *Great Eastern* could be taken up in half-an-hour with the greatest possible ease, and if any hon. Member, who wished for information, went to the Thames Graving Docks, in the Victoria Docks, he could there see vessels raised in a very short time, and floated about upon iron pontoons. The necessary apparatus could be erected in any country, and fitted up at no very great expense.

Lord CLARENCE PAGET: At what cost?

Sir JOSEPH PAXTON believed that the cost for one set would be some £40,000 or £50,000, which was no very great expense for such a thing as that. He believed that corvettes, and all kinds of ships, could be built of iron as well as of wood, and iron was much the more lasting material, for there were many iron vessels which had been afloat for twenty-five years, and which were now nearly as good as ever. Again, they might remember the case of the *Sarah Sands*, an iron transport-ship, which took fire on the open sea, and with a large number of troops on board, who were all brought safely into harbour, and she was now one of the best mercantile vessels of the country. Such a thing could not have been accomplished by a wooden ship.

In the face of facts of this description, and the statement of the noble Lord the Secretary of the Admiralty, that the ten iron-coated French vessels might be completed within the year, he confessed he was utterly at a loss to account for the Government proposing to spend £2,500,000 on wooden ships, and only £700,000 on iron ships.

It would seem that iron ships were never to come into use in the navy of this country, as every effort to introduce them was met by baffling obstacles.

In the year 1842, Sir Robert Peel's Government commenced building some very good iron ships, but they were stopped. In 1846, having been recommenced, they were again stopped.

The hon. Member for Finsbury had elucidated the manner in which the question had been dealt with by referring to the case of the *Ruby*. He might add that he had ascertained that the *Ruby*, which was selected by the Woolwich Committee as the type of vessel which was to prove the powers of iron in resisting shot was afterwards sold for only £20. In 1846, also, the Government very nearly lost the advantage of using the screw propeller. They at that time sent round to the manufacturers of the engines and screw propellers of the condemned iron ships, and asked them if they could dispose of them. The manufacturers being unable to do so, and the Government being unable to sell them, they were used. And now any other mode of propelling warships is out of the question. The hon. Member for Finsbury said he believed Sir Howard Douglas opposed the use of iron conscientiously. For his part, he (Sir Joseph Paxton) believed a man did a thing conscientiously when he did it the first time, and retracted when he found he was wrong and had made a mistake, but when he pursued the same course, and endeavoured to make every experiment appear to favour his own view, then he did not think that seemed like acting conscientiously. It had been found, by the experiments made in 1846, that iron ships built of iron five-eighths of an inch thick, when fired at, were penetrated, though they broke the shot all to pieces and scattered the fragments, which went into the vessel; and then it was said this was what these iron ships did, they scattered the shot, and the fragments killed every one in their way; but anyone finding this result whose mind was unbiassed, would have at once said, "You must go on increasing the thickness of the iron, and then you will be able to keep the shot outside." Altogether had it not been for the Emperor of the French, iron shipbuilding would have stopped, at least for some years. When the Russian war took place, the Emperor of the French designed floating-batteries, and it was found that they were proof against the Russian shot.

The Emperor saw clearly that in time iron must supersede wood, and he, therefore, commenced constructing iron-cased vessels; he went ahead of England, and had remained so, a fact much to be regretted, seeing that France had to learn all it knew of iron from this country.

As an Englishman, knowing the vast resources of this country, and the skill and intelligence of our manufacturers and workmen in all kinds of iron construction, he felt humiliated that France should have been allowed to take the initiative in building impregnable iron ships. The Emperor of the French, not having the yards and appliances for building iron ships, did the next best thing in casing wooden ones; but they were now told he had an iron ship laid down. He would say a few words as to the *Warrior* and *Black Prince*; he believed they were the best vessels yet built, and he agreed that if they were to have iron vessels, they must have them very large, as small ones carried a very insufficient supply of coals. The *Warrior* itself was a wonderful ship; the iron in her construction, including her inner coating, which was five-eighths of an inch thick, weighed 3,500 tons; the timber in her construction and decks weighed 1,000 tons, this made 4,500 tons in the construction of the ship alone. Then there was the coat of mail. This he entirely disapproved of; the ship ought to be built entirely of iron, and every part of the same strength. In addition to the 4,500 tons he had spoken of there was the coating of teak 18 inches thick, and over this 4½ inches of iron, which together would weigh 1,400 tons, making 5,900 tons in all. If she had been built entirely in iron she would have weighed 1,000 tons less, which would have enabled her to carry 1,000 tons more of coal, and which would give her steaming power of 2,000 miles.

Having made various experiments with wood and iron to test their relative strength, and their adaptability to be used together, he should say the wood in the *Warrior* was entirely out of place; it being cased with iron, would either rot or become compressed and shrink. The two-foot bolts would have room to work, and everything would be loose, and they would have a coat of mail indeed.

As he had just stated, there were four and a half inches of iron, eighteen inches of teak (which are equal to two inches of iron), and five-eighths of an inch of iron inside. This altogether would represent about seven inches of iron. Why should not the vessels be built of seven inches of iron, then, and be equally strong all over? They would then be impregnable. It was the newly invented guns that rendered iron ships necessary, and no doubt the best wooden ship in the navy could not stand for ten minutes against the *Warrior*. Then, he would say, what was the use of having wooden men-of-war at all? He did not ask them to build iron ships recklessly, but he said this country ought to have more of them than any other country in the world. Their wooden ships might perhaps do to protect their colonies for a time, but experiênce would teach them that, in the end, iron ships would be far less expensive, even for this purpose.

Some hon. Members seemed to take a

pleasure in availing themselves of anything like an opportunity to show up contractors. There was last year much said about small vessels that were very hurriedly built for the Crimean war. No doubt the specification said that they were to be built of seasoned timber; but the authorities at the Admiralty at the time knew perfectly well that no seasoned timber was then to be got in the country.

The first time he had the honour to address the House, it was to call attention to the wooden huts for Aldershot, which were specified to be built of Christiana deals, although it was well known not a tenth part of such deals could be procured in the market. So it was with the gunboats. The specification was an impossibility, and the contractors did the best they could under the circumstances. He saw this year enormous sums put down for timber. He was not prepared to say this was all wrong; but it did appear that a most miscellaneous collection of woods was used in the construction of many of their men-of-war. A lecture delivered at the United Service Institution, on the 4th of the present month, by Captain E. S. Halstead, showed that such was the case. (The hon. Gentleman here quoted passages from the lecture in support of his statement.)

This, he contended, showed that the Government were without seasoned timber. When they had converted their wood navy into iron, as they would do in the course of a short time, one half the men would be able to do three or four times the work now performed, and this would be a great saving in itself. He thought that both the late and the present Governments had done all they could in respect of deciding this question, but he scarcely thought it was one with which they were fully competent to deal. There should be a commission of the most scientific and practical men in the country to advise the Government in such a matter as the reconstruction of the navy, otherwise one Government would be recommending one class of ships, and another an entirely different class, and they would go on trying experiment after experiment, and would never get an efficient navy. He hoped that after this discussion, if the hon. Gentleman who moved the Resolutions received an assurance that these matters would be seriously entertained by the Government, he would withdraw his Motion.

Captain JERVIS said, he was anxious to explain the reasons which would induce him, although he agreed with much contained in the Resolutions, to vote against them if pressed in their integrity. In the first place, the early portion of the Resolutions had taken a very wide scope, when it stated it was expedient to defer any further expenditure for the construction "or conversion" of wooden line-of-battle ships. It was well explained by the hon. Member for Coventry that iron vessels were rendered necessary by the shell that had recently been brought into use, and the rifled guns. Although a few years ago the shell penetrated the vessel and exploded within it, yet it generally was possible to bring the ship into port afterwards, with its hands, in safety. The shell now acted as a mine, it burst in passing through the side of the vessel, and would so shatter it that wooden line-of-battle ships would be nothing better than mere slaughter-houses. So far, therefore, he was prepared to say that it would be wise to spend no more money in the construction of wooden vessels. But many years must elapse before we could have an iron fleet, and meanwhile we must maintain our supremacy at sea. Hence the necessity for keeping up an adequate number of wooden ships. The hon. Member for Coventry seemed ready, like a magician, to create an iron fleet at once; but the simple truth was that we had not even a sufficient supply of raw material. We might build a frigate now and again equal to any belonging to the French, but we had not yet got the iron of a quality necessary for the construction of a permanent iron fleet. At present the power of offence in naval warfare was greater than that of defence, and it remained for modern science to see whether the balance could be restored. In 1851 they were building iron ships three-eighths and five-eighths of an inch thick, which resisted the heavy shot of that time. Now, a five-ounce bullet could be driven through three-quarter-inch iron plates, so that they were in this difficulty; their wooden ships in the face of shell could, as he had said before, only be regarded as slaughter-houses, and if they used iron ships, guns were now made which would send bullets through them, and punch holes in them as clean as one could in a piece of leather. The hon. Member opposite talked about constructing a ship of 7-inch iron plates. But where were the calculations relating to the ship to be built in that mode? What were her lines? What the engines? What the armament? All had yet to be calculated. Therefore, in his opinion, the Admiralty had acted judiciously in feeling their way as they had done. We might have iron at £12 a ton, and we might have iron at £60; and Armstrong, and Whitworth, and other makers of the new weapons, had not yet been able to arrive at a decision as to which quality of iron was the best for the manufacture. In all these matters there was much to learn. The second Resolution embodied much of which he approved, as to the first portion, namely—

> "That it is inexpedient to incur, during the present year, the expenditure requisite for the completion of the line-of-battle ships now on the stocks;"

that, in his opinion, must be left to the Admiralty. The House did not know the state of the ships on the stocks. Of those just laid down he would say "Let them alone;" but as to those nearly finished, his advice would be to finish them. But as to the second part of the Resolution, namely—

> "And that during the present year it is not expedient to commence the construction of any wooden vessels which carry guns on more than one deck,"

he agreed with. The third Resolution declared that it was inexpedient, without further experience, to sanction the expenditure of any money for the purpose of adapting Her Majesty's dockyards for the construction of iron vessels, and the noble Lord the Member for Totness objected to those ships being built in the Royal dockyards, on the ground that they would necessitate the erection of enormous works. He should like to know what works they would have to erect for them in Her Majesty's dockyards which would not be equally necessary in private dockyards, if they were to be built in the latter? Last year the House voted large sums for the protection of the public dockyards, in order that we might build our ships in safety, even if we were at war. Were they now prepared to Vote similar sums for the protection of private dock yards? Moreover, he thought it was the duty of Government to keep a check on the prices of private builders, by constructing vessels in the Royal dockyards; and, for these reasons, he should vote against the third Resolution.

Mr. WHITBREAD said that, in objecting to the construction of iron ships at Chatham, the noble Earl the Member for Totness (Earl Gifford), argued that, when they were building wooden ships it was necessary to do so in the public dockyards, because they could not insure that contractors would use seasoned materials, but that the same reason did not apply in the case of iron ships. The fact was that it did apply, and with greater force; for the difference between seasoned and unseasoned timber was not so marked or fatal, as the difference between good iron and bad. So sensible was the noble Duke the First Lord of the Admiralty of the fact that early last autumn he appointed a Committee to make a series of experiments on every description of iron that could be submitted to them in order to ascertain the qualities of each in respect to the use to which it might be applied in the building of ships. That Committee had availed themselves of the services of some of the most scientific men in the country—men who were independent of the Admiralty. They had not yet reported; but their Report would, no doubt, be a valuable one. As to the expenses of the buildings which it had been found necessary to erect in Chatham for the iron ship they had not yet exceeded about £4,000. The noble Lord had further stated that the experiment at Chatham would be of no service in the way of enabling hon. Gentlemen to make a comparison between the cost of construction at a private yard and that which would be incurred in one of the Royal dockyards. The accounts of the cost of constructing the iron ship would be kept separate. As to what had been said about the number of errors discovered in the dockyard accounts, he was perfectly ready to admit — indeed, it would be impossible to deny — that, though a good foundation had been laid for a good system of accounts, it had not yet—if he might use the term — reached a focus; but, however defective they might have been, there was nothing in those accounts to lead hon. Gentlemen to suppose that the Admiralty had paid for materials which had not been supplied, or for labour which they had not received. He thought they were sufficiently accurate to show the contrary. The right hon. Gentleman the late Secretary for the Admiralty (Mr. Corry), thought that they had made a great mistake in building smaller iron-cased ships than the *Warrior;* and he would take this opportunity of correcting a statement that had been made as to the coal stowage of the various classes. The *Warrior's* stowage at full steaming was for seven days; that of the *Resistance* and *Defence*, at full steaming, for eight; and that of the third class for full steaming, five. For ordinary steaming the *Warrior's* was fourteen days' stowage; that of the *Resistance* and *Defence* sixteen; and that for the third class ten. That was at least a more satisfactory account than had been given of the matter. Surely hon. Members would not have had the Government go on with nothing but the design of the *Warrior.* Why, last year the *Warrior* herself was gravely criticized because she was not entirely covered with armour. Surely the only way in which to arrive at a satisfactory result was to try different kinds of vessels. It had been said early in the debate that efficiency was the measure of value, and every hon. Gentleman who had spoken that night had pronounced the iron-plated ships which this country possessed to be as superior as was possible to anything built or building in France. When, they complained that some of our ships were too small, they should remember that a very large portion of the French iron plated vessels were very small ones; and if it was a fault for the packing of our ships to be of wood, the French ships were constructed entirely of that material. As to floating docks he could only say that they were not popular with naval men; and he did not believe that a dock capable of floating the *Warrior* could be constructed for anything like £40,000.

Sir FREDERIC SMITH said, he was glad his hon. Friend the Member for Sunderland had brought forward this subject. The discussion would do great good. His hon. Friend seemed to suppose that the question was already settled, whether wood or iron ships should form the navy. [Mr. Lindsay: No, no!] If not, then why entirely discontinue the building of wooden ships? He contended that if even the larger ships should be made of iron, the smaller vessels must be made of wood, because, in order to obtain those fine lines requisite to command the necessary degree of speed in iron-cased vessels and the proper displacement, great length was indispensible. The noble Lord the Secretary to the Admiralty had stated that no more wooden line-of-battle ships were intended to be laid down; but the hon. Member for Sunderland's Resolution went further and said, "Don't complete those in hand." A Return had been laid before the House on the 18th of March, showing the number of ships in the course of construction. According to that Return there were ten line-of-battle ships in the course of construction, and twelve small vessels. Some of the former were nearly finished, but others were only commenced last year. Now, how had these ships come to be laid down if the noble Lord had arrived at that determination? Why had the Admiralty gone so far? It appeared that there was a system in the Admiralty of dividing ships into eighths; thus it was said five-eighths of a ship were completed, half an eighth completed, and one-and-a-half eighths were completed. These were vessels on the stocks. This was a question of expense and usefulness. He supposed these vessels would shortly be launched, in order to make way for others; but what was the use of going on with those of which only one-eighth had been completed? [Lord Clarence Paget: They will not be proceeded with.] He was glad to hear that, but he supposed they would be taken to pieces. Would the noble Lord give any explanation on that point? If more wooden vessels were not to be built, the sooner iron vessels were constructed the better. He should also like to know if the iron-cased vessels were likely to give satisfaction? Were the Admiralty satisfied that four and a half inches of iron would make a vessel invulnerable? Had they got experiments to prove that? If not the sooner they got them the better. What was the *minimum* of strength required and what the *minimum* of cost? Till they had ascertained both those points they were to a great extent only wasting their money. Now a grave responsibility rested somewhere. So far back as 1855 we had reason to believe that we should be obliged to have recourse to the introduction of iron-cased vessels into our fleet; and up to this moment we were absolutely ignorant of what thickness of iron would afford the necessary security. Another question was this—Was it best to have iron outside and wood within? What had been done to prove this? Then, again, at what distance would four and a half inches of iron give safety? or, if four and a half inches were not enough, would six inches be enough to give invulnerability? Iron casing complete from stem to stem should also be tried. The *Warrior* should have been completed in June last year; whose fault was that? To a certain extent, perhaps, the delay was excusable. Some delay took place in order to construct the size of the posts. He approved making the portholes smaller, as that would give greater safety to those who were working the guns; but they ought to know who was responsible for any delay occasioned otherwise. The correspondence on this subject had been promised some time, and he hoped would soon be produced.

Mr. DALGLISH said, that he thought those who represented the Admiralty had shown themselves more anxious to find fault with the Report of the Commission, of which he had been a member, than to answer the speech of his hon. Friend the Member for Sunderland. The noble Secretary for the Admiralty complained of a report having got abroad of malversation in the dockyards which he hinted had originated in the Report of the Commission. He should be glad if the noble Lord would point out a single passage in the Report which hinted even at malversation in the dockyards. With reference to the errors which had been discovered in the accounts at Woolwich Dockyard, the Report of the Commission expressly stated that the merit of discovering them belonged not to the Commissioners, but to Commodore Drummond. Then with regard to ships built at Pembroke, the cost of which had been estimated at £33 per ton, he found that of 65,000 tons, there were only 8 large ships and 44 vessels averaging 1,500 tons, so that the price of £33 was a fair average. Before the noble Lord was in office one of his charges against the Admiralty was that they were continnally altering and paring vessels in every stage of their progress, and he attributed the great cost of our ships to the want of foresight in the heads of the building department. Yet the noble Lord now proposed to put up a little establishment at Chatham where he might have the power of cutting and changing in order to find out what was the best kind of iron ship. If he would only go to the trade and tell them distinctly what sort of vessel he required, whether as to strength, speed, or other qualities, they would undertake that the ships they supplied should perform all that they promised or forego their payment. The hon. Member for Norfolk appeared not to have got over his panic about a French invasion. Having been to Toulon and Cherbourg within the last fortnight he (Mr. Dalglish) could assure the hon. Gentleman that his fears were groundless, as far as the preparations connected with shipbuilding in those quarters were concerned. At Toulon, one of their largest building yards, the French had two small corvettes, one frigate—wooden frigate to be cased with armour plates—launched within the last few days, and a transport of about 500 horse power. *La Gloire* was also there, and after passing round her he must say that, though he was no judge of nautical matters, he believed the iron vessels ordered to be built by our late Board of Admiralty would be infinitely superior to her. At Cherbourg they had two vessels building (corvettes), and a third, a steamer, which was to be coated with iron, lay in dock. They were also laying down the keel of another steamer similar to *La Gloire;* but neither the wooden steamer lately launched and to be coated with iron, nor the vessel at Cherbourg to which he had referred were nearly ready, or in the same state of progress as the *Warrior.* With regard to the Motion of the hon. Member for Sunderland, there was one reason, he thought, which should induce the Admiralty not to press on the completion of these large line-of-battle ships. It had always appeared to him that when steam became the motive power of ships instead of sails, that large three-decked and two-decked ships offered a great amount of resistance when urged against the wind. He would, therefore, suggest that the Admiralty should cut down the 91-gun ships, of which so many were in course of construction, and coat them with iron. They would then soon have a fleet of iron vessels quite as strong and as well built as those of the French. Until that plan had been fairly examined he would recommend that the completion of these large line-of-battle ships should be deferred.

Mr. HORSMAN said, he thought the House was under great obligations to the hon. Member for Sunderland for having brought this Motion before them. The discussion had been so interesting, and the result so beneficial, that he (Mr. Horsman) should be very sorry if the hon. Member detracted from their effect, by urging the House to a division which must lead to a very false impression of the real opinion of the House on the question. There were very few hon. Members who did not substantially agree with the spirit of his Motion. Even on the Treasury Bench a general sympathy was felt for the views which he had expressed. The effect of what had been said that evening was to acquit the present Admiralty of all blame in this matter, and he (Mr. Horsman) thought they fully deserved that acquittal. He thought that whatever difference of opinion might exist in the House, they were agreed in this, that every subject connected with the navy was now well considered, and thoroughly thought out, and that all those who were responsible to the House for the Administration of the Navy, acted upon that responsibility, feeling that every step which they took was carefully watched by the House. Not long since the Administration of the Admiralty was a great mystery, and most people believed that for a very large expenditure we got a very small return. He must do the right hon. Gentleman opposite (Sir John Pakington) the justice to say that under the late Government that administration took a new start. Before he acceded to office, the navy had fallen as low as had been ever known. We had no Channel fleet, and for the first time in the memory of any man living we had lost the command of the sea. The right hon. Member for Droitwich was the first Minister to profit by the experience of which other nations had availed themselves, and commenced the solution of the problem as to the comparatiue efficiency of iron and wooden ships. The hon. Member for Chatham (Sir Frederic Smith) said he believed it was now understood that the building of wooden ships would cease. He (Mr. Horsman) gathered that the conclusion arrived at was that the building of iron ships should be gradually increased, and that of wooden ships gradually diminished. The right hon. Baronet went out of office, and the present Board of Admiralty came in. The House had had some experience of the Duke of Somerset when he was a Member of that House, as Chairman of the Committee on Public Expenditure. Acting on that Committee, the noble Duke established to himself a very high reputation in that House. The noble Lord the Secretary to the Admiralty had also earned some distinction in the House, of which he had been frequently reminded, often in no friendly spirit, of being a great naval reformer. For three years the noble Lord made Motions of which he had been reminded that evening, condemning the great waste of money in the public expenditure, and the general mal-administration of the navy. The two first Motions did not make much impression, but the last of the three made a very great impression upon the House, and, in the opinion of many persons, greatly contributed to the circumstance of the noble Lord occupying the post which he now filled with great efficiency. The influence of the noble Duke obtained for the noble Lord that Commission of Inquiry, the result of whose labours the House was now discussing. They had the Report of that Commission before them, and they had heard that evening the vindication of that Report by two Members of that Commission. The task they had to perform was one of a somewhat delicate character. He (Mr. Horsman) had read the Report and the evidence with great care, and he thought the labours of the Committee displayed great ability, great industry, and great discretion. The noble Lord (Lord Clarence Paget) had been charged with having made great promises of reform, and with having failed to carry out those promises. It was said that he had exaggerated the waste and extravagance and general mal-administration of the department. Well, they now had the evidence before them, and they had the Report, and it was found that every statement which the noble Lord had made in that House was an understatement, and that every portion of the evidence which his noble Friend had quoted that evening bore out the charges which the noble Lord had made. Every point which had been remarked upon by the Commission had been brought under their attention by the efforts of the noble Lord, the Under Secretary. Moreover they had the recommendations of the Commission founded upon the evidence of the noble Lord and upon his views, which were now adopted and recognized by the House. The opinions, which he had expressed so earnestly, so consistently, and so frequently, were now recommended to the House by the Commission, and if the recommendations of the Report were carried out, it was the noble Lord who originated them when out of office, and who, when in office, would have shown his ability and power in carrying out what he had originally vindicated. He (Mr. Horsman) felt that a new spirit had pervaded both the late and the present Board; and, therefore, when it was suggested that the present proposal was like a vote of censure on the existing naval administration, he thought that moment peculiarly inopportune for such a Motion. He had not the least doubt of the noble Lord's desire to carry out all these reforms, but very great doubts as to his power to do it. Indeed, that so little had been accomplished during the period of his secretaryship was a proof that he lacked that power. Not many weeks ago he had not the power to send a telegram to which the Prime Minister had pledged himself in that House. Because he represented the Admiralty in that House, some were apt to think he was really the head of that department, whereas, as they were made painfully conscious, he was inferior in authority even to a junior Lord. He had always thought it was a a pity that the Committee had been granted. He thought the public mind was made up as to the necessity of reforms, and he believed the present First Lord and Secretary to the Admiralty could have undertaken those reforms, having all the information before them which a Committee could obtain, and they could have carried out those reforms as efficiently and more rapidly than after an inquiry by a Committee. As that Committee had been appointed they must of course wait for the Report, but when the Report was made he hoped the noble Lord and the Secretary to the Admiralty would then, whatever view the Report might take of his position, vindicate his own views, and would assert in that House his own views and his own powers, and would endeavour to carry out those reforms which long ago he had been the first to point out as absolutely necessary. If the noble Lord did that he was certain to meet with support in that House, which would regard him as one of the most useful Reformers upon this subject who had ever sat upon the Treasury benches.

Mr. W. WILLIAMS said, he thought that too little notice had been taken during the debate of the enormous amount of the Estimates. The only question discussed had been that of iron-cased ships. Now, he found out of these enormous Estimates of £12,000,000 only £755,000 was required for the building of iron-cased ships. The explanations of the Secretary of the Admiralty to the statements of the hon. Member for Sunderland were not satisfactory. He was at a loss to conceive, in spite of all sorts of mismanagement in the different departments of the Admiralty, how such an enormous sum could have been expended on the navy since the end of the French war, as £320,000,000. They had spent £80,000,000 on building repairing slips, and £15,000,000 on dockyards, although at the end of the French war they had nearly a thousand ships in commission, with all the dockyards in the highest state of efficiency, and only one dockyard had been added since that period. According to the statement of the noble Lord, we had seventeen more line-of-battle ships than all the rest of Europe, and our navy was exactly double that of France. Under these circumstances, he thought it was ridiculous to go on increasing our expenditure year after year to prepare ourselves to resist French aggression. It was admitted that the Government did not intend to build any more line-of-battle ships, but only to finish those on the stocks. He should, therefore, like to know upon what the enormous Estimate of £12,000,000 was to be expended, when only £755,000 was required for iron ships. No one desired more than himself to see the navy placed in an efficient position, but there had been a most extravagant waste in the expenditure of public money in that department, and until some better check was placed upon the Admiralty they would never have a thoroughly efficient navy. He did not blame the present Government more than any of its predecessors, but the time had now come for reform, and he hoped that before long they would have that reform.

Sir JOHN PAKINGTON: My right hon. Friend the Member for Stroud (Mr. Horsman), has referred to the Report of the Commission on the Dockyards, and has expressed a strong opinion that the noble Lord, the Secretary to the Admiralty, has completely proved before that Commission all the statements he made in his speeches in this House, when two years ago he made certain charges against the Admiralty, which at the time attracted considerable notice in the House. Now I have no wish whatever to revive questions of a controversial nature; and far less would it be my wish to do so, as my noble Friend has already addressed the House, and is consequently unable to answer anything I may say. It is, therefore, with pain that I advert to what fell from my right hon. Friend; but the clear interests of truth and justice stand superior to compliment; and I am sorry to be compelled to say that I cannot concur in the construction which he has put on that part of the Report of the Commission. We have that Report before us; and the language which the noble Lord used in 1859 is recorded in the library, and must be fresh in the recollection of many Members, and I say that the Report of the Commission does not uphold the language of the noble Lord. And in confirmation of this I may state that there is in the blue book a special memorandum written by Admiral Robinson, the present Controller of the Navy, who succeeded Sir Baldwin Walker in the position which the latter filled with so much ability for many years—I find in that memorandum distinct reference to the language of my noble Friend in that speech, and a most distinct declaration that the noble Lord had failed to establish the statements he had made. I am sorry to be obliged to advert to this point, and I would not have done so but for the unqualified language in which the right hon. Member for Stroud expressed himself. I do not say the Report casts any censure upon the noble Lord, but it does not bear out his statements. At the time the noble Lord made those statements I questioned their accuracy, and expressed my wish that they should be tested by a Committee. I did not impute anything, for I had no doubt that my noble Friend believed the statements he made were accurate; but I entertained an opinion that they were made upon insufficient grounds. Those statements have been tested by a Royal Commission, and, as far as I can gather from the Report, they have been found to be erroneous. I will not enter further upon that point, except to subscribe to the approbation that has been expressed of the manner in which the Commissioners performed their duty. It performed a difficult duty with impartiality and ability, and the Report it presented to the House is a most valuable document, throwing great light on the former administration of the navy, and likely to prove a guide in those future reforms of the naval administration which all parties seem to require. Sir, having thus briefly adverted to the subject of that Commission, I wish, in the few observations I desire to address to the House, to refer to the Motion of my hon. Friend, the Member for Sunderland. I wish, in the first place, to express my great satisfaction that the Motion has been made, for I think it is a very valuable Motion. My hon. Friend introduced it with his usual ability, and it touches on a subject which I think it was most desirable to have brought under the consideration of the House of Commons. But I am sorry to say that I think the answer of my noble Friend, the Secretary to the Admiralty, has not been so clear on the subject as it should have been. I am not sure that I myself understand now, and I doubt whether the House understands, what the real position of the Admiralty with regard to this question is. The real question raised by the hon. Member for Sunderland is, how far, in the present state of doubt, both as to the construction of iron-covered ships and especially the construction of Her Majesty's ships—how far the Admiralty propose to proceed and persevere in the building of wooden line-of-battle ships. That is the real question at issue, and I do not at this moment understand what the answer of the Admiralty is. I am very sorry that both of the members of the Admiralty in this House have spoken, as I am afraid no member of that Board will follow them.

LORD CLARENCE PAGET: Perhaps I can elucidate the statement. The question was, whether we were to cease building line-of-battle ships—cease building and converting. We are not going on with those line-of-battle ships.

SIR JOHN PAKINGTON: I am afraid my noble Friend's explanation will need another speech.

LORD CLARENCE PAGET: We are not going on with the line-of-battle ships; we are only converting.

SIR JOHN PAKINGTON: Still I do not understand what our position is. The noble Lord talked again and again, and told us again and again to-night of sixty-seven line-of-battle ships. I appeal to the House if that were not so. Now it is notorious that we have not sixty-seven—we have at this moment, I believe—I speak under correction—I believe at this moment we have afloat somewhere about, if not exactly, fifty-three line-of-battle ships. Now there is a very broad difference between fifty-three and sixty-seven, and what I wish to put to the House is this, that the speech of the noble Lord and the speech of the hon. Gentleman, the Lord of the Admiralty, who followed him, have left the House completely in ignorance as to what is to be our real strength of wooden line-of-battle ships. Fifty-three I believe to be our present strength. Sixty-seven would be our strength if every ship now on the stocks was to be completed, but the noble Lord tells us that they are not to be completed. Then, I ask him, how many are to be completed, and what is to be our force of wooden line-of-battle ships? I think that is a question upon which we have a right to have a clearer answer than we have yet received from the noble Lord. This is no new question. The attention of Parliament has been devoted to it for years past. It is a double question. It is not confined to this question of iron ships, of which we have heard so much to-night. The noble Lord the Secretary to the Admiralty has himself been the person who raised in former years another question of great importance, bearing directly on this Motion to-night — the question, I mean, whether or not, irrespective of the armour-covered ships, the question whether or not the new invention with regard to artillery has not virtually set aside those great two-deckers and three-deckers to which we have so much trusted heretofore, and whether or not it would be expedient hereafter to confine our most powerful ships to ships of one deck? That is a question independent of armour-covered ships, and it is a question, as I said before, in which the noble Lord the Secretary to the Admiralty himself has borne a conspicuous part. I believe he was one of the first persons to recommend the discontinuance of the line-of-battle ships. What was the policy of the late Board of Admiralty? That policy was that whatever inventions might take place in future — whatever might be our discoveries — whatever might be our decisions with regard to single-deck ships, or iron-covered ships, the duty of the Government of that day, looking to the state of Europe at that time, was to see that England was safe according to the nautical experience of the present time. We, therefore, determined to strengthen the naval force of the country as we best might. The decision then arrived at was not to exceed sixty wooden line-of-battle ships, and that when we arrived at that number to pause and see how far the discovery of iron-casing might supersede the old system of building line-of-battle ships. I am sorry, therefore, that the noble Lord was not more clear as to the intentions of the Admiralty on this point. If I correctly understood him, those intentions are to finish a certain number of ships now on the stocks, but not to go to the full extent of sixty-seven, although we have heard constantly from the Admiralty that sixty-seven was to be the number of the line-of-battle ships. I hope we shall receive some explanation upon that point, and whether there are to be fifty-three as the number now stands, or sixty, or sixty-seven. I will merely add with regard to the Motion of the hon. Member for Sunderland that I join in the wish expressed by my right hon. Friend the Member for Stroud, that he will not press this Motion to a division. From what I have already said the hon. Gentleman will perceive that I quite agree in the principle of his first Resolution. I think there is a point which, considering the present state of the art of ship-building, and the present state of our knowledge on that subject, beyond which the Admiralty ought not to carry on the construction of those ships. But looking at the present state of affairs, and the present state of Europe, I should be very sorry to give a vote in favour of the Resolutions, which I think would be liable to misinterpretation, and would, in fact, take out of the hands of the Executive one of those questions which above all ought to be left to their discretion. Of course, it is perfectly competent for us to express our opinion in this House on the way that discretion is exercised; but I am not prepared to give a vote the effect of which would be clearly to put a stop to the further proceedings of the Admiralty in the way of ship-building. I am not prepared to take that course. I must add, with regard to the last Resolution—the third—that I certainly am quite unable to vote in favour of that Resolution. I have already expressed my opinion that the Admiralty have done wisely and done well in trying the experiment of building one of these iron ships in their own dockyards. Therefore, to the last Resolution of the hon. Gentleman it is impossible that I could give my vote. I find no fault with the Admiralty. On the contrary, I think they are entitled to credit for having determined to try the experiment of building one ship in their own yard, to compare the cost with that of building in a private yard. But I would advert for a moment to what fell from the hon. Baronet the Member for Finsbury (Sir Morton Peto) with reference to the different classes of iron ships ordered by the late and present Admiralty. He has stated that some of those recently constructed will not steam more than eight knots per hour. I was glad to hear the Secretary to the Admiralty deny that statement; but I must say that his answer was not that which I should have wished to hear. He stated that the two smallest ships, the *Defence* and the *Resistance*, were calculated to go eleven knots an hour, and two—those two of 4,000 tons—would go twelve. But the noble Lord, in the course of his speech, used this expression, "The ship with the greatest speed is the ship which will have the greatest advantage over her opponent." Then, why do the Admiralty consent to build ships of avowedly inferior speed? I think this point of the statement of the noble Lord was highly unsatisfactory. Why was it that the late Board of Admiralty determined to order ships of

6,000 tons? Sir, we were unwilling to order ships of that size; we felt the great responsibility of ordering ships of that size; the expense was enormous; the experiment was undoubtedly one attended with much risk and much uncertainty. And why did we adopt it? Solely because we found, by the highest and best authorities, that we could not combine all the elements essential to a man-of-war in a vessel of a smaller size than 6,000 tons. The present Board have decided upon building smaller ships; at what sacrifice? The sacrifice of that speed which the noble Lord in his speech to-night declared was the first and most essential requisite. I cannot help fearing that the present Admiralty have committed a most serious mistake in building these smaller and slower ships. The noble Lord said we had no experience to guide us with regard to these vessels. Why, Sir, that is perfectly true; we are proceeding in the dark. We have not yet had one of these vessels at sea. The *Warrior* was first launched. We are now in the fourth month since she was launched, and I understand that at this moment her plates are not fixed on her, and that months will elapse before she will be ready to go to sea. She was not launched until six months after the time she ought to have been, and she is not likely to go to sea before a late period of the summer. I think that a most serious disadvantage. The Admiralty are still building. Why do they not get out one of these ships, and test what her sea-going qualities are? Why has all this time been lost? Perhaps the noble Lord will tell us the reason why the *Warrior* has not yet got her armour on—why her plates are not on? I have been told that the reason is that the Board of Admiralty are waiting while the tonguing and grooving plan is applied. This is an experiment carried on at an enormous cost and of very doubtful result, and that is the reason, I am told, why the *Warrior* is without the plates so essential to complete her. My hon. Friend opposite (Sir Joseph Paxton) alluded to the enormous weight of wood placed in the *Warrior* between what is called the skin of the ship and the outer armour. I will not venture to contradict my hon. Friend, but my information leads me to believe he has greatly exaggerated the weight of that wood. He spoke of 1,000 tons.

SIR JOSEPH PAXTON: 400 tons of wood and 600 tons of iron.

SIR JOHN PAKINGTON: I understood my hon. Friend to speak of the weight of wood between the outer armour and the skin of the ship.

SIR JOSEPH PAXTON: The wood in the construction of the ship before you come to the iron, I believe, is 1,000 tons.

SIR JOHN PAKINGTON: I do not know what wood my hon. Friend refers to.

SIR JOSEPH PAXTON: The wood in the hull and in the decks.

SIR JOHN PAKINGTON: I believe that must be a great exaggeration. I have always understood that the whole weight, including the armour, would be 1,200 tons—1,000 tons the iron and 200 tons of intervening wood. Now my hon. Friend said that instead of having wood it would be better to have the whole thickness of the armour of iron. That is just one of the questions now being discussed by the scientific men of the day. The noble Lord referred to the proceedings of the Institution of Naval Architects. I have read the proceedings of that Institution with great interest, and one question they have considered is, whether it would not be better in the construction of these ships to make one thickness of iron serve all the purposes of defence? There is a diversity of opinion on this subject, and as yet we are in the infancy of the question. How necessary is it, therefore, that the Admiralty should proceed with boldness, I admit, but at the same time with caution; and, above all, how necessary is it that some of these ships should be practically tested at sea, so that we may ascertain the best form of construction. There is no other point to which I wish to advert except that on which the hon. Baronet the Member for Finsbury appeared to think the Admiralty were deserving of censure—namely, the Vote for an increased stock of timber in our dockyards. Now, Sir, I cannot concur in that expression of censure. I believe that the Admiralty has acted wisely in asking for this Vote, and that an increased stock of timber is necessary to meet the emergencies that may arise. I confess I see no prospect of an abandonment of those wooden ships. Our frigates for the most part, I think, must be still constructed of wood. I hope, then, that this House will acquiesce in the demand for an increased stock of timber in our yards. My hon. Friend the Member for Norfolk (Mr. Bentinck) has spoken truly when he compared the state of our dockyards with that of the French yards, where there is a most abundant stock of timber on hand, and which places that Power in a much better position than we have been in to meet any eventualities that may arise.

Mr. FINLAY said, that having now arrived at a very important epoch in the history of the navy they ought to be careful to adopt the most efficient system that could be devised. He thought the House would be disposed to approve of the first of these Resolutions, which declared that there ought to be no further expenditure on wooden line-of-battle ships; in that he entirely agreed. As to the class of iron ships it would be most desirable to build there was great diversity of opinion, and he thought further experiments ought to be made before they laid out much more money on that score. Some Gentlemen had praised the *Warrior* as being a perfect specimen of naval architecture. Now, for his own part, though he was not a scientific or a professional man, he had paid some attention to the subject, and he thought there was great reason to doubt whether, in all respects, that class of vessels was so perfect as to justify them in resting the honour and the safety of the country upon it. He did not mean to condemn the *Warrior*, which had many excellent qualities, but might also be found to have some defects, when sent out to sea.

Admiral WALCOTT: At a period when science is making fresh advances hitherto unexampled, and other maritime nations are strengthening their navies in proportion, no caution can be too great in a timely consideration of the construction of our ships before they are commenced. Economy and retrenchment he was ready to admit must be employed in careful forethought before incurring expense, but only so far as was compatible with the efficiency of the navy and the integrity of the Empire. The noble Lord the Secretary of the Admiralty had enumerated the naval strength of certain foreign nations which provided, he said, 50 line-of-battle ships, while we had 67. The right hon. Baronet (Sir John Pakington) had put our ships down at 53 only, though he admitted that, including those on the stocks, we might have 67. But if we possessed 67, the number was not more than was demanded by the exigencies and necessities of the country. Consider the number of our colonies and dependencies. They numbered, he believed, about 50. Then look, likewise, at the vast extent of our commerce. Wherever a ship could float, there was to be found a British flag, and under these circumstances we were called on to maintain a navy double that of all other countries combined. He was at a loss to understand what could be the object of France in getting together so large a naval force. She had few colonies to defend, and he could not understand why she should want 37 line-of-battle ships and 45 large frigates and corvettes, except to intimidate other countries. She would have to go a long way before she intimidated England. He gave every credit to the right hon. Baronet (Sir John Pakington) for having placed the *Warrior* and *Black Prince* on the stocks. He had visited the *Warrior* and thought her a remarkably fine model of a vessel, but he found she could only carry six and a half day's coal; that a great part of her bow and stern was unprotected, and that she drew a large draught of water, twenty-seven feet, which last was a great disadvantage. For the complete protection of our shores and to meet all exigencies, we required, in addition, a class of small vessels. In a great measure he agreed with the hon. Member for Sunderland as to stopping the further building of wooden line-of-battle ships; but if those already under construction and conversion were far advanced, they ought to be finished. He disagreed entirely with him on his third proposition. The hon. Gentleman had objected to building iron-cased ships in our Royal dockyards or making any preparations for such purpose; he suggested the building them in private yards on the Clyde, the Mersey, and the Thames, but he (Admiral Walcott) must call the attention of the House to the circumstance that France possessed the important ports of Cherbourg and Brest, which lay opposite our coast and in which she built iron-cased ships. In case, then, of a war with France and an engagement between the fleets, necessitating each to return to their respective harbours for repairs, judge the risk and disadvantage in which the country would be placed, did we not possess in our dockyards both at that time, and, indeed, at all other times, plant and appliances both for building and repairing our iron-built ships. No greater ill could arise in loss of valuable, and, probably momentous, time if driven to the necessity of sending these ships round to the private yards on the Clyde, the Mersey, and the Thames for repairs. He must, therefore, insist on the expediency of adapting our Royal dockyards to the full purpose he had named, in opposition to the third Resolution of the hon. Member for Sunderland. He looked as carefully and as anxiously to the taxation of the country as any man, but he held an efficient navy in the light of an insurance, and never would he consent to put any question of money in comparison with the risk of losing the command of the sea and the maintenance of the proud pre-eminence this country hitherto had enjoyed amongst the first nations of the earth.

MR. LINDSAY said, that as he had already obtained his object in the discussion which had taken place, he would ask leave to withdraw his Motion.

LORD JOHN RUSSELL explained that the noble Lord the Secretary to the Admiralty had been misunderstood by the right hon. Gentleman the Member for Droitwich. What his noble Friend had said with regard to what was to be done this year was that no progress would be made with those line-of-battle ships which were being built; but with respect to those which were being converted their conversion would be completed.

Amendment, by leave, *withdrawn.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

AFFAIRS OF NEW ZEALAND.
RESOLUTION.

SIR JOHN TRELAWNY said, that he rose to call attention to the state of affairs in the North Island of New Zealand. Under the Treaty of Waitangi the rights of British subjects were given to the New Zealand people, and the local rights affecting property were guaranteed in their integrity as then existing, and amongst these was a tribal right by which no native could sell any portion of land without the consent of the chief of the community to which he belonged. There was also a block of land on the Waitara river of about 600 acres, upon the sale of which, without his consent, William King, as chief of the Ngatiawas, had a veto, which he had distinctly exercised. The Waikatos had been partly in possession of this land through a successful inroad, made during the absence of the bulk of the tribe of Ngatiawa, though a portion of the latter had still remained thereon, and the rest intended to return, and did so return. At the instigation of certain colonists, the Government had announced its readiness to purchase more land from the natives. At a meeting which took place subsequently, a person named Teira, himself a Ngatiawa, declared his willingness to sell the disputed land to the Government. Now that man was only a member of the subordinate body, and, therefore he had no right to dispose of any land without the consent of his chief, and that chief was William King. Such was the origin of the unhappy differences that had arisen in the island. The papers laid before the House contained evidence to show that great injustice had been done to the aborigines. They complained bitterly that, while we professed to have given them the rights of British citizens, we had failed to discharge towards them many of the duties of Government, but allowed murderous conflicts to be carried on among them without check. The colonists were anxious to get more land, though they had already what seemed to be quite enough for their purposes—namely, about 27,000,000 acres, of which some 7,000,000 were in the North Island, and, from the papers, it would appear that the Government out there were acting under pressure; but when William King refused to allow the land to be sold the proper course would have been to refer the matter home to the Colonial Secretary to see whether or not he approved of land being taken under such circumstances. It was hardly worth while, in order to obtain a few hundred acres in addition to what had already been ceded to them, for the Government to precipitate hostilities with the natives. He thought they had not set such an example to the natives as might be expected, considering their position, and that the doctrines taught them by missionaries had not been carried out. The commandment, "Thou shalt not covet thy neighbour's goods," had not been observed. The case would not bear examination. They were told that 5,000 troops would be required for the defence of the colonists, and it was uncertain who would have to pay the cost. Some years ago he had protested against guaranteeing a loan of £500,000 to New Zealand, obtained in a manner he would not stop to characterize, and now he feared they would be also required to pay a heavy bill for a war which had arisen out of a gross blunder and a gross injustice. There could be no better opportunity than, on going into Committee of Supply, for asking the House to hesitate before endorsing the conduct of the Government.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words while, this House is prepared to contribute all the aid in its power to the Executive in putting down rebellion in Her Majesty's Colony of New Zealand, yet, having regard to the Treaty of Waitangi, it would rejoice to hear that the difficult and complicated question of the title to the block of land at the Waitara is to be the subject of inquiry before a special tribunal immediately on the reassertion of the Queen's authority,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CHICHESTER FORTESCUE said, the hon. Gentleman had merely given notice of his intention to call the attention of the House to this subject, and had not intimated to the Government the terms or the nature of the proposition with which he had concluded his speech. The hon. Baronet had taken for granted all the points at issue. It was not proved, but the hon. Baronet had assumed that the Government of New Zealand supported by the Government at home, had committed a gross blunder and a gross injustice in these dealings with the native chiefs. Any one who read the ample blue book on New Zealand affairs, in a candid spirit would come to a different conclusion. The hon. Baronet represented a very small party in New Zealand who had strongly objected to the proceedings of the Governor and of the Government. But the result of discussion by a free Parliament and a free press in the colony itself had been to approve the policy of the Government by overwhelming majorities in both Houses of the Legislature, and, he believed, by a majority of the missionary body, a portion of whom had very zealously advocated the cause of the native chiefs. A very powerful portion of the clergy of the Church of England warmly advocated the cause of the chief William King, and they did so beyond the bounds of moderation, and with a zeal which blinded them to the true merits of the case, and made them unjust to their countrymen. There were many clergymen who did not concur in these views, and the missionaries of the Wesleyan, and of every other denomination, including those resident on the spot where the disturbance—which no one regretted more than Her Majesty's Government—had taken place, gave a hearty support to the policy of the New Zealand Government. Such had been the result of discussions in New Zealand itself—discussions which had been conducted with so much ability and moderation that hardly anything could possibly be added on either side of the question, as might be seen by reference to the reports of the debates in the Legislature which were inserted, though it was unusual to insert them in the blue book. The hon. Baronet assumed that the Government, in the purchase of a small portion of land, had violated the Treaty of Waitangi by setting aside the right known as the tribal right. It appeared, however, from the evidence of Mr. M'Lean, the head of the native land purchase department, and who was a most competent authority, that there was no such invariable right as that alleged. It was true that land in New Zealand was held under a tribal and joint occupation; but this communistic and joint occupation was of the most varying character. It might in some cases extend to the whole tribe; in most, however, it was confined to smaller communities, to families and small proprietaries of that description. Indeed, if anything was more evident than another it was that there was no definite, precise rule of tribal title; that no such rule could be found in the treaty, and that the consent of all the proprietors which was necessary, had been obtained. The Treaty of Waitangi had been interpreted in the most liberal way by Her Majesty's Government and the Government of New Zealand, and every doubt which had arisen in its construction had been decided in favour of the natives. The acquisition of native land in the case in question had been obtained with the full and free consent of the owners of the land, although the land itself was wild and valueless to the proprietors, being only valuable when acquired by Europeans. It was believed that the chief of the tribe in the Taranaki district had no right whatever to forbid the sale of land, and certainly that right had never been acknowledged by any Governor since English rule was established in New Zealand. The land concerning which the dispute had arisen had really been bought two or three times over, and he believed that it was owing only to the want of power on the part of the English Government to enforce their rights that the question had been kept open so long. Twenty years ago the Taranaki district was conquered by the Waikatos; and the ground was purchased by the New Zealand Company not only from the Waikatos, but also from the resident tribe of the Ngatiawa, to which William King belonged. The purchase was investigated by the Lands Purchase Commissioner. Mr. Spain, who, although with a strong bias in favour of native claims, decided on that occasion for the New Zealand Company. Governor FitzRoy, however, refused to carry out the award of the Commissioner solely upon the ground that compensation ought to have been provided for several of the owners of the land who were absentees at the time of the transaction. For that refusal Governor FitzRoy was censured and recalled by the right hon. Gentleman who was now Chancellor of the Exchequer, and who was then at the head of the Colonial Office. Governor Grey, who succeeded him, endeavoured, as far as his power went—and in such a case it was a question of power no less than right—to give effect to the award of Mr. Commissioner Spain. Subsequently, there had been various other purchases of land in the Taranaki district by the Government of New Zealand, every one of which had been effected in the same manner by the same agents, and on the same principles as that which William King had resisted. That was proved conclusively by the documents in the blue book, and by the evidence of the head of the Lands Purchase Department. In none of these cases was there the slightest recognition of William King's right to put a veto on the disposal of land, nor was he even consulted on the subject. It was impossible that the tribe at large could pronounce against the sale of land to Europeans, because they were a tribe which had been not only conquered, but were broken up and dispersed in various parts of the country, and were not represented by any head, for King had never been acknowledged by them as chief. The question of the sale of land had given rise to a very excited controversy among the natives of that part of the island, one party taking the enlightened view that it was for the interest neither of the natives nor the settlers that the former should retain possession of tracts of waste land; and the other, with William King at their head, doing everything in their power to prevent the acquisition of land by Europeans. The feelings of King himself on this question were illustrated by the intention which he avowed upon one occasion to his follower of burning his enemies, as he called those who were willing to sell land to the settlers, over a slow fire, and which he was prevented from carrying into effect only by the intervention of the English Government. The dispute really did not rest on any technical points, but involved the broad question whether Queen Victoria was Sovereign of the country. In 1859, Governor Gore Browne announced that he was willing to purchase land from all parties who could show an undisputed title to the land, and that he was determined to put down all attempts to intimidate natives from selling their land who wished to do so. The consequence of that proclamation was the present quarrel. A chief named Teira offered some land for sale to the Government. He represented the joint resident owners of the land to the number of seventy, all of whom were desirous of disposing of it to the Government. The bargain as to this tract of land was made precisely in the same manner in which similar proceedings were usually conducted in New Zealand. There was a gathering of some of the leading men. William King, who was present, while asserting no claim to the land, declared that he would never permit it to be sold, and then abruptly left the meeting with all his people. Had King submitted any legal claim to the land, it would have been duly entertained under the terms of the Treaty of Waitangi, but he chose simply to set the English Government at defiance, and to put a peremptory veto on the sale. That view was confirmed by a most impartial authority, the present Chief Justice of New Zealand, as would be seen in his speech in the Legislative Council. The secret of William King's conduct was, that for some years, before the native king movement was set on foot, he had been at the head of a league established in the neighbourhood of Taranaki for preventing the sale of land to Europeans and the extension of the English boundaries; and it was not as the head of a tribe, but as the chief of that confederation that he had resorted to arms, to prevent willing owners from selling their land to Europeans. He had done more. The moment he found that the Governor was prepared to assert his rights, he joined the native king movement, and placed himself and his territory under the protection of the so-called Maori king. Throughout the blue book there would be found no evidence of any expression of native feeling as to the violation of tribal right being the cause of the war, a complaint which had been invented for them by the ingenuity of their European advocates in New Zealand and in this country; the sole idea in the native mind was that it was a contest between the native king league on the one hand, and Her Majesty's authority and supremacy on the other. The only question which was asked by the portion of the Waikato tribe which had joined the rebels was whether the land at Taranaki was placed under the native king before or after the Governor's purchase. If it was purchased before William King placed himself under the Maori sovereign, they said they would have nothing to do with it; but if afterwards, they should consider it part of their dominions, and would endeavour by force of arms to retake it. It was said by the most able opponents of the Governor's conduct that this disputed land title ought to have been decided by some other tribunal. The answer to that was, that this purchase had been conducted upon the same principles and by the same agents as any other purchase of land in New Zealand. The suggestion that a court of justice should have decided upon these claims was founded upon an entire misapprehension of the circumstances of the country and of the state of the native mind. Although the Treaty of Waitangi promised to the New Zealanders all the privileges of British subjects, the natives had not yet learnt to value those privileges, and would not submit to the duties which their possession would impose upon them. The Governors had never had sufficient power to enforce English law or the Queen's jurisdiction in the native districts, and the consequence was that in all transactions between Europeans and natives the Queen's sovereignty was of no avail, and all questions, such as the restoration of stolen property, the apprehension of criminals, and, still more, the purchase of land, had to be made matters of negotiation through the principal chiefs or the missionaries, without any assertion of the Queen's authority or any order of a court. However desirable it might be to establish a court for the settlement of these questions, the difficulties in the way of the adoption of such a course were enormous; nor would William King have paid any more attention or deference to the Judge of such a court than he did to the native commissioners deputed by the Governor. This purchase was negotiated in accordance with the terms of the treaty of Waitangi, and in the same manner as all others had been; it was conducted by the same gentleman,—a man of the highest character, who had purchased millions of acres for the Government, and it would have been as fortunate as all the others had turned out, but for the fact that there was in existence a powerful native organization directed against the authority of the British Crown. But for the Maori king league, William King would never have ventured to treat the Governor with defiance; and it was equally certain that, such a league existing, a contest must sooner or later have taken place between the Governor and the natives who supported it. The claims put forward by William King and his supporters were so extravagant that they were utterly repudiated by many of the chiefs; they amounted simply to an assertion against the Crown and against the interests of the natives themselves of the counter-rights of the so-called Maori king. It was as much in the interest of the natives as of the colonists that the New Zealand Government resisted this movement, because nothing could be more fatal to the interests of the colony than that it should be kept in a state of disturbance by the vain attempt to assert a separate native sovereignty. He could not answer for the unscrupulous feelings of individual Europeans, but there certainly was no disposition on the part of the Government to treat the natives with harshness or injustice. The debates of the New Zealand Legislature, and the opinions of leading politicians in that colony, were all opposed to the separation of native interests from those of the European residents; and a great deal of respect was shown both to native feelings and native claims. It was impossible to conceive a more difficult position than that in which the Governor of New Zealand was placed. Obliged to act under a Constitution which appeared to have been framed in forgetfulness of the existence of large native tribes within the dominions to which it was intended to apply, he was the head of an ultra-popular Government, in which the executive, where it ought to be strong, was essentially weak. He had not that command of funds enjoyed by Sir George Grey and his predecessors for the purpose of conciliating the natives and for promoting native objects. The revenues of the colony, with trifling exceptions, and even the sums raised by the sale of waste lands belonging to the Crown, were at the disposal of the Legislature; while his power was broken up and frittered away by the institution of provincial Governments, the heads of which were not his delegates, but were elected by universal suffrage, and were often his political opponents. So far from assisting and supporting his measures, they were often incited to oppose them by feelings of opposition to him or his Ministers. In the difficult position in which he was placed the present Governor, he believed, had acted as a man of honour, of humanity, and of discretion; his efforts had always been directed in their behalf against any encroachments by the New Zealand Legislature, and he had never been a consenting party to any transaction inconsistent with the rights guaranteed to them by treaty. His policy had been sanctioned by an overwhelming majority of the educated classes in the colony, both in and out of Parliament. The representatives of the middle island, in which no conflicting interests existed—a most intelligent and enlightened set of gentlemen—unanimously supported the views on which he had acted; and at a native conference held last year it was decided, with hardly a dissentient voice, that the Governor was in the right. If he had been guilty of anything like the conduct imputed to him in violating the treaty the country would have been in a flame from one end to the other. Under these circumstances, he held it was the duty of the Home Government to give their support to the Governor. His hon. Friend suggested that a commission should be sent out. Did he mean that while the natives were in arms anything was to be done to weaken the authority of the Governor and to lead the natives to suppose that if they only held out long enough they would succeed in their misguided endeavours? Could any policy be conceived which would be fraught with more miserable consequences? As he had before stated, no intention existed to violate, in any way, the rights secured by treaty to the chiefs. This just policy had been inculcated in despatches sent out by his noble Friend, and the instructions would be repeated if necessary. The Governor had endeavoured, and was endeavouring, to steer between two extremes. On the one hand he was bound to consult, and on no account to sacrifice, the interests of the colonists. On the other hand, he was bound scrupulously to respect the claims of the natives, while setting his face against the morbid advocacy of their supposed rights and feelings. The duty of the British Government was clear. It was to put an end at as early a period as possible to these hostilities, which, if they injured the colonists, must ruin the native race; and to extend as soon and as largely as possible the blessings of British law and of equal dealing to all classes of Her Majesty's subjects in New Zealand.

MR. SELWYN said, that after the course which had been taken by the Government, a grave responsibility devolved upon the House and especially on those Members who had been honoured by communications from the colony, as they were bound to do all in their power to prevent the continuance of that unhappy war, which might otherwise spread till it assumed the disastrous character of that most fearful of all wars—a war of extermination between two races both subject to the same Crown. With regard to the objection made to the Motion for want of notice, the requisitions it contained had been embodied in the Resolutions of the Church Missionary Society, which were submitted to the noble Duke at the head of the Colonial Office before the meeting of Parliament, and, therefore, he thought the hon. Gentleman had no right to complain on that score. He was glad to hear the desire professed by the Under Secretary for the Colonies on the part of the Government to support the noble declaration of Lord Derby that it was the duty of England to maintain with a strict and impartial hand the Treaty of Waitangi. Everyone must admit, however, that the actions of the Colonial Government had been such as to induce the suspicion that it did not intend to adhere to the treaty, and Her Majesty's Government had incurred a serious responsibility in declining to make a declaration in the name of the Queen and the Home Government that the treaty would be maintained. [MR. C. FORTESCUE: I did not mean to decline that.] He was glad to hear it, because he thought it was the first step towards a pacification of the natives. He would not read the treaty again, but he would ask the House to bear in mind these two points. First, that it secured, not only the individual rights of the natives, but also all the property which they collectively possessed; and, secondly, that it gave the option to the natives to hold their property as long as they desired to retain it. Now, two blue books were published last Session which contained matter even more important in regard to this question than the blue book of this year to which the hon. Gentleman had exclusively directed his attention, and which appeared to have been prepared to meet a particular purpose. In considering the rights which the natives of New Zealand collectively possessed it was important to remember that they were men who had exaggerated notions of the value of their possessions, and who were well informed upon the boundaries of the possessions of each tribe. It was a point of honour to preserve them, though as to the ownership of land within the boundaries there was more confusion, because no person cultivated more than a small portion, and if he vacated it another member of the tribe could take the same spot—and while it remained unoccupied it was, together with the rest of the land belonging to the tribe, enjoyed in common by all for pig-runs, for gathering flax, digging fern-root, snaring ducks and pigeons, and other similar purposes. But as to any idea of its being in the power of any one or more of the natives to alienate to a stranger any portion of the land thus held collectively by the tribe, it was plainly inconsistent with the tenure on which the property was held. This was confirmed by the evidence of the witnesses quoted by the hon. Under Secretary himself, and also that collected by Governor Browne and the Board of Inquiry instituted by him. Governor Browne stated that

> "The right of the natives to alienate land was restricted by the obvious necessity of maintaining the unity of the tribe, of securing its right to service from each member, and of preserving its land from going into the hands of strangers."—[Parl. Papers, March 1861, p. 170.]

The Board of Inquiry reported that

> "Generally there is no such thing as an individual claim, clear and independent of the tribal right."—[Parl. Papers, July, 1860, p. 237.]

This was fully confirmed by the Chief Land Commissioner, Mr. M'Lean, on whom the Under Secretary of State so greatly relied, and it was clear that the general custom prevailed at *Taranaki*, for Mr. Superintendent Brown, of *Taranaki*, had said—

> I do not think any native has a strictly individual claim to land."—[p. 284.]

The hon. Gentleman said that the Wesleyan missionaries were all on his side; but the Rev. J. White, a Wesleyan missionary gave an opinion which, having been expressed before these disputes occurred, was of the more value. He said that

> "No native has anything more than a right to individual occupation and cultivation or locating a house on the land; if a sale is to be effected the sanction of the tribe is required."—[p. 274.]

Mr. Johnson said—

> "He had been informed by a New Zealand chief that there was not one native in New Zealand who could lay his hand on a piece of land as large as a table and call it his own. In one instance, he added, the natives wished to have a Crown grant, but they preferred holding it in common."

The Bishop of New Zealand, who had travelled over the island, said he frequently heard complaints that the natives resident in English districts would not fence their land, but he had seen whole districts abandoned by the native owners on account of English cattle trespassing on their cultivations.

The letter which he (Mr. Selwyn) held in his hand contained a sketch of a block of native land held by native custom by many proprietors cultivating patches without dividing fences.

> "One proprietor insists upon selling to a stranger who brings his cattle on the ground, refuses to pay damages, because by the colonial law owners are required to fence their land. By breaking up the social compact, this one proprietor imposes upon all his brethren a tax exceeding the whole value of their land."

He (Mr. Selwyn) had troubled the House with this evidence in order to show how mistaken the Under Secretary of State was in supposing that this claim of tribal right was something which had never been dreamed of by the natives, but had been invented for them by the ingenuity of their European advocates. So far was this from being the case, that it was obvious that the right was one necessarily incident to the political and social condition and habits of the people, having regard to their want of agricultural skill and capital. The custom insisted on by the natives was not one as the hon. Gentleman had suggested, dependent upon technical points or seignorial rights, but one of a practical kind, and arising from the wants and necessities of their daily life. The hon. Gentleman had referred to the original cause of the dispute, and he attributed it to the Land League and the Maori King movement, but the same blue books to which he (Mr. Selwyn) had before referred would show that long before the Maori movement or the Land League was heard of, the desire on the part of the settlers to possess this land, and the refusal of the natives to sell it, was well known in New Zealand. He would refer, in the first place, to the evidence of Major Nugent, an officer who once held the office of Native Secretary, and had been most justly praised by Governor Browne, and who was intimately acquainted with the language and habits of the natives. That Gentleman, in a dispatch dated 20th September, 1855, said—

> "That the *Taranaki Herald* did not disguise the wish of some persons to drive Wirimu Kingi and his party away, and that he could not answer for the continuance of tranquillity while such inflammatory articles were published, and when people did not disguise their wish to seize on the land of the natives."—[Parl. Papers, July, 1860, p. 143.]

One of the letters of Wirimu Kingi to the Governor, dated 8 June, 1844, and consequently long before the commencement of the Land League or the Maori King movements, contains these passages—

> "This also is the determination of our people. Waitara shall not be given up; the men to whom it belongs will hold it for themselves. Friend Governor, do you not love your land, England, the land of your fathers, as we also love our land at Waitara."—[Parl. Papers, March 1861, p. 212.]

This refusal on the part of the natives to sell this particular portion of land was also evidenced by a Report of Mr. M'Lean, dated 26th August 1844. [Parl. Papers, March, 1861, p. 213.] But there was one dispatch from Governor Browne himself, which showed so clearly the feeling in the colony and the real cause of the dispute, that he (Mr. Selwyn) must request permission to read an extract from it. It would be found in the second of the blue books to which he had referred at p. 77—

> "The middle island was acquired for an almost nominal sum, and large tracts in the northern islands have been acquired at prices varying between a farthing and sixpence an acre. Assuming the whole of the northern island to contain 26,000,000 of acres, and that the native title has been extinguished over 7,000,000, there remains 19,000,000 owned or occupied by about 57,000 Maoris. A large portion of this consists of mountain and dense forest, but the remainder, which includes some valuable land, is greatly in excess of all these possible wants. The Europeans covet their lands and are determined to enter in and possess them. *Recte si possunt si non quocumque modo.*"—[Parl. Papers, 27th July, 1860.]

The new reading was the Governor's.

> "This determination becomes daily more apparent. A member of the Auckland Provincial Council stated in the council that the fault lay in the system of acquiring land from the natives. We were called upon to leave them the best land and sacrifice ourselves to sympathies for the natives, and all that kind of humbug."
>
> "A stream of immigration is pouring thousands of settlers into this province every year. Soon, therefore, a want of available land will really be experienced, and it cannot be concealed that neither law nor equity will prevent the occupation of native lands by Europeans, when the latter are strong enough to defy both the native owners and the Government, as will be the case ere long."
>
> "The immediate consequence of any attempt to acquire Maori lands without previously extinguishing the native title to the satisfaction of all having an interest in them would be an universal outbreak, in which many innocent Europeans would perish, and colonization would be indefinitely retarded, but the native race would be eventually extirpated. The interests of the two races are really identical, but they are not so apparently, and whenever the pressure from without is sufficiently strong it is evident that a ministry responsible to a popular assembly must and will yield."

Mr. Selwyn

Such was the account given by the Governor himself of the real cause of the present dispute, and after hearing it the House would be able to appreciate at their just value the opinions of the Colonial Assembly and of the colonial press, upon which the Under Secretary of State had so greatly relied. He (Mr. Selwyn) subscribed to the statement of the hon. Under Secretary of the Colonies with respect to Governor Browne. He believed him to have been a most gallant officer and a sincere friend of the natives, and that he had conducted the government under circumstances of peculiar difficulty, but he was not sufficiently firm in maintaining his own principles. He had laid down just and wise rules with respect to the purchase of lands; he had declared that he would not purchase lands to which the title was in dispute, and the Board of Inquiry had reported that the survey should not be made until after the completion of the purchase; but, in the case of the land at Waitara, all these rules were disregarded, the Governor had fulfilled his own prophesy, his government yielded to the pressure from without, and then, without due investigation or trial this piece of land was taken possession of by military force, in direct contravention of those collective rights guaranteed by the treaty. Then the hon. Gentleman said that the consent of the family —seventy persons — had been obtained. The papers showed that but one-fifth had given their consent, there being upwards of 100 owners. [Mr. C. FORTESCUE: Every occupier consented.] If every fact were disputed in that manner it would be idle declamation to go on addressing the House without referring them to the evidence, which clearly proved how inaccurate the hon. Gentleman was in his assertion. He would simply refer the House to the letter of Teira, to p. 317 of the last blue book, which showed that the persons selling this land did not comprise all that were interested, and also to the evidence of Archdeacon Hadfield, who stated that he could prove that more than 100 persons had claims and rights which had been wholly disregarded, and to the statements of Govenor Browne *ib.* pp. 186-7, and Mr. White, *ib.* p. 245, which clearly showed that Wirimu Kingi himself was in possession of a portion of the property on the southern bank of the river Waitara. The Governor himself did not assert that the right of all the proprietors had been purchased, for he stated that on the 20th November, 1859, when the first instalment was paid to Teira a memorandum was read especially saving the rights of every one having a proprietary claim, and not assenting to the sale; and in his notes in answer to Sir William Martin's pamphlet the Governor stated that those proprietary rights remain saved to this day. The substance of the matter was that the Governor had practically set aside the collective right of the tribe which was guaranteed by the treaty, and at the same time, with strange inconsistency, had assumed to confer upon individual natives a right which they never possessed or claimed before, namely, that of alienating their land to a stranger and introducing him into their cultivations without the consent of the tribe or the chief. He (Mr. Selwyn) had thus far avoided any reference to the claims of Wirimu Kingi as chief, and had endeavoured to show that independently of any such claim the proceedings of the Colonial Government could not be justified, having regard to the rights of the tribe and to the provisions of the treaty. But he admitted that it would, in many instances, be difficult, if not impossible, to procure the consent of the whole tribe; some would be absent, and others incapacitated by infancy or other causes, and the power of the chief to represent and bind their interests greatly facilitated the acquisition of land, and in the deeds of conveyance it was customary for the chief and the people to join and concur in the sale. But when the chief did not consent; or when, as in this instance, he being also in occupation of part of the property, expressly dissented, no valid purchase could be effected. The hon. Gentleman had also said that Wirimu Kingi had never been recognized as head of the district in question at all; but throughout the whole of the blue books constant reference was made to him as chief, and as having carried on a correspondence and held interviews with successive Governors in that capacity. As an instance, he might refer to a letter of Mr. Riemenshneider, dated as far back as the 24th September, 1855, in which he said—

> "I observed that it appeared to me there was much reason to believe that Wiremu Kingi had, properly speaking, no land and no claims of his own to the lands at the Waitara, on the south side. With much evident surprise they (the Taranaki) looked and asked me where then his lands and his claims were if not there, since he was the rightful and principal chief of the Waitara?
>
> "When I further reminded them that W. Kingi had no right either to hold or to occupy land on this (south) side of Waitara River, since in 1847 he had given his distinct promise to Governor Sir George Grey, previous to his coming up from the south, that he would not settle on this side, but on the opposite (north) banks of the river, I received in reply, that W. Kingi being the head chief of all Waitara, on both sides of it, it was for himself to choose and to say on which side and on which spot he was to reside. In fine, the Taranaki natives seem to scorn the idea of having that personage set down as merely a second or third-rate chief, and as being possessed of only a nominal right and claim to the Waitara lands which he holds and occupies."—[Parl. Papers, July 1860, p. 174.]

The hon. Gentleman had then gone on to state that Wirimu Kingi had never put forward any claim to these lands from the year 1859 to 1860; but it should be borne in mind that when the original offer of Teira was made in March 1859, W. Kingi said—

> "Waitara is in my hands. I will not give it up. I will not."

And that on the 25th of April in that year he had written a letter to the Governor in which he used the words—

> "This bed belongs to the whole of us. It is an old word. None of this land will be given to you; never—never—until I die."

And, again, on the 29th of November, 1859, when the first instalment was paid, Wirimu Kingi said—

> "The land is theirs, but I will not let them sell it. Don't give the money to them. If you do I won't let you have the land, but will take it and cultivate it myself."

Here was a clear assertion of the right which he had as a joint owner, an assertion of one of the collective rights guaranteed by the treaty. After this the survey was commenced, and, he might add, contrary to the rules laid down by the Governor, that no survey should be commenced till the sale had been completed, was commenced without any further communication with Wirimu Kingi, and he then immediately asserted his right for the fourth time by writing to Colonel Murray on the 21st February, 1860, thus—

> "The Governor has said he will not entertain offers of land which are disputed. The Governor has also said that it is not right for one man to sell land to Europeans, but that all the people should consent. You are now disregarding the good law of the Governor, and adopting a bad

law. All the Governors and the Europeans have heard my word that I will hold the land."—[Parl. Papers, March 1861, p. 9.]

This was a fair, and under the circumstances, a temperate remonstrance, and should at least have received some answer or led to some judicial investigation. But how was it treated? Governor Browne had sent a subordinate officer to Taranaki with a proclamation, and with instructions to use his discretion. That proclamation was unfortunately translated in such a manner that, although intended only to be a proclamation of martial law, it was in terms, and was taken by the natives as, a declaration of war. The next thing that was done was the forcible occupation of the land by the military. He asserted there could be no doubt that the chief had the right to represent his tribe, and his assent was necessary to bind the other members of the tribe who were the owners of the land, and especially those who were incapacitated by infancy or absence. Again, it was no wonder that the people were unwilling to sell this land. They had sold a great part of the islands and all the best harbours; and this particular spot was one which they were desirous to retain as their habitation, as they considered it the cradle of their race. Now, he could not help thinking that there was something peculiarly mean in the whole transaction, when the manner in which the treaty had been preserved by the natives was taken into account. New Zealand had, as everybody was aware, been for years previous denuded of troops, and during all that time the utmost forbearance had been exercised by the natives. The courage and strength of the New Zealanders had been proved in conflicts even with British soldiers, and, as had been observed by one who had been long resident in the colony, the natives might at any time during twenty years have driven the Europeans into the sea; but now that they were diminished in number, and that we had increased in strength, we did not hesitate to take advantage of that circumstance to disregard the obligations which the treaty imposed. The Under Secretary relied on the award of Commissioner Spain; but this award was founded on the doctrine that a conquered people forfeited all the rights they originally possessed. If this matter had been under discussion in an assembly of slave-owners, such an idea might be entertained; but it was a strange doctrine to hear in the British House of Commons that because a man had once been in slavery he had forfeited all his rights; and, indeed, the award was expressly overruled by Governor FitzRoy, not upon the grounds stated by the hon. Gentleman, but as was stated by the Bishop of New Zealand, who was present at the time—

"1st. Because the point of law on which Mr. Spain relied was wrong—that slaves forfeited their rights.

"2ndly. Because an Englishman cannot avail himself of customs of slavery to take another man's land."

Governor FitzRoy had, therefore, decided that these natives ought to be restored to their rights in all their integrity. They had also the opinion of Governor Browne expressed in 1855, [Parl. Papers, July 1860, p. 177], that this decision was just and also very politic. He might, therefore, appeal from Governor Browne of 1860 to Governor Browne of 1855; and with respect to the claim of conquest by the Waikatos, Governor FitzRoy had stated in his despatch dated 2nd December, 1844, that these districts were not occupied by the Waikatos, who merely overran them, and then immediately returned to their own country, without cultivating the soil or constructing dwellings. [Parl. Papers, March, 1861, p. 300.] Since 1848 the natives had been in possession of their property, and he should like to know on what pretence any Governor was entitled to deprive them of that property? The hon. Under Secretary for the Colonies told them that former Governors had conducted sales in exactly the same manner as had been followed in this case; but from that statement also he (Mr. Selwyn) was obliged to dissent. No case of a similar kind could be produced. A return of all cases of native property sold without the consent of the chiefs had been asked for in the General Assembly, but no such return could be given, and he challenged the hon. Under Secretary to produce a single instance of the kind. The purchase which was principally relied on was that of the Bell Block; and the hon. Gentleman said that the blue book conclusively showed that Wirimu Kingi was never consulted with respect to any of these sales. But the blue book on which the hon. Gentleman relied—the last blue book—at page 182, clearly showed that, in this very case of the Bell Block, Wirimu Kingi had expressly consented to this sale. How, then, could a purchase made with the express consent of the chief be brought forward to justify a purchase to which he and a great majority of the tribe, and of the joint owners had repeatedly refused to consent? It was true that Wirimu Kingi had put in a claim to a portion of the purchase-money of the Bell Block, and that this claim had been disallowed by the natives to whom the decision of the matter had been referred; but this only showed that Wirimu Kingi was one who could acquiesce in an adverse decision, for he had never attempted to recall his consent to the sale, and the European purchasers had remained in undisputed possession, although he had received no portion of the purchase-money. It was under these circumstances that, before the meeting of Parliament, the Government had been called upon to take steps to remove the doubts created in the minds of the natives by the ambiguous acts of the Colonial Government, and it had been suggested that there should be a declaration on the part of the Imperial Government that the stipulations of the treaty would be maintained; that care should be taken to explain the mistake that had occurred relative to the proclamation of martial law, and to show that it did not imply hostility to the natives, nor preclude the peaceable solution of the questions at issue; and that while maintaining, as every Englishman would desire to maintain, in its fullest extent the supremacy of the Queen, and the necessity of suppressing armed rebellion, a prospect should be held out that some tribunal would be appointed by the Queen to determine to whom the land in dispute belonged. If this were done it would go a long way towards calming the native mind, and preventing a continuance of further disturbances. But the Government had done none of these things; and the responsibility now devolved upon the House; for no one could doubt that an expression of the opinion of that House would have its effect in deciding the policy of the Government, especially when the reins of power were in the hands of Ministers so vacillating and uncertain of purpose as the present Government. With what voice, then, should they speak? Should they continue to breathe out threats of extermination? Should they blot out in blood the fairest page of the history of England's dealings with aboriginal tribes? Should they add the destruction of this noble race to the dark catalogue of crimes already laid to the charge of the colonizing nations of Europe? or should they send forth such a message as policy, humanity and justice combined to dictate?—a message which, while it held out the prospect of reconciliation, and of the means of obtaining a just decision of the matters in controversy, would at least relieve themselves from the imputation of having sanctioned or connived at the continuance or the extension of a war which he believed to have been in its origin not only impolitic, but unnecessary and unjust.

Lord CLAUD HAMILTON said, he had listened with extreme astonishment to some of the statements made by the hon. and learned Member for Cambridge University. The hon. and learned Member had passed a high and deserved eulogium upon Mr. M'Lean, but that gentleman distinctly stated, in a document not included in the blue book, but published by the local government in the colony, that the contested purchase of land was only one of several which had been effected in the same neighbourhood, and all of which were conducted and carried out on the same principle. The hon. Gentleman had actually quoted the sale of the Bell Block and approval of the manner in which that sale had been conducted. The purchase now under discussion had been conducted on precisely the same principles. It might be doubted if the tribe to which William King belonged ever possessed the land in question; but even if they had they had long since lost their right to it. The fact was that the tribe of which King was a member was many years since conquered by the Waikato tribe; they were driven away, and after many years King's tribe were allowed to return on acknowledging the conquest which had been made. The British Government bought the land from the conquerors. King was not the mighty chieftain he had been represented to be. He did not establish himself on this land in his own right, but only by the permission of Raru, the father of Teira. Nor was it correct to say that the purchase was made in a hasty manner. Mr. M'Lean was engaged for nine months in the preliminary negotiations, and before the purchase was concluded Governor Browne satisfied himself by public proclamation in the Maori language that none of the occupiers objected to the proposed transfer. At that time William King did not come boldly forward and make a claim to the land; he merely threatened to prevent the purchase by violent means, and he never has made any definite claim or attempted to establish any right. He has refused all overtures to submit his supposed right to the persons appointed to investigate the case, and has merely threatened and defied the authorities, and used violence to those who wished to sell their property. The conduct of Governor Browne, moreover, had received the approval not only of both branches of the Colonial Legislature, but of a large assembly of native chiefs called together for the express purpose of considering the subject in all its bearings. This meeting consisted of about 110 chiefs. After the fullest discussion and explanation only three advocated William King's claims, and those three persons were all related to him. Governor Browne, therefore, deserved praise rather than censure; and to condemn him upon an incorrect statement of the facts would be alike unworthy of the House of Commons and contrary to English usage.

Mr. G. W. HOPE remarked that some course ought to be adopted by which the title of the natives of New Zealand to their land could be determined Some tribunal should be instituted to determine the right of the natives to land which it was desirable to purchase. A state of things now existed which no one could understand, and it was impossible to tell now which of the parties in this transaction was right. The course he proposed had been suggested by the leading advocates of the natives in the colony. It was impossible to tell whether Governor Browne was right or wrong, and as the Resolution, if passed, would be taken as condemnatory of the whole conduct of the British Government and the local authorities in the islands, it was, therefore, most undesirable that the House should agree to it. He urged, therefore, the appointment of some tribunal to which all parties in New Zealand could refer their claims both of inheritance and purchase. [*Cries of* "divide," and "adjourn."]

Sir MORTON PETO moved the adjournment of the debate.

Debate *adjourned* till *To-morrow.*

House adjourned at a Quarter before Two o'clock.

HOUSE OF LORDS,

Friday, April 12, 1861.

Minutes.] Public Bills—2ª Mutiny; Marine Mutiny; Exchequer Bills; Consolidated Fund (£3,000,000).

Lord Claud Hamilton

SYRIA—THE DRUSE PRISONERS AT BEYROUT.—QUESTION.

The Earl of CARNARVON, in rising to inquire of Her Majesty's Government the Decision of the Turkish Government in regard to the Druse Chiefs now prisoners in Beyrout, said, he had no wish to enter into the larger question as to the occupation of Syria by French troops, but would confine himself as closely as possible to the subject matter of his inquiry. It would be in the recollection of their Lordships that shortly after the outbreak in the Lebanon and the massacres at Damascus, Fuad Pacha was despatched by the Turkish Government to restore order and to institute a judicial inquiry into the unfortunate transactions that had taken place in Syria. After he had investigated the circumstances attending the recent massacres at Damascus he summoned the Druse chiefs to appear before him, in order that they should answer for their share in these events. At that time the Druses had retired to the Haouran, a mountain district East of the Jordan, which was a kind of natural fortress, and position impregnable and almost unassailable by the Turks. They felt some hesitation in coming down from their stronghold and appearing before the Turkish authorities. However, on assurances given them by the Turkish authorities they left their fastnesses and surrendered themselves. Some negotiations took place between them and the British authorities in Syria, but he was far from saying that the British authorities gave them any direct encouragement to place themselves in the power of the Turkish authorities. There was, however, no doubt as to the fact that, to a certain extent, inducements were held out to the Druse chiefs to give themselves up on the assumption of their innocence, in which they were invited to confide. They were led to suppose that it would be well for them not to stay away, or to allow judgment to go by default. Having come down to Beyrout a trial ensued, the result of which was now known. The noble Lord the Secretary for Foreign Affairs, speaking in "another place," had described the trials that took place as grossly unjust; and that expression did not fall short of the reality of the case. The trial of Said Bey at Beyrout was unjust from beginning to end. This man was a principal chieftain of the Druses, and one whom the Turkish Government had for years past endeavoured to win over to themselves by honours and distinctions, and all that political bribery that is so common in the East. Against Said Bey the whole force of the attack by the Turkish authorities was directed. Unfamiliar with legal proceedings he was allowed no counsel to advise him or to plead for him; ignorant of the Turkish language he had no interpreter to translate the evidence or his own replies to the Court. There was indeed an interpreter attached to the Court, but he acted with the grossest partiality, and instead of rendering word for word what the prisoner said, he so perverted the sense as to give an entirely different impression of the meaning of the prisoner's language. Whenever any evidence came out that was favourable to the prisoner, it was immediately suppressed or distorted: on the other hand, whenever any evidence came out unfavourable to the Turkish Government—showing their complicity in what had taken place, or their instigation of the acts committed—it was kept back. To sum up the whole in a few words, during the entire course of the trial Said Bey was surrounded by hostile witnesses; notwithstanding which there was not one jot or tittle of evidence brought out that could fairly criminate the prisoner, or which in England would be considered sufficient to convict a man of the smallest offence. On the contrary, it did come out by ample evidence, in spite of an unfavourable Court and unscrupulous witnesses that Said Bey and his sister had on more than one occasion saved the lives of Christians. Without reason or authority the Judges, however, found the prisoner guilty, and adjudged him to death. His noble Friend Lord Dufferin, the British Commissioner in Syria, who had displayed energy, and ability, and a conscientious impartiality in the discharge of his duties, strongly protested against so monstrous and iniquitous a sentence; and in that protest he (the Earl of Carnarvon) believed he was supported by Her Majesty's Government at home. The protest was forwarded to the Turkish Government. But weeks were allowed to go by, during which time the accused was confined in the closest confinement, and cut off from all communication with his friends. He was denied almost the necessaries of life, and it was even whispered in Beyrout that he was subjected to even worse ill-treatment. At last, as he (the Earl of Carnarvon) understood from a telegram in the newspapers, the Porte consented to a remission of his sentence. And the questions which he now wished to put to the noble Lord the Under Secretary of State for Foreign Affairs were—First, was he to understand that the sentence had been totally remitted; and, in the next place, if that were so, whether Said Bey would be restored to his former position and his property given back to him? He (the Earl of Carnarvon) believed that a large portion of the property of Said Bey had been confiscated, the very toys of his children put up to auction, his wife and children had been forced to live for days together without shelter or comfort in the wildest parts of the mountain, and that prior to his trial part of his personal property had been sold, unless he had been grossly misinformed, to—their Lordships would scarcely believe to whom—to the very Judges who were appointed to try him, and who were sworn to execute justice. Now, if ever there was an instance of an attempt at judicial murder this was one. As it was the case with Said Bey, so was it also the case with the other Druse prisoners. The number of heads demanded by the Maronite Christians was upwards of 4,000. Upon a remonstrance being made against this wholesale execution, they consented to limit their demand to 1,200. That number had subsequently dwindled down to six or eight men. He hoped that the Government would be able to tell their Lordships that the same tardy justice which had been dealt out to Said Bey would be also extended to his companions in misfortune. He was aware that a pressure, to ensure the execution of these innocent men would make itself felt in various quarters—a pressure arising from Maronite revenge, from Turkish cupidity of rule, and from a supposed policy of France. No Druse could approach the walls of Beyrout unprotected, without imminent danger to his life, and Maronite revenge, though unsatisfied, had had sufficient victims. As far as Turkey was concerned, it was very well known that for generations past the Government of that country entertained a bitter hatred of the practical independence of the Druses; and now, for the first time, by a fortuitous combination of circumstances, by a concurrence of fraud and intrigue on their own part and by the intervention of other Powers on the other hand, the Turks were placed in the ascendant and the Druses were struck down. It was true that the course they were now ready to adopt was very different from that they were willing to follow last year. Wholesale reprisals were no longer asked for, but those in whose hands power was vested were very willing to sacrifice six or eight of the principal leaders, by which means they would break the strength of the race and render them more subservient to their own political purposes. But here he thought that Her Majesty's Government had a right to interfere, for by the presence of the British Commissioner in Syria we had to a certain extent countenanced and sanctioned the proceedings going on, and we were, therefore, bound to see, if not that justice was carried out, yet that injustice like that which seemed to be in contemplation was not consummated. Bound as the French Government was by long existing political ties to the Maronites he could very well understand that they experienced some difficulty in acting in this matter; but at the same time it could hardly be supposed that they were disposed to become in cold blood the executioners of Maronite vengeance—indeed, the only retribution that had fallen on the Maronites in consequence of their excesses—and those excesses had gone far beyond anything that the Druses had ever committed—was the punishment inflicted by the French General. He could not, therefore, but believe that if this matter were fairly, calmly, and dispassionately brought forward an appeal to justice and right feeling would not be made in vain. The present position of affairs in Syria was such as to awaken grave apprehension; but he would not now enter upon that question, because the noble Lord had promised that papers should be laid before them on the subject, and until their Lordships had had an opportunity of reading and considering those papers he felt that it would be premature to express any opinion upon the matter; but he could not help saying that if this question—which though a minor one, was still important, because English honour and good faith were involved in it—were settled in the first instance, it would remove one not inconsiderable difficulty from the tangled mass of confusion and disorder which Governments and diplomatists would soon be called on to unravel in Syria.

Lord WODEHOUSE said, he should have been glad if the noble Earl had postponed his Motion until the papers were in their Lordships' possession—especially as they would be distributed to-morrow morning. Because, although the noble Earl had kept his promise not to enter into the general question of Syrian affairs, the subject was so intimately connected with the treatment of the Druse chiefs that it was difficult to separate them, and it was still more difficult properly to understand them without the papers in which the circumstances were set out at length. It was necessary, in the first instance, to bear in mind that the Druse prisoners were in two distinct categories—those who were arrested in the mountains, of whom a considerable number were in the custody of the Turkish Government, at a place called Mokhara, and the eleven chiefs who surrendered themselves at Beyrout, and were now lying under sentence of death. Of those who were tried at Mokhara, Fuad Pasha determined that eight should suffer capital punishment; but strong recommendations had been made by Her Majesty's Government that not more than one or two should actually be put to death, and in this recommendation the French Government concurred. Regarding the eleven chiefs, however, confined at Beyrout, in which number Said Bey was included, great discussions had arisen among the Commissioners, and it was desirable that the House should be acquainted with the views which the Commissioners individually entertained. The French and Prussian Commissioners were of opinion that all the Druse chiefs, with two exceptions, ought to be executed; the Russian Commissioner thought that five ought to be put to death; while the Austrian Commissioner, and his noble Friend Lord Dufferin, were of opinion that only two had been proved guilty, and were deserving of death. Owing to this division of opinion it was agreed that the matter should be referred to Constantinople for the decision of the Porte. That decision had not yet been made known; but the noble Earl was rightly informed in stating that Her Majesty's Government had urged in the strongest manner that Said Bey should not be put to death; and with regard to the other Druses, he could only state that Her Majesty's Government were most anxious that the Porte should exercise a large measure of clemency, and though it was necessary that some of the ringleaders should suffer, they desired that the number should be as limited as possible. But as the noble Earl had spoken so warmly in favour of the Druses, and though he admitted that in their past history there was a great deal to excite admiration, and to claim the sympathy of the English nation, he must beg the House not entirely to forget that last year the whole of Europe was excited by the reports of massacres of the most horrible description, undoubtedly perpetrated by the Druses. Great provocation had undoubtedly been given to them, and the outbreak consequently resembled a civil war more than anything else; yet it was only reasonable that some punishment should be inflicted by the Turkish Government to show that it was not indifferent to the conduct of the Druses, and to prevent a repetition of such excesses in future.

The Earl of CARNARVON said, the noble Lord had omitted to state whether there was any likelihood of a commutation of the sentences.

Lord WODEHOUSE said, he could not tell; he could only say that Her Majesty's Government had recommended that the sentences should not be carried out; but whether the Porte had decided that there should be any commutation of sentence to lesser punishments he could not say.

The Earl of DERBY said, he understood the noble Lord to state that there was a difference of opinion among the Commissioners about the number of chiefs to be executed — one recommending that all but two should be executed; another, five; and the Austrian and the British Commissioner recommending that only two out of the eleven should be put to death. He wished to know whether Said Bey was one of these whose execution was desired by the Government who wished five out of the eleven chiefs to be executed?

Lord WODEHOUSE said, the French, Russian, and Prussian Commissioners had all pressed that this chief should be executed. Their reasons would be found set out at length in the papers.

House adjourned at a quarter before
Six o'clock, to Monday next, a
quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, April 12, 1861.

Minutes.] Public Bills.—2° Annoyance Jurors (Westminster); Charitable Uses.
3° Post Office Savings Banks.

MILITIA QUARTERMASTERS.

QUESTION.

Mr. VINCENT SCULLY said, he wished to ask the Under Secretary of State for War, Whether his attention has been called to the scale of pay and allowances to Militia Quartermasters; and whether it is intended to place them more on a par with other Staff Officers in that branch of the Public Service?

Mr. T. G. BARING said, that in consequence of the observations made on a former occasion by the hon. and learned Gentleman, he had instituted inquiries and ascertained that the case of the Militia Quartermasters was referred to the Commission which sat on the Militia in 1859, and that the Commission considered that the pay and allowances of those Officers were sufficient. Therefore it was not intended to propose any alteration.

PERUVIAN GUANO—AMERICAN TARIFF.

QUESTIONS.

Mr. GREGORY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether any Resolution was passed by the Peruvian Congress abolishing the monopoly of consignment of Guano, and offering to sell it free on board at 30 dollars per ton; and if so, why that Resolution was not carried out? He would also beg to ask whether the noble Lord has received any copy of the new American Tariff; and if so, whether he will lay it on the Table of the House?

Lord JOHN RUSSELL said, he had received a copy of the American Tariff, but it was not quite in such a shape as to be presented to Parliament. With respect to the question relating to Peruvian Guano all the explanation he could give was that the question was raised in the Peruvian Congress, but he was not aware of any decision being arrived at respecting it.

KING'S COLLEGE, ABERDEEN.

QUESTION.

Mr. W. LESLIE said, he wished to ask the Secretary to the Treasury, Whether the Estimates will include a grant for the purpose of providing certain new buildings at King's College, Aberdeen, and if so, to state the sum and the nature of the proposed additional accommodation?

Mr. PEEL said, in reply, that the Estimates which would contain any grant which might be required for buildings at King's College would be distributed in the course of a few days, and perhaps the hon Gentleman would not object to wait that short time for the information he requested.

CHRISTIANS IN TURKEY.—QUESTION.

MR. MONSELL said, he wished to ask, When the Consular Return with regard to the condition of the Christians in Turkey will be laid on the Table of the House?

LORD JOHN RUSSELL, in reply, said he had laid the Papers on the Table at the beginning of the Session, but the whole of them had not been printed. He believed they would be delivered to-morrow or Monday, probably to-morrow.

Moved that the House at its rising do adjourn till Monday next.

THE INDIGO PLANTERS.

MR. LAYARD said, that he had put a notice of two questions upon the paper, namely, to ask the Secretary of State for India, Whether, notwithstanding the Minute of the Lieutenant Governor of Bengal upon the Report of the Indigo Commission dated 17th December last, a Bill has been introduced into the Legislative Council of India to enforce contracts for the delivery of agricultural produce; and if so, whether such measure has been introduced with the sanction of the Government of India? And whether he will lay upon the Table of the House Copies of that Report and Minute, and of the Act XI. of 1860 of the Indian Legislature, together with the Correspondence thereon between the Governor General of India, the Lieutenant Governor of Bengal, and the Indigo Planters' Association, and other documents and papers relating to the cultivation of Indigo in Bengal? He had, however, been requested by the right hon. Gentleman to postpone them, as he (Sir Charles Wood) was unable to be in his place through indisposition. He greatly regretted the circumstance, because, he was sorry to say, there was no other right hon. Gentleman able to give him the information he sought. The House could have no idea of the importance of the subject; it was really no exaggeration to say that there were millions of persons looking for some expression of opinion in that House; and he had given the notice so long ago as Monday last, in order that the mail which left on the 10th might take out the information that the subject was going to be mooted in Parliament. He hoped, therefore, that the right hon. Baronet would be in his place on the earliest opportunity. The statement which he (Mr. Layard) should have to make would be almost without precedent, such a picture should he have to draw of lawless violence on the part, he was sorry to say, of European subjects of Her Majesty, on the one hand, and of suffering and wrongs endured by the natives on the other. His letters from India were of a most alarming character. He would only refer to a minute of the Lieutenant Governor of Bengal, in which he stated that he had steamed for fourteen hours down two rivers in Lower Bengal, on both banks of which, like the two sides of a street, were gathered crowds of men, women, and children, imploring justice. Mr. Grant added very significantly, that there was an organization about them which led him to apprehend that if that justice were not granted it would be taken. His (Mr. Layard's) accounts were no less alarming, for they had led him to fear that justice would be refused; and, therefore, he was glad to learn that a despatch had been sent out by the last mail to support Mr. Grant. If that were true, he could only say that the right hon. Gentleman (Sir Charles Wood) should have all the humble support that he (Mr. Layard) could give him. The right hon. Gentlemen had authorized him to move for that despatch as an unopposed return on Monday next; and he (Mr. Layard) would seize the first opportunity of making his statement; if no earlier occasion presented itself, he would do so on that day week, on the Motion for the Adjournment of the House.

MR. KINNAIRD expressed his regret at the unavoidable delay which had occurred with reference to his hon. Friend's Motion, because he considered the present position of theGovernment of India as entirely indefensible. Contrary to the pledge given to the House last Session by the Right Hon. the Secretary of State for India, that the Act passed there last year was to be only temporary in its duration; and contrary to the promises to the same effect made to the cultivators of indigo, a similar act under another name had been introduced into the Legislative Council, which might, if carried, endanger the peace of Bengal, in the face of the earnest remonstrances and warnings of the Lieutenant Governor of Bengal, in opposition to the spirit of Her

Majesty's Proclamation, and enacting the greatest injustice. If it were passed, he should hold the Government of India and the Government at home responsible for all the evils that might very probably be the result, and it would be a matter for the very gravest consideration what steps could be taken to prevent the re-enactment of such iniquitous laws. He trusted his hon. Friend would be allowed the earliest possible opportunity of bringing forward his Motion.

THE NELSON MONUMENT.

OBSERVATIONS.

Admiral WALCOTT said, he rose once more to call the attention of the House to the incomplete state of the Nelson Monument in Trafalgar Square, the answer which he had received last year to a similar complaint was, he believed, no more satisfactory to hon. Members than himself. He was sure in the mind of that great man the predominant feature was the strongest of all human desires, the yearning for immortality, and not the vulgar thirst for fame and celebrity, but the aspiration of a noble nature for memory and continuance in the minds of his countrymen after death. Monuments of granite, the material least subject to decay, and capable of perpetual renovation, most fully became such a man exempt from the wrongs of time; for statues and pillars were scarcely to be considered copies or images of the departed, because they were ever germinating and sowing seeds in the minds of others, provoking and reproducing similar actions, emulation and imitations in their successors, like a ship passing through the vast seas of time, and making distant generations partake of the greatness, the excellences, and heroism of the dead. Like the Roman of old, Augustus Cæsar, who would upon his entrance on public life stretch forth his hand to the statue of Cæsar in prayer, "so may I obtain the honours of my illustrious ancestor." He, therefore, earnestly entreated the completion of this monument to show that not only did we reverence the memory of Nelson, but that we had set it up to encourage activity, to quicken zeal, to kindle and enforce hope, and to show that success and honours to those who imitated him were certain. Conscious that he was speaking the sentiments of hon. Members and of the country at large, he would once more urge upon the Government how desirable it was to complete the Nelson Monument on account of the respect we owed to his memory, and a just appreciation of our country upon the part of strangers who visited the Metropolis, and for the sake of that profession of which he was in death as in life the brightest ornament.

Mr. COWPER said, he felt bound to acknowledge there had been considerable delay in the completion of the monument; but it should be borne in mind that worse things than delay were to be apprehended in the case of statues placed in Trafalgar Square. The Government had, he might add, done all they could in the matter by entrusting the composition of the lions by which the monument was to be adorned into the hands of so eminent an artist as Sir Edwin Landseer, who was, he believed, at present carefully occupied in modelling those animals—a work in which he would, no doubt, be stimulated to increased exertion by the eloquent language of the hon. and gallant Member who so well represented the British lion in that House.

DENMARK AND HOLSTEIN.

QUESTIONS.

Mr. H. BAILLIE, in rising to ask the Secretary of State for Foreign Affairs whether he has any objection to lay on the Table of the House the Correspondence with the Governments of Prussia and Denmark relative to the Affairs of the Duchies of Schleswig and of Holstein, said, that he and other hon. Members were gratified by the announcement which, at the commencement of the Session, had been made from the Throne to the effect that the foreign relations of this country were in a satisfactory position. He was well aware, however, that the words of that announcement must not be construed in too literal a sense, because experience proved that at the present day the most peaceful professions were not inconsistent with the most artful devices and the most active preparations. Of artful devices, however, he would say nothing, as he did not wish to give offence in any quarter, while at the same time it was quite clear warlike preparations were being carried on in every country in Europe, our own not excepted. If, under those circumstances, the representatives of the people in the House of Commons were anxious to do their duty, they must bear in mind that the expenditure incurred for naval and military purposes must entirely depend on the manner in which the foreign affairs of the country were conducted. Now he, for one, was not among the number of those who complained of the foreign policy of the noble Lord the Member for London, who, in his opinion, had, on the whole, conducted the business of the nation, so far as it came within his department, with great judgment and discretion. But that circumstance did not, he should contend, render it the less necessary that the House should be funished with adequate information in reference to questions of great importance bearing upon the future welfare of the country. It was true that it had of late happened that the attention of the people of England had been absorbed in Italian affairs, so that other questions which awaited the decision of the statesmen of Europe, and in which it became us to take a deep interest, had not received that degree of attention to which they were entitled. In making that remark he must be understood as alluding more especially to the Eastern question, as well as that which had arisen between the Government of Denmark and the German Powers with respect to the Duchies of Schleswig and Holstein. With regard to the former of those questions he would say nothing on the present occasion, except that it appeared to him, so far from having been settled in a satisfactory manner by the Treaty of Paris, to be now more complicated and more difficult of solution than it had been previous to the late war with Russia. It was, then, to the latter question—that which related to the disputes subsisting between Denmark and the German Powers — that he wished more particularly to advert. That was a question which did not affect those Powers alone which were more immediately concerned in its settlement. It was one in which the interests, not only of England, but of other nations, were involved. To maintain the independence and integrity of Denmark was a policy which it was not only wise and prudent for this country to adopt, but it was a duty which we were called on to perform ; for it would be obviously most injurious to the public interest of Europe that a Power so situated should have its independence compromised or its strength impaired. The differences which had arisen between the German Powers and Denmark since the year 1848 in reference to the Duchies had, he might add, been fostered and encouraged by the ambition of Prussia. There could be no doubt that Prussia was the moving Power. Taking advantage of the German feeling which existed in Holstein, Prussia had lost no opportunity of exciting discontent and dissatisfaction amongst the inhabitants of that Duchy, thus rendering all attempts at conciliation or compromise unavailing. Even now, when the Government of Denmark had accepted the proposals made by the mediating Powers, those proposals had failed to satisfy the inhabitants of Holstein; for what they wanted was not conciliation, but separation; it was not, in short, with them a question of liberal political institutions, but one of nationality—they sought separation from Denmark and annexation to Germany. The case of Schleswig was, however, somewhat different. That Duchy did not form a portion of the Germanic Confederation, and the German Diet had no more right to interfere in the disputes which had arisen between the inhabitants of Schleswig and the Danish Government than it had to interfere between the British Government and the inhabitants of the Ionian Islands. The main object, then, sought to be attained by the German Powers with respect to Schleswig was not that which was ostensibly put forward in the case of Holstein—namely, the necessity of performing a federal act of duty in marching to the assistance of a distressed German nationality—but rather that which rose from the ambition, which lurked behind, of extending their frontiers to the shores of the Baltic. It was doubtless true that the magnificent harbour of Kiel, one of the finest in the world, was deemed to be a prize worth contending for; but the German Powers should bear in mind that there was another Power which might set a high value upon extended frontier, and that a policy which might have been wise and for the interests of Germany in 1848, became an act of madness in 1861, when the face of Europe had been changed and the balance of power completely altered. Under these circumstances he was anxious to know what had been the policy of Her Majesty's Government. We knew, indeed, that the policy of the Government had been to mediate, and that proposals had been made to both parties; but we also knew that those proposals were not likely to be successful. Under these circumstances he wished to be informed whether Her Majesty's Ministers had conveyed in terms—in terms conciliatory, no doubt, but still in terms not to be mistaken—the assurance that England would not look with indifference upon an unjust aggression or upon any unnecessary and wanton violation of the peace of Europe. The present was not an occasion on which England could pursue that course which had of late been termed the policy of non-intervention, which meant no policy at all. This was a question upon which England was bound to take a decided course and to announce a decided policy; and he trusted that policy would be to maintain the independence and integrity of Denmark.

Sir HARRY VERNEY also wished to put a question to the noble Lord at the head of the Foreign Office, on the subject to which the hon. Member for Inverness-shire had called the attention of the House. He wished the noble Lord to inform the House, Whether the war carried on by Holstein and Schleswig against Denmark was terminated in January 1851 by the armed intervention of the German Bund, the Duchies having given way on the understanding that rights equal to those of Denmark Proper should be secured to them and to Lauenburg, that each Duchy should have a Representative Assembly with a deliberative vote, that their common institutions (non-political) should be maintained, that Schleswig should not be incorporated with Denmark, that the German language and nationality should enjoy perfect equality with the Danish; these rights to be guaranteed by a common Constitution for the general affairs of the monarchy? His object was to obtain for the House information as to the true state of the relations subsisting between the Duchies of Schleswig and Holstein and the Danish Government. It was most desirable that if the voice of England were raised at all, it should be on the side of peace, and that our Government should make some friendly remonstrances to both parties which might have the effect of averting what appeared to be an imminent war. It was impossible, however, that the voice of England could be heard with effect if one of the parties in conflict felt that the English people were entirely against them, and would not listen to the statements and arguments advanced on the other side. He had heard with surprise the suggestion of the hon. Member opposite (Mr. Baillie) that the support given by the German Powers to the Duchies of Schleswig and Holstein was dictated by a desire to dismember the Danish monarchy, and was, in fact, a mere intrigue, especially on the part of Prussia, to obtain possession of the port of Kiel. Having listened to many debates upon this subject in the German Parliament, and having heard it spoken of again and again in all parts of Germany, and even in Holstein itself, he could safely say that such a proposition was entirely new to him, nor did he believe that any such intention ever animated those who advocated interference on the part of the Germanic Confederation. On the contrary, he knew it to be a fact that the members of the German Parliament who advocated interference in the question of the Duchies were precisely those who would be especially jealous of Prussia, and who would be the last to counsel any measure which would add to the power of that country. In 1850 the German Bund ordered a federal army of 50,000 men, 25,000 of whom were Prussians and 25,000 Austrians, to march into the Duchies, and compel them to lay down their arms; and it was under this threat that the Duchies, after one of the most heroic contests of modern times, ceased their resistance and submitted to Denmark. He believed that a peculiarly irritating kind of oppression had been exercised by the Danish Government over their German subjects in the Duchies; for example, the Danish Government had told the German population that they could not be confirmed until they learned the Danish language—which he could not help thinking was a remarkably stupid sort of oppression, because if anything could strengthen the dislike entertained by the Germans to the Danish language it would be an order compelling them to learn it in order to be confirmed. The actual effect had been that the young people had studied Danish with a view to confirmation, and then had hated it for the rest of their lives. He felt the importance of maintaining the power of Denmark: but the power of a country was not maintained by conduct inconsiderate and unconciliatory towards any portion of its population. The only mode by which Denmark could satisfy the just expectations of Holstein and the German inhabitants of Schleswig would be by giving them those privileges and equal rights which were possessed by the other subjects of the Danish Crown. By so doing they would make Holstein a source of strength rather than of weakness to the Danish monarchy. In 1849 the noble Viscount now at the head of the Government proposed that Schleswig should be divided, and that the southern portion, which was almost entirely German, should be incorporated with Holstein. He sincerely hoped that the great influence of the noble Viscount and of the English Government might be exercised on the side of peace, justice, and humanity, and that Europe might be spared the horrors of war.

AFFAIRS OF CHINA.—QUESTION.

COLONEL **SYKES** said, he wished to ask the Secretary of State for Foreign Affairs, whether the undermentioned papers, published in the *North China Herald*, the official organ of Her Majesty's Legation at Shanghai, have been transmitted to the Foreign Office by Her Majesty's Legation at Shanghai:—

"1. Consular Notifications, dated 18th and 29th December, 1860;

"2. Consular Notification, dated 2nd January, 1861:

"3. Analyses of the book published by the Prime Minister of the Taepings, noticed by Mr. Bruce, 28th July, 1860;

"4. Translation by Consul Meadows of the Letter of 'Le' to the Foreign Consuls, 21st August, 1860;

"5. Translation by Consul Meadows of the Insurgents' Notification, dated 23rd August, and published 1st September, 1860;

"6. Narrative of the visit to Soochow of the Reverend Mr. Elkins, English Missionary, in August, 1860;

"7. Narrative of the Reverend E. M. Syle and four other Missionaries to Soochow, 1st September, 1860;

"8. Letters of the American Missionary J. J. Roberts, dated 26th September and 8th October;

"9. Narrative of the Reverend Griffiths Johns' visit to Nankin, November, 1860;

"10. Exports of Tea and Silk from Shanghai from 1844-45 to 1859-1860 inclusive, published 10th November, 1860;

"11. Letter from Reverend Messrs. Y. J. Allen and William Lambuth, American Missionaries, on their visit to Hangchow, 19th December, 1860;

"12. Letter from B. Jenkins, Interpreter to the American Legation, dated 21st December, 1861;

"13. Edict for the toleration of Christianity by the Taeping King, dated 29th December, 1860:

And, to ask whether Consul Meadows has resigned his office; and, if so, on what grounds?

LORD **JOHN RUSSELL**: I will first answer the question which has been put to me relating to the affairs of the Duchies of Schleswig and Holstein. The hon. Gentleman (Mr. Baillie) said very truly that this question is one of great interest to Europe; and it is certainly impossible to regard it without some apprehension. My hon. Friend behind me (Sir Harry Verney) has stated what I believe is quite true with regard to the understanding arrived at in 1851. There was an armed intervention by Austria and Prussia; but an understanding was arrived at, though unfortunately, as in many other cases, the understanding turned out to be a misunderstanding, because from that time to this, with respect to the nature of the engagement, the terms of it, and the measures that were to be the consequence of it, there never has been an agreement between Germany and Denmark. In the first place, it has been maintained always on the German side that this understanding was a regular convention between the parties. The Danish argument always has been that it was a mere interchange of notes, not constituting an engagement, but informing Austria and Prussia and the Germanic Confederation, on the part of the King of Denmark, what he of his own free will resolved to do. With respect to the terms of the arrangement, and to take the last question of my hon. Friend (Sir Harry Verney) first, the rights to be guaranteed by a common constitution for the general affairs of the monarchy, unhappily that general constitution never was conceded. It was proposed on the part of Denmark that there should be a common constitution and a common Assembly, and that Holstein should send members to represent it there in proportion to its population. That was in itself a very fair principle; but the people of Holstein, supported by Germany, declared that such a body would not offer a sufficient security for their rights in connection with a larger population; and, therefore, they refused to assent to such a union. Other plans for effecting a reconciliation were suggested, into the details of which I need not enter; but before 1851 my noble Friend now at the head of the Government made a proposal with regard to Schleswig—namely, that it should be divided into two parts, one occupied by the German population, the other occupied by the Danish population. But the Danish Government and people were quite as much against such a separation as Germany was against a fusion between Holstein and Denmark; and, consequently, that proposition also fell to the ground. It has always been maintained on the part of the King of Denmark that he has endeavoured to carry into effect faithfully and honourably what he had promised to Austria and Prussia in 1851. It was alleged on the part of Germany that his efforts were not sincere, and that they have failed because the just rights of Holstein were not conceded, and because Schleswig in particular had not that recognition of nationality to which she was entitled. Towards the end of last year the Danish Government applied to Her Majesty's Government, making a proposition with regard to Holstein which was to be laid before the Government of Prussia; and also saying, with respect to Schleswig, that although the King of Denmark could not negotiate with Germany on that subject, as he conceived that he had no engagements towards Germany in relation to it, he would yet be quite willing to state to the British Government the measures he proposed, and consult with them upon those measures. We did not find in the propositions of Denmark that there was enough to induce the Germanic Confederation to agree to them. At the same time we thought it would be quite fair that the Germanic Confederation should propose a counter project of her own, and thus some attempt be made towards a settlement. But the Prussian Government absolutely rejected those propositions, and that endeavour to effect a reconciliation therefore fell to the ground. The Germanic Confederation, in pursuance of their former decrees and requirements, called upon Denmark to grant to Holstein two things: first, that that part of the budget for the common expenses of the monarchy which was to be defrayed by Holstein should be submitted to the States of that Duchy; and next, that laws which were to affect Holstein should not have validity unless they had the consent of the States of Holstein. Both of these proposals are very intelligible, and, I believe, quite within the competence of the Germanic Confederation to make. But I must say there has been on both sides a great obscurity of phrase in the propositions put forward, which has has tended, with other causes, to protract this dispute and render it apparently so difficult to accommodate. The Danish Government construed the demand of the Germanic Confederation in this way—that they required that no new law should be valid unless it had the assent of the States of Holstein; and when that interpretation was placed before the Prussian Government they denied altogether that such was their intent. In that state of the question the French Government asked Her Majesty's Government to inform them of the course we had taken. I said we had no objection to give the French Government the whole of the correspondence that had passed on the subject; and on receiving it M. Thouvenel, the French Minister for Foreign Affairs, declared that the course pursued on the part of France was completely in harmony with that of Her Majesty's Government. In accordance, therefore, with the views thus entertained by the two Governments, and finding that Russia and Sweden also partook of the same opinions, we addressed to the Danish Government the advice that they should submit to the States of Holstein plainly and clearly the quota of the budget of the monarchy which appeartained to and should be defrayed by that Duchy. The Foreign Minister of Denmark replied that his Government had already agreed to propositions of a just and reasonable kind which they were about to send to Holstein, and which would be an answer to the advice that had been given them. It afterwards appeared, when those propositions reached Holstein, that they were of a very general and complicated nature, relating, first, to a permanent constitution for the monarchy, and, secondly, to a provision called a *provisorium*, which embraced, among other things, a budget for Holstein's share of the common expenses of the monarchy. Our Minister at Copenhagen, Mr. Paget, who has acted with great ability in these transactions, asked the Danish Minister to place the last part of the proposition in a separate form, by which means he thought it would have a better chance of success with the States of Holstein. There was, however, a misunderstanding between the Danish Government and the Royal Commissary who was sent to Holstein. It was said that he had not done his duty properly in respect to laying the whole proposition before the States; and, having resigned his office, another Commissary was appointed. According to the accounts we have received in the shape of a despatch from the Danish Government to their Minister in London, and communicated to us, the proposition of the Danish Government is to the effect that the quota of the expenses of the monarchy belonging to Holstein are to be laid before the States of Duchy, and that they will have an opportunity of discussing and deciding whether each item ought to be granted, reduced, or rejected. Now, that proposition of itself seems to fulfil the demand of the Germanic Confederation. There is also, however, a fourth proposition, to the effect that in an unforeseen case, or if the decision of the

States should be at variance with the existing laws of the kingdom, then their decisions shall be submitted to the Royal sanction. This phrase appears to us somewhat obscure, and the matter as placed before the States of Holstein was, perhaps, not so clear and explicit as was desirable. Still, I think, if it stood as it was communicated to us, that there was on the part of the King of Denmark and his advisers a *bonâ fide* intention to ask the opinion of the States of Holstein in regard to the budget. We received yesterday or to-day information from our Consul at Hamburg that the question had been considered by the States of Holstein; that they did not believe the budget had been fairly submitted to them, and that they therefore refused to entertain it. They based their refusal on this among other reasons—that the King had not given a previous sanction to the resolutions of the Diet in regard to the items. It was replied very fairly by the Danish Minister in London, that you cannot expect the King's sanction to be given without first seeing that there is no condition attached to the votes which would be derogatory to the Royal prerogative. But, both in London and at Copenhagen, we have been assured that if the items are thought to be excessive, and reductions in them are desired by the States of Holstein, there would be no difficulty in considering those reductions favourably. I own it appears to me very unfortunate that such has been the asperity of feeling on both sides, that a sort of hesitancy and difficulty should have been shown by the Danish Government in proposing the budget fairly and simply to the Diet of Holstein; while, on the other hand, there has been a kind of predetermination on the part of the States of the Duchy not to come to an agreement, but rather to excite differences that might prevent a reconciliation. Then there is another point, that no law affecting Holstein should have any force in Holstein unless the Estates shall have consented to it. As to that question no mention has been made of it by Holstein, and I am informed by the Danish Minister that there will be no objection to come to an agreement as to all such laws. Therefore, as to the question itself, the friends of both parties might propose terms such as both Governments have already considered—the one demanding, and the other agreeing to—which would prevent any ground for further differences between Germany and Denmark. As far as we are acquainted with the opinions of the Governments of France and Russia, and of Sweden, all those Powers seem to take much the same view of these matters as Her Majesty's Government does; and if they should give any further advice it will be in the same sense, and ought, therefore, to have greater weight with both parties than the single opinion of one Power acting alone. We shall endeavour by our communications to bring about such an agreement. That is the present state of the question; and I am about to lay the Correspondence upon the table of the House, but it will not include all the despatches, because negotiations are still going on, pending which it is not desirable to give the papers relating to them. I must say in corroboration of what the hon. Gentleman opposite has said, that I do think there is considerable danger in delaying to bring this question to an amicable settlement. There are two especial points. It must be remembered that there is a great Danish spirit as well as a very enthusiastic German spirit upon the question. The appearance of German troops in Holstein might bring about what I should consider a precipitate resolution on the part of Denmark, who might regard it as an act of hostility, and one which would justify their Government in blockading the German ports. There is another point involving much danger. The boundaries between Schleswig and Holstein are not agreed upon between the Governments of Germany on the one hand and that of Denmark on the other. As to the harbours of Kiel and Fredericksh orst—two important points—there is a difference of boundary, and if German and Danish troops came into too close proximity with each other a conflict might arise which would be very deplorable. But there is still another and the most dangerous question of all, and that is as to Schleswig. My hon. Friend the Member for Buckingham (Sir Harry Verney) seems to suppose that there is no party in Germany that wishes for Schleswig to be added to Germany. But although the Governments of Prussia and of all the States of the Confederation have disclaimed any such desire, it is well known that there is a popular feeling in Germany in favour of such an annexation, and which would not be satisfied by Holstein receiving all that she demands, unless the union between Holstein and Schleswig was restored. Those who belong to the popular societies in Germany make no scruple of saying that Schleswig ought to be united not merely with Holstein, but also with Germany. Now Schleswig is a Danish duchy, although there had existed before 1851 relations of a very complicated nature between that duchy and Holstein. Thus Holstein was connected with Denmark and also with Germany, and Schleswig was connected with Holstein, but not with Germany. It must be obvious that such relations must lead to all sorts of complications; and these were rendered still more difficult by the existence of a German as well as a Danish population in that duchy. It appeared to us that instead of restoring that complicated arrangement, the real justice of the case would consist in this, that the King of Denmark should do fully and fairly what he had promised to do—namely, to treat alike both nationalities, German and Danish, in Schleswig, in respect to confirmations and schools and divine services in churches, and that in such matters there should be complete equality between both nationalities. That would be not only fair towards the German population, but it seems to me that it is the obvious policy of the King of Denmark that his German subjects should be as well satisfied with his rule as his Danish subjects. All the information that has reached us concerning Schleswig induces me to believe that although there are many complaints of particular grievances—such as that, in order to be examined for confirmation, they must know the Danish language, and that the geography and astronomy are only taught in that tongue—although they complain of these things still, the German inhabitants of Schleswig generally do not wish to be united to Germany, but wish to remain subjects of the King of Denmark. Such being the case, it seems to me to be a question of detail to be settled by the King of Denmark according to the principles of equity and justice rather than a matter which is to be converted into a source of contention between Germany and Denmark. If that contention does take place no one can say to what consequences it may lead, and whether confusion upon the frontiers may not lead to war between the two nations. I have stated the case as impartially as I could. I believe there is great justice in the requirements of both parties, at the same time that there is considerable exaggeration and an absence of conciliatory spirit on both sides; but it would be a very great misfortune for Europe, and would lead to other dangers if in consequence of this quarrel a conflict should arise which would tend to affect the integrity and independence of Denmark. I do not think the question is one to which this country can be indifferent. I have hitherto endeavoured to use the influence of Her Majesty's Government in favour of peace, and I trust the House will think it was the duty of the Government, as friends of Germany and Denmark so to act, and to endeavour to promote the amicable settlement of a dangerous and exciting question; and by so doing to promote the interests of peace throughout Europe.

Some persons feel an interest with the Germans and others with the Danes, but my hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) is, I think, the only person in the House who takes an interest in the Taepings. He asks for a number of papers; but if any are granted, I am afraid he must not expect to see them very soon, for the clerks in the Foreign Office and the printing department are now fully occupied in preparing papers which have been ordered by the House. With respect to the papers the hon. Member wishes for, I can tell him that some have reached us and others have not.

OUTFALL DRAINAGE.—QUESTION.

Sir JOHN SHELLEY said, he had a question of some importance to the country at large to ask the Secretary of State for the Home Department—namely, When the promised Bill for the Amendment of Arterial Drainage and Outfalls will be introduced by the Government? The House would remember that early in the Session he took the opportunity of asking whether it was the intention of Government to introduce a Bill on the subject of arterial drainage, and he was informed that a measure of that kind was in preparation. In consequence of the immense increase in the surface drainage it was impossible that the natural outfalls of the country could carry immense quantities of rain such as had fallen last year, as they did when it percolated through the soil. The consequence was that during the autumn and winter large tracts of land were flooded, and a vast amount of property was destroyed. As many proprietors objected to allow any general system of drainage to be carried through their land, there were no other means of dealing with this question than by a general Act; and seeing the immense amount of public business that was in progress and in preparation, it was absolutely necessary that no time should be lost if it was intended to proceed with this Bill; and he, therefore, again asked what time it was likely to be introduced?

MR. CLIVE said, that the question was a very large and important one, and was still under consideration. He had hoped to be able to lay a measure on the table on an early day after Easter; but it had been found necessary to alter the Bill considerably. He thought it would be in a condition to be laid on the table before the end of the month.

IRISH EVICTIONS.—QUESTION.

MR. VINCENT SCULLY said, the House had had discussions on every nationality of the world—German, Danish, Hungarian, Polish, and even that of the New Zealanders and the Taepings. But there was another oppressed nationality to which he wished to call its attention, and that was the old nationality of Ireland. Though, whenever it was mentioned, the House manifested its indifference, the subject he wished to bring under its notice was of more importance than any of the nationalities that had been discussed. A case of oppression had occurred in the county of Donegal, that he contended could not be paralleled in any part of the world out of Ireland. The hon. Member then read from the *Dublin Evening Press* and the *Londonderry Standard* an account of an eviction that took place on the townland of Derrybaugh, in Donegal, on the morning of April 8, by which forty-five families, numbering about 280 persons, were turned out of their homes, and their houses levelled to the ground. Some information ought to be given to the House by the Government respecting the scene which had taken place in this part of Her Majesty's dominions, and some means should be devised which would at least throw difficulties in the way of landlords who "did what they liked with their own" in this arbitrary way. The police had no option than to act as they did, and they were reported to have conducted themselves with urbanity and consideration towards the unhappy people evicted. Such scenes, however, were a scandal to civilization and to any form of Christianity. He should conclude by asking the Chief Secretary for Ireland has he received information that on Monday the 8th of April instant, a resident magistrate, with a Sub-Inspector and 200 Police, assisted the Sheriff of the county of Donegal to evict forty-five families, numbering about 280 persons, from the townland of Derrybaugh in that county?

MR. CARDWELL said, that no official account had been received by the Government of the matter to which his hon. Friend had called the attention of the House, and from the recent day when the notice was given he had not had an opportunity of obtaining any information. But it appeared that the circumstances under which this gentleman acted was in the exercise of certain civil rights which were not within his (Mr. Cardwell's) cognizance. With regard to the charge against the officers of the police, they were supported by his hon. Friend from paragraphs which had appeared in newspapers. It appeared, however, that what had happened had occurred in the discharge of their regular duty, acting under the authority of the sheriff, who, in the exercise of his duty, was levying a civil process. These officers, it appeared, had not in any manner interfered in the exercise of that civil process; they simply attended to keep order, and they had discharged this duty, as has been admitted, in a humane manner. With regard to the exercise by this gentleman of his private rights, he would not express an opinion founded on the statements in the newspapers, and there was no official information before him. Neither he nor any hon. Member of that House, he was sure, would say a word in vindication of any indiscriminate and inconsiderate evictions. In this particular case, however, it was only right to bear in mind that the steward of this gentleman was recently murdered, the murderers not having been convicted, and that on a recent occasion, when this gentleman himself visited the district, the house in which he was staying was set on fire, and the perpetrators of the outrage again were not discovered. He should certainly refrain from expressing any opinion upon the exercise of private rights until all the facts were officially before him in a definite shape. He regarded the expression of any opinion on private rights as a delicate matter. He should be sorry that their enforcement had entailed any hardship on any class of persons, but he was not now in a position to pass an opinion upon the conduct of the gentleman referred to.

DELAY IN PAYING SEAMEN'S WAGES.

QUESTION.

Sir JOHN PAKINGTON wished to address to the Secretary of the Admiralty a question which, although it did not appear in the paper, he had given the noble Lord private notice. In *The Times* of Monday last this paragraph appeared—

> "A great deal of dissatisfaction is felt and expressed among the crews of Her Majesty's ships *Victory*, *Asia*, and other vessels at Portmouth at the delay which has arisen in paying the money due to them. Many of these men have only received 16*s*. per month for the last nine months. A number of men belonging to vessels in home ports, such as the *Victory* and the *Asia* have wives and families, and are compelled to run up bills at the various tradesmen's shops for their support, until, by remitting the pay due to them, their wives can pay off the debts thus necessarily incurred. On board Her Majesty's ship *Victory* remittance lists were made out in the middle of March, but no orders have yet been received for payment, and hence the discontent of the men. The result of this dilatoriness is that the wives and families of the men are much pressed for payment of the amount they have been trusted with by the different shopkeepers, who cannot themselves afford to give long credit. The household goods in many instances go to the pawnbrokers, and often are never recovered, and, as a natural consequence of such a state of things, the seamen pays a heavy percentage for the Government having the use of his money. The one universal cry of the seamen on board the vessels quoted is, 'Pay us in the same manner that our officers are paid.'"

He wished to ask, first, Whether this extraordinary statement was true, and whether, if not strictly and literally true, there was any foundation whatever for it; and, in the next place, if the noble Lord was not able to deny it altogether he would ask further, to what extent this practice of withholding seamen's pay had gone, what were the reasons for such a delay, to what number of ships it applied, and whether the practice prevailed at Plymouth or any other ports besides Portsmouth? Assuming that there was any truth in the statement in *The Times*, it gave some degree of support to a rumour which had reached him before he had heard or read anything of this kind—a rumour which he had altogether disregarded and discredited—namely, that the Government had been endeavouring to withhold the pay of several classes of the servants of the Crown to a considerable extent until after the close of the financial year, and evidently, if so, with a financial object. He could not help connecting that rumour with the most extraordinary, and, if true, most discreditable statement in *The Times*. If the noble Lord could altogether deny its accuracy he would probably be thankful for the opportunity of contradicting it, or of offering some explanation on the subject.

Lord CLARENCE PAGET said, he would premise his reply to the question of the right hon. Baronet by stating that the Admiralty had not received any complaint as to the withholding of seamen's pay, and by distinctly denying that they had in any case deferred such pay for any financial object. The mode of paying the sailors of the fleet had been somewhat altered of late, with a view to the convenience and comfort of the men themselves. They had now two means of supplying their wives and friends with a portion of their pay. They might either allot it regularly and periodically to their wives or friends, or they might remit a portion of the pay as it became due. When the Admiralty saw this statement in *The Times* they were extremely anxious to ascertain whether there was really any discontent, or whether the statement had any foundation. They had accordingly referred to Portsmouth, and a Report had come up to-day which he had not yet seen. However, when he got his right hon. Friend's note, he sent for the Accountant General and asked him whether there had been any complaints on this head upon other occasions. The facts were these:—The men had monthly allowances paid to them at all times. In the home ports at the end of the financial year the books were made up, and any surplus amount of pay due to them after the payment of their monthly allowances, of their allotments, of their clothing, and other expenses were handed over to them by remittance note—and they were permitted to remit it to their friends. A few days before the books were made up they were asked whether they wished to remit any portion of their pay; and a great many did so. Then they wrote to their friends saying—"I have remitted you £5," or whatever the sum was, and it might be that the friends would expect to receive the money by the next post; but of course in dealing with 80,000 men it was impossible for the Accountant General to be writing letters day by day, and it often happened that men who desired to remit their pay had to wait some time until the remittance books went to the Accountant General and he gave orders for the payment of the remittances. This, no doubt, would be what had happened in the case to which the right hon. Gentleman had referred—the men had given notice, that they wished to remit, and the remittances had not been paid so quickly as they expected. He might add that the system of remittances was now under consideration.

LORD FERMOY, referring to the Donegal evictions, thanked the hon. and learned Member for Cork (Mr. Scully) for bringing this matter before the House. It would be some consolation to the unfortunate persons who had been treated in this inhuman manner to know that sympathy was felt for them in that House. The right hon. Gentleman the Secretary for Ireland had alluded to the murder of Mr. Adair's steward on the property where these evictions occurred. But, however, deplorable that murder might be it was no justification for the wholesale and indiscriminate evictions that had been made. There might be one or two or even ten guilty persons among those evicted, but there was no reason why 270 innocent persons should be treated so inhumanly for the sake of arriving at the few guilty. There were on the spot on this occasion a large body of police, a stipendiary magistrate, and the sheriff; but there was one person absent whose presence was quite as indispensable —the relieving officer. Old men, women, and children were left out for the whole of the night on a bare mountain, without the smallest protection, and the relieving officer ought to have been there to provide conveyances to carry them to the shelter of the workhouse. It was time that some remedy was devised to prevent the recurrence of such a state of things. If persons would exercise what they called their rights of property in such an unchristian way, Her Majesty's Government ought to endeavour to devise some means of putting a stop to it.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

DECLARATIONS FOR OFFICES.

RETURN MOVED FOR.

MR. HADFIELD, in moving for a return of those persons who have subscribed the Declaration required by the 9 *Geo.* IV., c. 17, on admission to any office or employment since the year 1850, said he wanted to know the names of those who had complied with the law, and not of those whose non-compliance had been covered by the annual Acts of Indemnity. He believed that those who alone had the power to exercise their office to the detriment of the Church of England invariably failed to make the declaration required by the Act, and that it was imposed upon the humbler class of persons who accepted corporate offices, more as an acknowledgment of the predominance of the Church of England than through fear of any aggression which Dissenters might promote against the establishment. If he was correctly informed, it was never subscribed by the Lord Chancellor, the Prime Minister, or the Home Secretary. The opinion of the House that the test ought to be abolished had been expressed by their three times passing a Bill for the purpose, and three times the Bill had been rejected in "another place." In order to know whether he was correct in supposing that the law was trifled with, and as a guide for future proceedings, he begged to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House a Return of the name of every person who, in and since the year 1850, has made and subscribed the Declaration specified and required in the Act 9 *Geo.* 4, c. 17, on his having been admitted into any office or employment, or who has accepted from Her Majesty any Patent, Grant, or Commission, and who, by his admittance into such office or employment or place of trust, or by his acceptance of such Patent, Grant, or Commission, or by the receipt of any pay, salary, fee, or wages by reason thereof, would, by the Laws in force immediately before the passing of said Act, have been required to take the Sacrament of the Lord's Supper, according to the rites or usage of the Church of England, except as in the seventh section of the said Act is mentioned, and exclusive also of the persons who are required by section two of the said Act to make and subscribe the said Declaration; and the date on which every such person made the said Declaration, and the office or employment to which he was admitted as aforesaid; and the date of the Patent, Grant, or Commission which was accepted by any such person."

MR. LOCKE KING seconded the Motion.

Motion made and Question proposed.

SIR GEORGE LEWIS said, that when the Act was passed in the year 1828 for repealing the sacramental test imposed on persons taking office by the Statute of Charles II. there was substituted by agreement between the two principal parties in the House a declaration which was embodied in that Act. His hon. Friend, the Member for Sheffield (Mr. Hadfield), had on more than one occasion brought in a Bill to repeal that declaration, and he had voted in its favour, believing that the declaration was introduced rather for saving the honour of those who were, at the passing of the Act, opposed to the repeal of the sacramental test than for any substantial purpose, and that, as it was quite nugatory, it had better be removed from the statute-book. He gave his vote quite deliberately, and if his hon. Friend should ever again obtain leave to renew his Bill he should be prepared to repeat it. Therefore, the House would see that he was quite favourable to the repeal of the declaration. But the return moved for was of a different character. He presumed that the hon. Gentleman wished to lay ground for the repetition of his proposal in some future Session, According to the present law persons taking office under the Crown were bound to make the declaration within six months after entering on their offices; and if they failed to make that declaration their failure was remedied by an annual Act of Indemnity. The Act of Indemnity had been passed now for many years, and it indemnified persons liable to take oaths or make declarations upon the acceptance of office from penalties in the event of their neglecting to do so. His hon. Friend wished to have a Return of those who had taken the oath within the last ten years. Now, of course, if the names of any persons who had held office within that period did not appear in the Return, there was a strong inference that they had not taken the oath. Did his hon. Friend wish to learn the names of those who had omitted to take the declaration in order to lay the foundation of a criminal prosecution? He believed, however, that the Act of Indemnity would prevent that. [Mr. Hadfield: No; it would not.] Then, if it would not, the argument he had just used was perfectly irresistible, because his hon. Friend was availing himself of the compulsory powers of the House to procure information on which a criminal prosecution might be founded. He did not think that that was a desirable exercise of the powers of the House, and he held, therefore, that the Return ought not to be granted. It was sufficient to establish a case for legislation that his hon. Friend should be able to state his belief that many persons who had held office had not taken the declaration as required by the Act. He hoped his hon. Friend would not press his Motion to a division.

Mr. NEWDEGATE said, he was sorry to hear the right hon. Baronet treat the feelings of members of the Church of England on this subject so lightly, and wished he would extend to that body the same toleration as to other denominations. The declaration was believed to be an important safeguard of the Church, and it could not be shown that it was injurious to any section of the community. He urged the hon. Member for Sheffield not to press for a Return which might be employed for a malicious purpose.

Mr. HADFIELD assured the right hon. Gentleman, the Secretary for the Home Department, that he had no intention to prosecute the Prime Minister, the Lord Chancellor, or any of the Cabinet Ministers which the country had had for ten years past. But since it was apprehended that such consequences might arise, he would withdraw his Motion in tender mercy to the offenders. That House had declared three times in favour of his Bill for the repeal of that declaration, and as the majority was increasing he believed in another year or two this insult to the feelings of millions of Her Majesty's subjects would be removed from the statute book.

Motion by leave *withdrawn.*

POST-OFFICE SAVINGS BANKS BILL

THIRD READING.

Order for Third Reading read.

The CHANCELLOR of the EXCHEQUER moved the third reading of this Bill.

Sir HENRY WILLOUGHBY said an impression prevailed that the Bill would require a change in the rules of 600 savings banks. Each savings bank paid a fee of £1 1s. on any change in its laws, so that the Bill would, it was feared, impose a heavy charge upon these institutions.

The CHANCELLOR of the EXCHEQUER said, he should be surprised to find that any charge upon savings banks could grow out of this Bill. He had never heard of the matter mentioned by the hon. Baronet, and he had some difficulty in supposing that there could be any ground for his apprehension.

Bill read 3°, and *passed.*

AFFAIRS OF NEW ZEALAND—RESOLUTION.—ADJOURNED DEBATE.

SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [11th April].

"That Mr. Speaker do now leave the Chair;"

and which Amendment was, to leave out from the word 'That' to the end of the Question, in order to add the words 'while this House is prepared to contribute all the aid in its power to the Executive in putting down rebellion in Her Majesty's Colony of New Zealand, yet, having regard to the Treaty of Waitangi, it would rejoice to hear that the difficult and complicated question of the title to the block of land at the Waitara is to be the subject of inquiry before a special tribunal immediately on the re-assertion of the Queen's authority,' "—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. LONGFIELD said, it appeared to him, on a very careful consideration of the circumstances of the case, that the course pursued by the Governor of New Zealand had been justified on too high a ground. The best that could be said, was that with the purest intention the Governor, acting on the advice of persons more selfish than himself, had been betrayed into a fatal error, and into a war with persons who were only maintaining those rights which the Government was bound to respect. So far back as seventeen years ago there was a desire on the part of the Government to get this land; then William King claimed a right to it. The settlers were early acquainted with the advantageous position of this land; they knew that the title to it was in dispute amongst the natives, and they did not cease constantly to endeavour to occupy it. The Treaty of Waitangi was early found to be very inconvenient, and they would find that during Lord Derby's Administration a letter was written strongly urging the Government of the colony to respect this treaty; this alone showed that even at that time there existed a desire to evade it. They next found Mr. M'Lean admitting in the fullest way that there did exist this tribal right, and that William King asserted it in the strongest possible manner by saying that he never would give the land in question up. If the supporters of the course taken by the colonial authorities had contented themselves wite saying that the British population could have made better use of the land than the natives, he could have seen some reason in their statement, but they said that the proceedings of the Governor were entirely in the right, and those of William King entirely in the wrong. It was curious enough that the Motion of the hon. Baronet was pretty much in the same terms as the language of the Duke of Newcastle writing to Governor Browne. The Duke said that, after examining all the papers, he could not make out clearly where the right lay. Notwithstanding this admission, the Government now claimed absolute praise for the Governor. Although he thought that much might be said in exoneration of the Governor's conduct, yet the despatch of the Colonial Secretary ought to be respected, and, therefore, as a means rather of strengthening the hands of the Government than of weakening them, he should support this Motion.

Mr. LOWE: I wish, Sir, to say a few words upon the question, which is, in my apprehension, a very plain one, although it has been disfigured, enlarged, and inflated by party spirit to a degree which no one who is not tolerably familiar with such things in the colonies could have imagined possible. The question admits of being stated in a very few words. The colony of New Zealand is part of the dominions of Her Majesty and is inhabited by two races—the English or European, and the Native or Maori races—the English race holding one part, and the Maori race the other part of the Northern Island. By the Treaty of Waitangi, entered into with the New Zealand chiefs, the Queen has the right of extinguishing the native title to land. By that treaty, by which she confirmed to the chiefs, tribes, and individuals whatever property they had, it was stipulated that she should have the right of buying up—what we call the right of pre-emption—of extinguishing the native title to land; that she should, in order to prevent collisions and mischiefs of that kind, be the mediator between the settlers and the natives in matters of that kind. In the year 1859 the Government of New Zealand entered into an agreement by which a number of families who were joint owners, as joint tenants, of a large piece of land on the southern bank of the Waitara River, in the settlement of New Plymouth, agreed to sell it to the Crown. The contract was made according to the usual fashion of the natives, the chief laying a mat down before the Governor, which was emblematical of covering the land which he was to have. A chief named William King came forward, and made a claim in this exceedingly pregnant language:—He said, "The land is theirs"—that is, the persons' who were selling it to the Government—"but I will not allow them to sell it;" and the whole question upon which the civil war in New Zealand has arisen is whether that chief was justified in making that claim. That is really the whole question which we have to consider; and I must say that when I looked at the papers it seemed to me to be one exceedingly easy of solution. The chief did not not give any reasons, did not appeal to any court, or tribunal, or authority. He merely put forward his own will and determination. He spoke like a Sovereign to a Sovereign, an equal to an equal. He is a subject of Her Majesty, but be spoke to Her Majesty's representative in a tone of absolute and unmitigated defiance. If there could be the least doubt upon this point it would be removed by a few extracts which I have culled from different declarations which he made upon the same subject. For instance, on one occasion he said, "I hold the land in my hand, and I will not let it go." Again, "Selling land causes the approach of death," meaning that there existed a Land League—a sort of riband conspiracy—in New Zealand, of which he was a recognized and important member, which would kill all those who sold land to the English. Again, speaking of the sellers, "They have floated it, but I will not let it go to sea." "What I say is the boundary for the Pakchee (English) is Waitaha"—a place about forty miles off—"let them remain there;" thus issuing absolute orders to the colonists. Again, he wrote to the Governor, "If you hear of any one desirous to sell land within these boundaries, don't pay any attention to it; this is all." He also told Mr. Paris, the Government agent for the purchase of land, "It is enough, Paris; their bellies are full with the sight of this money you have promised them, but don't give it them; if you do, I won't let you have the land, but come and cultivate it myself." The House will observe that this chief began by saying that he had no property in the land, that the property was in the sellers, but that he would not allow them to exercise their rights, and ends by saying that he will come himself and take possession of the land to which he admits he has no right, rather than allow it to fall into the hands of the English. This is a very simple case. It really amounts to this—that this chief, strong and confident in his power, defies the English Government, and claims a right to intervene between those who wish to sell their land and the Government who wish to buy it, and to forbid the sale. He does not claim that right under any law or custom, but merely in virtue of his own will and of the power which he can exercise. Out of that all this difficulty has arisen. The Government sent persons to measure the land; the measurement was interfered with by force; one act of violence led to another, and they have led to the lamentable struggle in which we are now engaged. I think I have said enough to show that this is no question of law or right, but merely a question of the assertion of sovereignty and of defiance of the English power. But there is more behind. At the time of which I have been speaking there was in New Zealand a league, of which William King was a principal member, called the Land League, the purpose of which was to prevent any more land being sold to the English. The natives find that as the English occupy more and more land they are hemmed within narrower and narrower limits, and are in danger of disappearing before the advancing race; and as a remedy they have entered into this league to prevent the purchase of land by Europeans. They have also set up a native king, and established a confederacy of native states under his authority. These two facts account for the conduct of William King in this matter. He spoke with confidence, because he was carrying out the policy well known to have been agreed upon in the councils of the chiefs, and because he knew that he was ssserting that which he had strength to make good. It, therefore, seems to me that if this question was to be decided by the New Zealand blue-books I might stop there. I have shown that the reason why we are at war with the natives is simply and solely because a number of chiefs have combined to set up a native king against us, have intimidated, or if necessary killed, those who were willing to sell land to us, and have, by so doing, thrown of their allegiance to the Queen, their Sovereign as well as ours, and have obliged us to assert the Royal authority by force. But there is in New Zealand a party which sympathizes keenly with the natives. The members of that party think that New Zealand ought to be for the New Zealanders, look upon new colonists as encroachers and interlopers, and would gladly see them limited to their present position, or even encroached upon by the natives.

Notice taken that Forty Members are not present. House counted, and Forty Members being found present,

Mr. LOWE resumed:—It appears to me that the conduct of William King only admits of one interpretation; but it has been sought to give another gloss to it. It it stated that in putting this veto on the sale of land he was exercising a legal right by the custom of New Zealand. It is asserted that there is a joint ownership, sometimes in families and sometimes in the whole tribe, and that this chief, William King, was acting on behalf of the whole tribe in asserting the right to veto the sale of any part of the property of the tribe. It may be required that such a right should be strictly proved, and the burden of proof lies on those who say that when parties are willing to contract for the sale and purchase of land a chief may come forward and forbid the contract. Upon this point it is quite wonderful the quantity of questions that must be made out, and the imperfect evidence by which they can be sustained. You must make out, in the first place, in whom the ownership of this land lies—whether in the tribe or in the families. Then you must make out clearly what the custom is; how the tribe is to signify its dissent to the purchase, whether by a majority or by unanimity; what are the powers of the chief, and whether he can act independently of the tribe, in which case the tribe would have no power; or whether he acts as the spokesman and agent for the tribe. Next, it must be ascertained who is the chief; whether he is a chief, admitted to be so by the whole tribe, or only by a section, or only one of several chiefs of sections. These questions involve enormous difficulty, and, when the state of society in New Zealand is considered, the difficulty increases. How does the case stand? I might merely stand on the defensive, and say that no proof has been adduced of any such tribal right as that asserted. I might say that there is no proof that this man, William King, is the chief—it being proved, in fact, that he is not—or that any agreement had been come to by the tribe, or any part of it, to veto the purchase, or that he acted as their agent. The presumptions are all the other way. About twenty-seven of this tribe went to the south to Cook's Strait—some said on a fishing, others stated on a murdering, expedition; and, while they were away, their land was seized by another more powerful tribe, by whom the first tribe were broken up and dispersed. While they were so dispersed the New Zealand Company undertook to purchase from the tribe who expelled them this very piece of land among others. The sale was referred to the Commissioners of the Government, who had all the powers of a court of justice in trying the question. William King was present at the trial, and made no sort of objection to the award in favour of the purchase from the conquering tribe. Then Captain FitzRoy came, and very unhappily, I think, refused to carry out the award, but at the same time he notified to the natives that he would purchase from them any of their lands which they wished to sell; thus again showing that he had no idea, after that long examination, that there was any power of veto in William King. Sir George Grey, who succeeded, acted on the same principle. Afterwards William King applied to the natives who had expelled the old tribe to be allowed to return, and he went to live on the northern side of the river; thus implying that he felt he had no jurisdiction on the south side; and when another large block of the land was sold he never said that he had a veto on the sale, but represented that he ought to have some of the purchase-money; but his claim was overruled, and he got no purchase-money. That is the position of the man who claims the right of forbidding any person to sell land forty miles from the place in question. Yet, under these circumstances, it is contended that this man's right is clear and manifest; that he has the undoubted right of veto, which right a great many say never existed in any one; that he was, therefore, entitled to stop the sale; that consequently we are withholding his right from him, and that this caused the war. Now, it was quite clear, even if he had the right, that he put himself in the wrong, because he ought to have appealed to some umpire or arbitrator to decide between him and the Government. It seems to me clear that he had not the right of vetoing the sale of land which the proprietors were willing to part with; and, even if he had, I think it is a right which the Government ought not to recognize, as not being consistent with the Queen's sovereignty in those islands where the Government has the right of pre-emption of these lands. Further, I can imagine nothing so impolitic as the allowance of such a right. New Zealand is a place where persons who have made money in Australia, and especially in the goldfields, go to settle. They are accustomed to the use of weapons, and if the principle should be acted on of keeping these persons out of the land, and preserving it for the natives, in a few years, or perhaps sooner, the barriers within which we seek to confine them will be overthrown, and a contest of life and death will ensue between them and the natives, the horrors of which it would be difficult to describe. Then as to the desirability of establishing a tribunal to deal with these supposed rights, the case admits of no tribunal, for William King refuses to acknowledge any power except his own will. No tribunal would meet the case, for the claimant of the sovereign power and veto is one who if twenty tribunals decided against him, would concede nothing except to force. Whatever may be the origin of our quarrel with the New Zealanders, the time has long passed when we can search very narrowly into the immediate causes of the present war. To do so would be just as absurd as after the capture of Delhi and the disasters at Cawnpore to institute an inquiry as to the precise causes of the mutiny in India. The meaning of the war no one can misunderstand. It is a struggle for sovereignty and dominion. The natives hope to drive the English into the sea, while the English, on the other hand, fight for that which they possess, and with the expectation no doubt, of cowing the whole of the country. The New Zealanders have set up, as it were, a King against our Queen, and have virtually repealed the Treaty of Waitangi by endeavouring to reverse our land policy. That the House of Commons should at this moment and under these circumstances pass a Resolution evincing any doubt as to the expediency of the conduct of the Government would be as bad as if our troops were to undergo two or three serious defeats. The passing of this Resolution would in all probability be attended with most disastrous results, for if when the news reached the colony the war should still be subsisting, a protracted struggle would ensue, and much slaughter would be inflicted. I, therefore. trust that the House will not agree to the Motion under its consideration.

Mr. ADDERLEY said, that no man's opinion was more entitled to respect in dealing with colonial affairs than that of the right hon. Gentleman who had just spoken; but details of colonial matters could rarely be discussed with advantage in that House; and when a colonial question was mixed up with questions of title and native claims, which had baffled the efforts of those who had investigated the matter on the spot, discussion here became an absurdity. How little such a question could be usefully debated in the House of Commons, was evinced by the significant occurrence which had taken place during the right hon. Gentleman's speech. How ably and fairly it was debated by those on the spot is known to all who have read the papers. War was now actually raging, and an essential preliminary to the settlement of the present dispute, and inquiring the exact effect of the Treaty of Waitangi was that the war should be brought to an end. The opposite views upon the question at issue had been most ably represented by the right hon. Gentleman and the hon. and learned Gentleman, the Member for Cambridge University (Mr. Selwyn), whose opinions were deserving of the utmost weight; but, he must admit that, if the censures of the latter upon the conduct of the Governor of New Zealand were justified, it would so far as he could see, be utterly impossible for the future that native lands could be sold at all. But, be that as it might, it was, he thought, quite clear that the war which was now raging must be brought to a close before the question would really admit of discussion. We must proceed npon the principle of *castigatque auditque*, and he regretted to say that the probability of concluding the war might be rendered more doubtful if the report of the present discussion were to reach the colony before its termination. He might add that, in his opinion, the Treaty of Waitangi must be respected; the more so by ourselves, because in its negotiation we were the only party who understood what was being done; but it should be borne in mind that since it had been entered into the affairs of New Zealand had ceased to be conducted in Downing Street; that a representative Constitution had been granted to that colony; that its inhabitants were entitled and resolved to manage their own affairs; that the interests of the natives had been always carefully consulted by the Colonial Legislature; that the native interests were provided for; that they were themselves eligible and electors to the Legislature; that the Government judiciously had in this instance sided with them, and they were not unbefriended; and that no persons could be more concerned for the prosperity of the natives than the colonists themselves; for the prosperity or adversity of the natives produced an immediate and corresponding effect upon the colonists. They were the persons who were massacred, whose property was destroyed whenever the natives broke out into discontent and turbulence. If, therefore, they could not trust to the honour of the colonists they might trust to their interests. That being so, the first thing he hoped which Parliament would do when the war was concluded would be to revise the Constitution Act of 1853. He thought the system should, as far as possible, be acted upon of leaving the colonists to manage their own affairs, instead of encouraging them to look to that House, involving the mother country in expenses and implicating Parliament in their affairs in a manner that could do them no good while it did us a great deal of harm.

MR. KINNAIRD said, he had heard no answer to the speech of his hon. and learned Friend, the Member for the University of Cambridge, on this question. It was useless for them to attempt to decide on the question of legality, for the Governor himself admitted that the question was a doubtful one. He regretted exceedingly the tone of the Government, and the entire want of conciliation which they had exhibited. There could be no doubt that, however it began, the war must be put down; but there was no necessity for harsh expressions such as those used by the Members of the Government who had spoken. He had hoped that some declaration would be made, giving the natives an assurance that the treaty would be adhered to, and that measures would be taken to clear up the misunderstandings that had arisen; but not a word of that kind had fallen from the Government. On the contrary, there had been expressed a determination to press forward the interests of the colonists, in contradistinction to those of the natives. Where could the natives of New Zealand look if not to the Queen and Parliament? The right hon. the Vice President of the Board of Trade (Mr. Lowe) had asserted that William King had never made claim to the land in dispute; but the extracts from the blue book, read yesterday by the hon. and learned Member for Cambridge University, showed distinctly that he had asserted such a claim. And he thought that the Under Secretary for the Colonies was not justified in applying the expression "morbid sentimentality" to the interest which many took in the rights of the natives. He must repeat that he regretted extremely the tone taken by the Government, but he saw no use in further continuing the debate.

COLONEL DUNNE was sure, from what he knew of Governor Browne, that he would never be guilty of injustice towards the natives, for his feelings, he could aver from his personal knowledge, were most strong in favour of that race. He hoped the House would consider the difficult circumstances in which he was placed before it passed a censure upon that officer.

MR. DUNLOP denied that any vote of censure was intended against the Governor. All they asked was that some tribunal should be appointed to settle the questions in dispute, instead of driving the natives to despair and following a course that must ultimately lead to their extermination.

Question put:—

The House *divided:*—Ayes 38; Noes 24: Majority 14.

Main Question put, and *agreed to.*

SUPPLY.—NAVY ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

(1.) £161,157 (Admiralty Office).

MR. W. WILLIAMS complained of the crease which had taken place in the establishment of clerks in all the departments of the Admiralty, and which involved a proportionate increase of expense. He observed that the additional salaries amounted to upwards of £8,000 per annum. Seeing that the number of men had been reduced by 7,000, he thought that the staff of clerks at the Admiralty should have undergone a corresponding reduction.

LORD CLARENCE PAGET stated, that during the last two years there had been a large increase in the number of temporary clerks. The fact was, however, that the duties of these clerks were of a permanent character, and the apparent increase in the Vote this year was due to the circumstance that a number of temporary clerks had been placed on the permanent staff. There had been a reduction of expense upon the whole.

Vote *agreed to,* as were the following Votes:—

(2.) £253,422, Coast Volunteeers and Reserve.

(3.) £63,851, Scientific Departments.

(4.) £172,947, Naval Establishments at Home.

(5.) £33,640, Naval Establishments Abroad.

(6.) £1,112,126, Wages to Artificers, &c. at Home.

(7.) £67,828, Wages to Artificers, &c. Abroad.

(8.) £66,000, Medicines and Medical Stores.

(9.) £90,510, Naval Miscellaneous Services.

(10.) £684,016 Half Pay, &c.

MR. W. WILLIAMS said, this sufficiently accounted for the extravagance in the other Estimates. There were 305 Admirals, of whom 74 only were employed; 784 Captains, of whom only 132 were employed; and 1109 Commanders, of whom only 209 were employed. The French kept their list of officers down to the real wants of the service.

LORD CLARENCE PAGET said, it was the great complaint in the French service that the number of officers on the list were too few and not adapted for a state of war. He admitted ours was too large; but time was thinning the list, and he supposed his hon. Friend did not wish to take any violent steps to quicken the process.

Vote *agreed to,* as were also the following Votes:—

(11.) £486,431), Military Pensions and Allowances.

(12.) £180,397, Civil Pensions and Allowances.

(13.) £247,000, Freight of Ships, &c.

House *resumed.*

Resolutions to be reported on *Mo day* next.

Committee to sit again on *Monday* next.

House adjourned at Nine o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, April 15, 1861.

MINUTES.] *Took the Oath*—The Viscount Bangor.
PUBLIC BILL.—1ª Post Office Savings Banks.

LUNACY REGULATION BILL.

COMMITTEE.

House in Committee according to Order.

THE LORD CHANCELLOR said, that he had postponed the Committee from last week in order that he might have the opinion of his noble Friend (the Earl of Shaftesbury) upon some Amendments which he proposed to introduce into the Bill. The principal of there was the substitution, for two medical visitors who would give only a portion of their time to their duties, of one medical visitor, who should receive a salary and devote his whole time exclusively to his office. The noble and learned Lord said this would effect a great improvement upon the present arrangement, and he hoped the House of Commons would agree to his receiving a liberal remuneration. He had several other Amendments to propose, and if they were agreed to he would suggest that the Bill should be reprinted and recommitted, in order that their Lordships might see it in its altered shape.

THE EARL OF SHAFTESBURY thanked the noble and learned Lord for introducing the provision he had mentioned, as it was absolutely necessary that the duties of medical visitor should be discharged by an experienced man, whose whole time was at the command of the public. He concurred with the noble and learned Lord in the hope that the House of Commons would act generously in fixing his remuneration, as those duties were not light. He believed that the result of the Bill would be to inaugurate a new era in regard to the treatment of lunatics.

THE MARQUESS OF WESTMEATH thought that some provision ought to be introduced in the Bill to enable some protection to be thrown round persons who, though not of sound mind, were not in such a dangerous state as to render it necessary to treat them as ordinary lunatics. He referred to the recent case of Lord Kingston, who, he said, had been more or less in the present state for the last twenty years. His mania took the form of giving away large sums as alms in indiscriminate charity, whereby he had destroyed his whole fortune. Had there been any provision of law by which the property of a person afflicted with mania of this kind could have been placed in the hands of trustees, Lord Kingston would now have been with £20,000 a year, instead of appearing before the public as an absolute pauper. Even now he would not have been placed under the protection of the law, if he had not been seen by a policeman, walking into a railway tunnel and brought before a magistrate.

THE LORD CHANCELLOR reminded the noble Marquess that as the law now stood any man of unsound mind, and incapable of managing his own affairs, could be placed under proper restraint.

Amendments made; the Report thereof to be reviewed *To-morrow.*

House adjourned at half-past Five
o'clock, till To-morrow,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 15, 1861.

MINUTES.] PUBLIC BILLS.—1° Religious Worship; Copyright (Works of Art).
2° Births, Deaths, and Marriages (Ireland); Harbours; Trade Marks; Statute Law Revision; Queen's Prison, &c.; Registration of Births, &c. (Ireland).

ROMAN CATHOLIC CHAPLAINS IN WORKHOUSES.—EXPLANATION.

MR. DENMAN said, he wished to be allowed to make an explanation in regard to a matter which was somewhat of a personal nature. On Monday last he presented a Petition from the Union of Tiverton against the appointment of Roman Catholic Chaplains and Schoolmasters in Union Workhouses. That Petition was presented in the ordinary way, but it so happened, owing no doubt, to some error, that in the Votes of the Proceedings next day that Petition was entered as one in favour of the free exercise of their religion in Workhouses by Roman Catholics. That was exactly the contrary of the prayer of the Petition, which was against the appointment of Roman Catholic Chaplains to Workhouses, and so it appeared in the newspapers.

MR. NEWDEGATE remarked, that the Petition from Tiverton was not the only one in respect of which this error was made.

HERRING TRAWLING.—QUESTION.

COLONEL SYKES said, he wished to ask the Lord Advocate, Whether he has made inquiry into the truth of the Statement of the Chairman of a public meeting held at Glasgow on the 4th of February last, that trawling for herrings had been pursued in the lochs on the Western Coast of Scotland during the last fishing season; and whether any defects in the Herring Fishery Bill, passed last Session, have been brought before the notice of the Fishery Board of which he was a Member; and if he intends to bring in a Bill this Session to remedy these defects?

THE LORD ADVOCATE said, his attention had been directed to the fact that trawling for herring had, to some extent, been prosecuted during the last season. This had arisen not so much from the defect of the Act as from the limited amount of force employed to prevent it, and the great extent of coast that force had to watch. There were some minor defects in the Herring Fishery Bill of last Session, which, in some degree, interfered with the prosecution for penalties, and this circumstance might render some amending Bill necessary.

DRUNKENNESS.—(IRELAND.)

QUESTION.

MR. VINCENT SCULLY said, he would beg to ask the Chief Secretary for Ireland, Whether his attention has been directed to the committals for drunkenness to local Bridewells in Ireland, under the Act of 6 and 7 Will. IV, c. 38, s. 12, and to the inconvenience of transmitting persons convicted under that Act from distant districts to the common gaol of the county, and whether Government intends to provide any remedy for such inconvenience?

MR. CARDWELL said, that his attention had beon directed to the committals for drunkenness to local Bridewells in Ireland under the Act stated by the hon. Member. He (Mr. Cardwell) was aware that there was an inconvenience felt of committing persons convicted under that Act from distant districts to the common gaol of the county, and it was the intention of the Government to provide a remedy for that inconvenience

THE BUDGET—FINANCIAL STATEMENT—WAYS AND MEANS.

FIRST NIGHT

Order for Committee read.

House in Committee.

Mr. MASSEY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: Mr. Massey, Sir, The retrospective portion of the statement I have to submit to you is the most unfavourable—indeed, I may say it is the only unfavourable—statement of account that it has ever been my lot to lay before the House of Commons. For that as well as for other reasons, the Committee will, I hope, forgive me if I invite their attention somewhat at large to its details. Whatever we may think of the legislation of last year, we must all concur in the opinion that it was no ordinary year in the financial history of this country. It was a year in which the House gave its sanction to that great instrument, the Treaty of Commerce with France; it was a year in which we received a remission of our hereditary burdens, through the diminution of the charge on debt, such as we probably shall never receive again; it was a year in which the controversy with respect to Protection, which had so long agitated the country and disorganized this House, was at length finally wound up, for it closed without leaving on the Statute Book of the United Kingdom one single protective duty of more than nominal amount. It was also a year of the highest taxation and of the greatest expenditure that has ever been known in this country, unless in the midst of an European war; and, finally, it was a year marked by a succession of seasons—the spring, the summer, the autumn, and the winter—the most unfavourable with which it has pleased Providence to visit us for the course of about half a century. The questions, I may further observe, which were debated in this House during last Session were questions of no ordinary moment, from whatever point of view we may look on them. The issue which they raised was no trifling issue. In the beautiful tragedy of Schiller, Mary Queen of Scots is made to say of herself, "I have been much hated, but I have also been much beloved;" and I think I may with equal truth say that the financial legislation of last year, while I do not mean to contend that it was not unacceptable to many, met, as a whole, with signal support from a great body of public opinion in this country. Be that as it may, I feel bound to admit that although the financial proposals of the Government were last Session fully and minutely canvassed, they were fairly and in no factious spirit discussed within these walls.

In taking a retrospective view of those measures and of their operation, it will be my duty to lay before the Committee, as far as I am able, the whole material facts exhibited by the financial history of the past year; and while I cannot but doubt that I must perform that task most imperfectly, yet I must add that the shortcomings in that respect with which I may be chargeable will not be owing to any want either of will or of effort on my part. I may further add that in making this statement I hope to be seconded in my desire to afford the fullest information to the House by the patient indulgence of its Members on both the one side of it and the other.

I shall first, then, Sir, submit to your notice the estimated and the actual expenditure of the past year. The expenditure which was estimated and provided for in the regular Votes for the year, and entirely apart from the Act which was passed towards the close of the Session for erecting with borrowed money certain fortifications, amounted to £73,664,000; and, inasmuch as the Act relating to fortifications was by common consent treated as a matter entirely distinct from the ordinary financial arrangements of the year, I shall not further refer to it, except casually on one or two points, or in any manner include its provisions in the statement I have to make to-night. The estimated expenditure was then, as I said, £73,664,000; while the actual expenditure was £72,842,000:—thus, as is apt to happen at a time when great warlike preparations are in progress, following closer on the estimated expenditure than is usually the case, but still falling considerably short of it, and showing a difference of £822,000 in favour of the Exchequer.

Sir, into the details of this difference for the last year I do not mean to enter, but this I may say—that while there was a considerable saving on the estimate for the collection of the revenue, and a certain amount of saving on some other estimates, there was a considerable overcharge for the navy, resulting from the settlement of the accounts of former years. These nearly balance one another, so that the sum of £822,000 which I have mentioned as representing the difference in our favour as between estimated and actual expenditure is a difference almost entirely due to the Vote of Credit taken for the prosecution of military operations in China. That Vote, which I submitted to the House last July, amounted to £3,800,000, while the expenditure amounted only to something more than £3,000,000; a fact which ought to be sufficient to convince the House that any man laboured under a delusion who supposed that it was the object of the Government in the last Session, to understate the demands for the public service, or that they ventured to invite the sanction of the House to what they believed in their consciences to be an inadequate provision for the military operations in which there was a prospect of our becoming engaged. I have, I may add, stated the balance remaining to us on the China Vote in round numbers, for it is in point of fact somewhat less than £800,000.

But, passing by that point, I shall next proceed to the examination of the Revenue of the past financial year—a subject in dealing with which the Committee will, no doubt, follow me with a greater degree of interest. That subject I will endeavour to place before you in all the various lights by which, so far as I am able to form an opinion, it may be in my power to increase your means of knowledge with respect to it. And this in three principal modes. I will first compare the Revenue of the last with that of the previous year; then I shall compare it with the actual expenditure of the year itself; and, finally, with the Estimates framed at the commencement of the year. The two last of these modes of comparison will render the Committee assistance in forming an opinion as to how far the Government exercised a sound judgment in the calculations which they made beforehand. But I may observe that the first mode of dealing with the point—that is to say, a comparison of the Revenue of the last with that of the previous year—is the one of the greatest public and general interest, regarded as a means of exhibiting the condition of the country.

In 1859 we had a year of which I may say all the circumstances were favourable to the Revenue. So favourable were they, indeed, that on the 10th of February, 1860, I, proceeding on the Estimates framed in the public departments, told the House of Commons I anticipated little more than a balance of revenue and expenditure, after provision should have been made for a certain amount of charge on account of the war with China; when, however, the 31st of March arrived there was a balance in our favour to—nominally a greater extent—but in reality to the extent of about £1,200,000. In 1860-61, on the contrary, we have had a year of unfavourable circumstances so far as they are dependent upon the dispensation of Providence—a year in which the supply of the fruits of the earth was stinted, and which may be looked upon as one of the severest within the memory of any living man. The Revenue of 1859-60 was £71,089,000, and the Revenue of 1860-61 was £70,283,000. There is an apparent decrease of £806,000. In proceeding to comment on this decrease, I hope the Committee will not think I am trifling with their understandings when I point out to them that one of these years was materially shorter than the other. The revenue of this country is in the gross about £200,000 a day for every paying day in the year; and that part of it which depends strictly upon operations from day to day may be stated at fully £100,000 a day. The year 1860-61 was, for every practical purpose, shorter by three days than 1859-60. It was shorter in this way:—1859-60 was a Leap year, which accounts for one day; and 1860-61 was in the predicament—most happy with reference to our other interests, but not favourable to the interests of the Revenue—of both commencing and ending with a Sunday. By means of this extra Sunday there was a loss of a clear day's pay. And the third day is accounted for by the circumstance that in the course of the year 1860-61 there fell two Good Fridays; one of them was at the very close of the year, and the effect of it, with the following Sunday, was to throw some business and some payment of duty forward into the present financial year. After noticing, however, that two Good Fridays fell to our lot in the course of 1860-61, I may mention to the Committee that in the present year, 1861-62, there is no Good Friday at all. Now, Sir, the deduction of three days, representing revenue to the amount of £300,000, shows a real diminution in the Revenue of 1860-61 as compared with 1859-60 of £506,000, or, in round numbers, £500,000; and that, upon the whole, is a fair and just comparison as between the two years, so far as the totals are concerned. With respect to particulars, I have endeavoured to examine the subject with all the care in my power, and what I find is as follows:—We remitted taxes last year to the extent of £2,900,000, or in round numbers, £3,000,000; but what with the income tax, the additional spirit duty, and the minor charges of all kinds we derived from the proceeds of new taxes a sum not very far short of the same amount. So far, therefore, the balance was not materially disturbed. There was one other point, however, which might have disturbed it. It was this—in both years we made some draughts on temporary resources. In 1859–60 we had £856,000 from the retrenchment of the malt credit; and we had, likewise, the sum of £250,000 in the shape of a repayment of a debt from Spain, making together £1,106,000. In 1860–61 we also made by anticipation a large demand upon temporary resources. We were to have £300,000 from the hop duty; but that sum entirely disappeared from the receipts of the year, partly by the failure of the crop, which has very greatly reduced it, and partly by the necessity of postponing the payment upon the reduced crop. We were to have £1,100,000 on account of the malt duty; but that sum,

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owing to the disastrous circumstances of the harvest, shrank into £778,000. We got £250,000 from Spain, a payment equal in amount to that made in the previous year; so that, as compared with £1,106,000 of temporary resources in 1859-60, we had £1,028,000 in 1860-61. It is, consequently, fair and just to say that the absolute Revenue of the country, after making every reasonable deduction, diminished under the circumstances of the last year at the very outside by about £500,000. I must confess, Sir, that when I consider that the bad season of last year certainly did not represent a loss to the Revenue upon the whole of less than from £2,000,000 to £3,000,000, I cannot but regard with satisfaction the fact that the country exhibits a real deficiency in the yield of its taxes to an extent not exceeding, but rather falling short of £500,000. And I cannot doubt that if we had been blessed with a season of ordinary clemency we should in lieu of a deficiency under this head have been able to present a considerable surplus.

Let me now, in the second place, compare the revenue with the expenditure of the country for the year. The expenditure of 1860–61 was £72,842,000, and the Revenue, as I have said, was £70,283,000, showing upon the face of the figures a deficiency of £2,559,000. But, Sir, this account likewise requires some rectification. In the first place, a sum of £288,000, or, in round numbers, £300,000, out of the £2,559,000 belongs in every substantial respect to the account of 1859–60. There was a payment made by the State on account of drawback to the holders of certain stocks of wine. It was estimated and allowed for by me in the accounts of 1860-61 at £350,000, and was so taken by the House at the time when the final statement of estimated revenue and charge for that year was laid before it. Of course that money, not having been disbursed within the year 1859-60, went into the balances of the country as part of the surplus revenue; and it was merely owing to a legal technicality that were obliged to charge it as part of the expenditure for 1860-1. It is a legitimate deduction, having nothing to do with the real expenditure of 1860-61. That deficiency is thus reduced to £2,271,000, or in round numbers, £2,250,000. Further, it will be recollected that a large part of this deficiency lay within the anticipations and arrangements of last year. In the month of July, when we had before us the estimate of the charge for the war with China, the Government proposed, and the House agreed—I think without opposition—that a portion of that heavy charge should be defrayed from taxes, and that the remaining portion should be taken from the balances in the Exchequer, which were well able to bear it. I will not now enter upon the question whether this may substantially be said to be equivalent to borrowing a corresponding amount of money. It is certainly the withdrawal of so much available cash from the coffers of the State. A sum of about £1,300,000 or, as it was afterwards reckoned, £1,400,000 was the sum in the final estimates of expenditure for which we made no provision; in other words, that was the amount which we were to take from the balances in the Exchequer. If we deduct that sum of say £1,416,000 from £2,271,000, representing the deficiency that stands on the balance sheet of the year, it follows that the real deficiency over and above what was anticipated in 1860-61, and what was sanctioned by Parliament, is £855,000; and certainly in a year of charges so heavy, and of receipts so unusually stinted with reference to the permanent power and resources of the country, I do not think that is an unsatisfactory result.

But, Sir, I come now to that which has more to do with the question of the judgment that the House of Commons may be disposed to pass upon the Government—I mean the comparison between the Revenue of the year and the Estimates of that Revenue which I laid before the House last Session. I shall not refer at any length, Sir, to the various, and, happily, contradictory complaints that were made from different quarters—some alleging that the estimates of the Revenue had been outrageously swollen through the partial sentiments of the Government, and others asserting, with equal confidence, and I have no doubt equal sincerity, that an improper reserve had been exercised, and that the estimates of Revenue presented to the House were kept far below what everybody knew would be realized. The Revenue as estimated was £72,248,000—the actual Revenue was £70,283,000, the difference £1,965,000, or, in round numbers, for the purposes of this discussion, I will call it £2,000,000. Now, Sir, if the Committee will—as I am sure they will—give me their kind and unwearied patience to assist me in the task, I will ask the particular attention of the Committee to the constituent elements of this sum of £2,000,000 — because they are material as throwing light not only or mainly upon the conduct of the Government, or even the wisdom of the proceedings of Parliament in a particular Session, but upon a number of questions of very considerable permanent interest and importance in connection with the welfare of the country. To bring clearly before the mind of the Committee the manner in which this difference of £2,000,000 has arisen, I shall first deal in the gross with all branches of revenue which are of the least importance to the issue—all branches, namely, except the two great branches of Customs and Excise. The several branches of Stamps, Assexed Taxes, Income Tax, the Post Office, Crown lands, and Miscellaneous receipts were estimated to yield taken together £27,457,000. They actually produced £27,542,000, showing an excess of £85,000. Some heads were £50,000 above the estimate, others were £50,000 below it; but we may overlook these details, satisfied with the fact that these branches of revenue yielded in the aggregate as nearly as may be what they were estimated to produce.

A word in passing on the subject of the minor duties—not because they form a vital or important part of this question, but because there is some misapprehension with respect to them. When they were originally proposed to Parliament in February they were expected to yield about £900,000; but in the course of the Session an important change was made in them with a view to diminished pressure on the trading community, upon whom several of them immediately fell; and the consequence was that the ultimate estimate of the yield of these duties, after taking credit for a number of small adjustments, was about £590,000. One of the duties—that upon chicory—remained in abeyance during the greater part of the year in consequence of the largeness of the stocks which had been imported into this country, and which, having been imported free of duty, were naturally enough exhausted before any duty-paying parcels were brought into the market. It should, likewise, be borne in mind that the Act for the granting of wine licences was passed only last year; and although I must say it was passed with as much expedition as was consistent with the consideration that so important a subject demanded and received at the hands of the House, yet it was not possible to get it into full operation until the end of the summer and travelling season, so that up to the close of the financial year it has had only a very partial effect. In other respects I do not know that the produce of these minor duties was materially different from the final form of the financial estimate.

I come now, Sir, to the revenue of the Customs and Excise. And first of all I must warn the Committee that the revenue of the Customs as it stands in the figures that hon. Gentlemen have seen in the public journals is too favourably represented. The Customs were estimated to yield £23,430,000. They actually yielded £23,305,000; that is, there was an apparent deficit of £125,000; but, although that difference is a decrease, yet substantially it may be said to represent equality. For, on the one hand, we have to allow for that shortness of the year, which I have already explained; and on the other hand, it so happened that the amount paid into the Exchequer was somewhat in excess, as compared with the actual receipts of the department. I need not trouble the Committee with details, but, when these items are reckoned, they leave both sides of the account nearly balanced, and we may say that the revenue of Customs yielded as nearly as possible what it was estimated to yield. But then it is material to observe that in all cases of this kind the revenue of the Customs profits unduly at the cost of the revenue of Excise. When we have a bad year the meaning is we have bad seasons; when we have bad seasons the meaning is that the produce of the earth is less abundant than usual. If the produce of the earth is less abundant than usual, more produce must be imported from abroad, and though little of it comparatively is subjected to duty, and none of it to a high duty, yet, of course, the operation virtually tends to remove certain dutiable articles from the region of the Excise, and bring to the credit of the Customs accounts may have accrued from such a cause. Sir, that is particularly remarkable in the present case, so far as regards the great article of corn. We call, and not unjustly, our duty on corn a nominal duty; and yet the yield of that nominal duty in the year just expired was £866,000. Sir, the amount of that receipt for the year, I confess, I regard with the greatest dissatisfaction. Every pound we receive from corn over and above the sum received on the average reminds us that the harvest has so far fallen short of what is necessary to supply the ordinary wants of the country. It tells a melancholy tale, in the first instance, of deficient yield from our own soil; and in the second place every such pound gained tells of £2 or £3 withdrawn and withheld from the Revenue in the shape of a narrowed consumption of comforts and luxuries by the people. On corn, I reckon, that in this case there is an increase of £366,000, over and above the sum of £500,000, which I take generally to represent the average Revenue. In addition to this sum, £54,000 was received on sugar used in breweries, to supply but very partially the deficiency caused by the miserable failure of the crop of barley. £47,000 was received on hops, arising in some part from a simiiar cause. These three items of corn, sugar, and malt, together make a difference of £467,000, which comes, I may say, unlawfully to the credit of the Customs, and which represents far more than a corresponding prejudice to the Excise. It is worth while, considering the importance of this subject, if the Committee will allow me, to exhibit it to them anew by means of some further detail. If I take three great articles immediately connected with the condition of the people, and paying Customs' duty, which, together, yield no less than £17,000,000 yearly—I mean the articles of tea, sugar, and tobacco—the revenue from these three articles during the past financial year, notwithstanding the growth of the population in numbers, was entirely stationary. Tea, taken alone, showed an increase of £5,000; sugar an increase of £18,000; and tobacco showed a decrease of £21,000; so that the increase on tea and sugar exceeded the decrease on tobacco by a sum of no more than £2,000. But then, as I have already said, £54,000 was received on sugar used in breweries as a substitute for malt; so that the actual decrease was £52,000 on these three great articles so immediately connected with the comforts of the community, and the amount of revenue on which forms a measure and a test of the degree in which those comforts are enjoyed.

The Committee will, no doubt, like to know what has been the effect of the changes which have been brought about by the reduction of the Customs' duties on a number of imported articles. All I can say must be by way of general description as to the operation of these changes, inasmuch as we must bear in mind that narrowed power of consumption which we may trace throughout all the figures of Customs and Excise during the year. And we find, I must confess, under the circumstances, the result of these changes has been not unsatisfactory—certainly, it has been less unsatisfactory than the figures which I have just given to the Committee. I reserve for separate consideration the articles of spirits and wine. I begin by taking together all the other articles on which duties were reduced in the last Session of Parliament, of which the principal were timber, hops, raisins, currants, figs, and a few others. The total amount of reduction on these articles last Session was £663,000. The total loss to the revenue was £529,000. So that there has been a recovery by increased consumption amounting to £124,000; but, I have no doubt, it would have been much greater had the circumstances of the year been more favourable. Next, with regard to spirits imported from abroad, the Committee will observe that we made two changes last year, in opposite directions. We began, in February, 1860, by abolishing in substance the differential Customs' duty on spirits, although a small difference remained to cover the proved cost of Excise regluations. The amount of reduction on brandy which was the only material article affected under this head was £446,000. But in July we laid on an additional duty on foreign as well as on British spirits of one shilling and elevenpence per gallon, which was estimated to yield £400,000; so that, in point of fact, the balance of relief we gave on the article of spirits imported from abroad was only £46,000. We surrendered £46,000 of revenue—that is to say, taking all the three descriptions of imported spirits together, two of which were not affected by the decrease, but all of which were affected by the subsequent increase, the result was that the increase on Geneva was £67,000, and on rum £193,000, while on brandy there was a diminution over the whole year of £181,000; so that there was an actual gain to the limited extent of £79,000 on spirits, together with a relief from taxation of £46,000.

But the most important and interesting of the changes made last Session, with regard both to its effect on the Revenue, and likewise on the consumption and condition of the people, was that which was made in the duties on wines. I will endeavour to state the facts to the Committee without any unnecessary waste of words, but, at the same time, with such fulness and clearness as are essential in order to appreciate the substantial results. With regard to this particular alteration of Customs' duty my belief is that when you compare the new system with the old we may say that this particular change, of all the changes which have heretofore been made in Customs' duties, was, in the first place, as a mere fiscal change, the most difficult to make on account of the administrative operations necessarily attending it; it was, secondly, sure to be the slowest in working out its full results; and, thirdly, I believe it was, perhaps, the very best. The loss which I anticipated upon wine—that is the amount of relief given to the consumer by the reduction of that duty—was £830,000. The actual loss sustained by the Revenue has been £493,000. We have here then the important fact that of all the articles in the tariff, wine is the only one that has faced the unfavourable circumstances of the year, and has brought us even a larger revenue than I ventured, calculating on an average state of circumstances, to expect. The utmost reduction of the loss I ventured to state to the House was from £830,000 to £515,000 by the increase in consumption; wine, and wine alone, has done all, and more than all I anticipated, and the actual loss is only £493,000. We began, as the Committee will recollect, with a simple reduction of duty from about five shillings and tenpence to three shillings; we ended the year with the initiation in full of the new system of charging the duties which was contemplated and provided for in the Act of last year; and since the new system of charging the duties began the deliveries I think, speaking roughly, have been not less than double what they were under the former system. Whether they will continue at so high a figure I do not pretend at this moment confidently to predict; but I have no reason to doubt they will continue at a satisfactory rate of increase, both as regards the consumption of the country and as regards the receipts of the Exchequer.

I will now give to the Committee very briefly the figures as regards the importation of wine into this country in the years 1859-60, and 1860-61. In the financial year 1859-60 wine, other than French, was imported to the extent of 8,021,000 gallons, while French wine was imported to the extent of 1,155,000 gallons. And here I ought to say I think the importation was in some degree increased by the fact that the changes in the law were made some two months before the end of the year. The total importation of wine, therefore, in the year ending March 31, 1860, was 9,176,000 gallons. In 1860-61 the importation of wine other than French increased from 8,021,000 to 9,878,000, while the importation of French wines increased from 1,156,000 gallons to 2,631,000 gallons. The total importation was thus 12,509,000 gallons against 9,176,000 in the preceding year. The increase upon French wine was 1,476,000 gallons, or 127 per cent; while the total increase of all wines was 3,333,000 gallons, or 36 per cent. I must here observe, as I have done on other occasions, that it will take a long time to work out the full effects of the changes we have made in the duties upon wine. I think the lessons of former experience distinctly teach us that such will be the case. I believe it would be in the power of any ingenious person who made adequate research into the subject, to write an exceedingly curious tract upon the history of the taste for wine in this country. The changes which that taste has undergone have been wonderful; but substantially, we may say—and I hope the hon. Member for Norfolk (Mr. Bentinck) will not be shocked by the assertion I am about to venture—we may say that in the really "good old times" of "Merrie England,"—that is to say, those times that are sufficiently remote from our own to merit the application of that laudatory epithet—in those times the prevailing taste in this country was for light wine. Strange as it may seem, the taste for wine has been materially connected with the course of politics. The Revolution of 1688, and still more the Hanoverian Succession and the wars with France brought about political arrangements bearing upon commerce which have greatly altered the taste of this country as to wine; so that a people which, as a people, had before loved light wines, began to love strong wines. I believe it is a fact that the University of Oxford, with which I have the honour to be intimately connected, actually petitioned Parliament against the grievance of the imposition of a heavy duty upon light wines, on the ground that it almost compelled them to drink port. It is impossible to look into the literature of the last century without finding ample evidence to the same effect. There is an interesting work, which, no doubt, many hon. Members have read, which describes the state of things in Scotland about a century back — I mean the "Autobiography of Dr. Alexander Carlyle." Dr. Alexander Carlyle may be said to have been a gentleman-clergyman of the Church of Scotland. I do not mean to say a word against his character, but it is quite evident to anybody who examines his memoir that whatever his theological and pastoral qualifications may have been, he added to them a perfect acquaintance with the science of good living. Nothing struck me more in perusing his work than the frequent notices which are interspersed here, there, and everywhere throughout his pages of the uses, merits, and prices of different kinds of wines; and I think it to be an important fact which this gentleman puts upon record when he informs us that the hotel price of claret in Edinburgh 100 years' ago at a club with which he dined—wine of a quality with which he was satisfied, and, therefore, with which I have no no doubt that any one of us would be satisfied—the hotel price of that wine was not more than 18*s.* per dozen. This is a matter, I say, with regard to which it may take a long time to develope fully any alteration likely to take place in the taste of this country. Yet, even at this very early period I cannot avoid mentioning to the Committee some information which I received a few weeks back from a deputation which attended me upon this subject. The deputation was composed of persons who, I believe, were keepers of refreshment houses with beer licences, in the eastern part of the Metropolis, and who had, likewise, taken out wine licences. They gave me the joint results of their experience, and it contained one element of comfort for the hon. Gentleman opposite, who, I know, has a strong opinion upon the comparative merits of light wines and powerful wines. They said the effect of their having taken out wine licences was that a moderate proportion, or from 5 to 10 per cent of their entire takings or sales consisted of wine, which they sold at 8*s.* per gallon as draught wine, and which was formerly not to be had except in bottle. I believe the lowest price of wine which was accessible in that way to the ordinary consumer was from 2*s.* 6*d.* to 3*s.* per bottle, or 18*s.* per gallon. That deputation, likewise, communicated to me another fact which, I confess I learnt with much interest—namely, that but a small proportion of the wine sold by them was consumed upon the premises, the chief part being fetched from thence for the houses of the poor, and as far as they knew it was principally intended for the use of the sick. They also said—and this is the circumstance of which the hon. Gentleman opposite will hear with satisfaction—that the wine in demand with them was entirely and exclusively strong wine, and that no symptoms of a taste vacillating in favour of weak wines had yet made its appearance among their customers.

Before quitting this subject, I wish to refer to the rumours that have gone abroad as to supposed intentions of the Government to change the system now in operation for charging the duties upon wine according to its alcoholic strength ascertained by distillation. And I have to say upon that point, in the first place, that I think the department of Customs deserves credit from this Committee for the energy, intelligence, skill, and desire to meet the convenience of all parties, with which they have applied themselves to the introduction of a new and undoubtedly, at first, a difficult system. But I have further to say upon this subject that the results of the system are, upon the whole, in a high degree, satisfactory, that we are convinced that it will be effectual for its main object, and that it deserves to be firmly and resolutely supported by the House. It may be true that a portion of it may be found less favourable than was hoped and expected by some portion of the wine-growers of France—I mean especially those of the South—for the introduction of their wine; it is, likewise, true that I do not pretend to represent that in all its details the system is perfect; but I do say that its inconveniences are few as compared with its advantages; and I think the Committee will feel that it would be absurd to attempt to ascertain and amend those minor defects that may be found in the law as to the precise adjustment of the scale until we shall have had such experience that when we do touch them we may reasonably expect to touch them satisfactorily and effectually, and until we may feel we have exposed the danger of being obliged to amend and cobble our own work from year to year. I do not think the time has yet arrived, nor that it will arrive in the present year, for any change at all. When it does come I hope such minor changes as are required may be made; and I am quite sure that when they shall be made the honourable and enlightened conduct of the Government of France in respect to the Commercial Treaty and the adjustment of its own laws to meet the requirements of that treaty will not be forgotten either by the present or any other Government of England.

So much, then, for the revenue from Customs. But there still remains to be considered the Excise revenue of the past year. The revenue from Excise was estimated in 1860 as likely to be £21,361,000. Instead of that amount, the actual receipt was only £19,435,000; showing a deficit of £1,926,000. In point of fact, if the Members of the Committee will be at the pains of comparing the deficit upon the Excise with the entire deficit upon the aggregate revenue as compared with the Estimates, they will find that they correspond within a few thousands of pounds. This heavy deficit upon the Excise arises upon three articles; first upon hops, which were estimated to produce £870,000, while they really yielded only £580,000, a deficiency in round numbers of £300,000. The next item was malt, which was estimated to produce £6,900,000, but which yielded only £6,116,000, or a deficiency of nearly £800,000. The third article was the article of spirits, which was estimated to produce £10,150,000, but which actually yielded but £9,240,000, or a deficit of £910,000. Thus the deficiencies upon these three articles together represent the sources of the failure of the Revenue of the year to reach its estimated amount.

As for the hop duty, in the first place that deficit is accounted for in a manner so plain by the immediate operation of the season that I need not detain the Committee upon the point. The whole duty chargeable upon British hops was £70,000 instead of £300,000 which was the amount estimated for the year; and I may observe for the information of the Committee that as the periods of credit were abridged by an Act of last year, two years' crops are included in the £870,000 which I have mentioned. Even of that £70,000 it became necessary for the Government in the exercise of its discretion to allow the payment to be postponed, so as to pass into the next, that is to say, the present financial year. Thus, the sum of £300,000 is disposed of. As to malt I am sorry to say that the £800,000 I have mentioned can scarcely be said to represent the whole extent of the evil. There is no doubt that the relation between the consumption of beer and the manufacture of malt, although an essential relation, is not one which takes immediate effect; but still it is undoubtedly true that with a favourable year we ought to have had a considerable advance in the consumption of malt and of beer, because malt has been deriving benefit for some time, especially in Ireland, from successive augmentations in the spirit duties, and the sale of beer must have benefited materially during the last year throughout the three kingdoms, in consequence of the general increase of duty upon spirits in the month of July, 1860, which was enacted without any corresponding increase in the duties upon malt. It is one main complaint of the distillers of spirits — than whom I never had the pleasure of meeting with a more intelligent body of British merchants or tradesmen—it is one of their chief complaints that they are taxed so unfairly in proportion to beer. There is a difference in the amount of duty imposed on the alcohol in spirits and in wine as compared with that imposed upon the alcohol in beer, which is greatly to the disadvantage of the latter article. I admit that from its nature beer ought to be taxed more lightly than ardent spirits; but we have certainly pushed this principle somewhat far. The alcohol in pure spirit pays 10*s.* to 10*s.* 6*d.* per gallon, the alcohol in wine pays from about 6*s.* to 7*s.*, and the alcohol in beer pays but 1*s.* 10*d.* per gallon. That is a very large difference, and it appears yet larger when we consider the tax in relation to the value of the articles. The tax upon beer may be said to be from 18 to 23 per cent; upon what may be called medium sorts of wine—that is the only sorts of wine that can ever be reckoned to compete with beer—it is from 25 to 80 per cent; while the tax upon spirits is five times that amount, for it is hardly less, if it be less at all, than 400 per cent. So much for the deficiency upon malt. But the Committee will be anxious to hear what is to be said with regard to the spirit duties. We anticipated an increase in the Revenue from the duty imposed in July last on British spirits of £650,000; whereas, there has been altogether a diminution in the actual yield of the spirit duty, as compared with the estimate, of no less than £910,000 or £250,000 more than the whole increase at which we aimed. Certainly, I cannot say otherwise than that, at first sight, this is an astounding diminution; but it is a result which deserves the careful attention of the Committee; moreover, it is one that will reward that attention. The question of the augmentation of the duties on spirits is one which does not concern exclusively any particular Ministry or Government. The proposal we made last year was a proposal made in conformity with a very general feeling. We were all aware that the result—at least the momentary and immediate result—was, in some degree, uncertain. We were all desirous that the duty on this particular commodity should be carried to the highest practical point. I will endeavour to lay before the Committee what I believe to be the exact state of the case—only observing at present that the duty on spirits fell short by more than £500,000 of the sum which it had yielded in the previous year, and I endeavoured in making the proposal to give a fair and full statement on the one hand of the risks or uncertainties it involved, on the other of what we thought, and still think, the commanding reasons in its favour. And now while, on the contrary, it was estimated that it would yield about £400,000 more than the same duty had yielded in the year before.

I now entreat the Committee to accompany me while I exhibit the subject to them in some new lights: and, first, let us take, instead of the entire year, the year broken into two parts, and they will not be a little surprised at the results. I will take two periods then, first, from the 1st of April to the 14th of July, when the additional spirit duty was entirely unknown, and perhaps was not even dreamt of, either by distillers or consumers; and the second period from the 15th of July until the 31st of March, when the additional duty was in operation. From the figures I shall lay before the Committee, it will be seen that a very considerable decline from the previous yield of the spirit duty was in operation before the duty was enlarged, and that since the duty was increased, on the contrary, the decline has been checked to some degree in some cases, while in others an absolute and substantial increase has taken place; and, especially this is curious if we take the case of England alone, because in Scotland and Ireland social causes are at work which as far as mere ceremonies are concerned have caused a steady decrease in the consumption of spirits.

I will now give the case of England in the first instance, and then that of the United Kingdom, and I will then go to the cases of the other two countries in detail if the Committee desire me to do so. In England the spirit duty received between the 1st of April and the 14th of July of 1859-60 was £1,203,000; the amount received in the same period of 1860-61 was £1,045,000; showing a decrease of £158,000 in that portion of the year in England before the additional duty could influence the Revenue. Then, taking the part of the year from July 16 to March 31, when the additional duty was in operation, the amount received in 1859-60 was £2,991,000, and in 1860-61 it was £3,245,000, that is to say, it had an increase under the new duty of £254,000; an increase very nearly corresponding with the estimate that had been formed. I may say generally that in Scotland there was a large decrease before July, and a small increase afterwards. In Ireland there was a large decrease before the spirit duty was altered, and a considerable, though somewhat slackened, decrease afterwards. In the United Kingdom there was a decrease of £654,000 before the duty was changed, and an increase of £90,000 after the 14th of July. These comparisons are of themselves valuable as far as they go, but I must point out to the Committee that the operations of the spirit trade itself, in the form of extra deliveries at one time and another, in reference to anticipated changes, are such as materially to bewilder and delude those who endeavour to draw inferences from them without the advantage of a long experience. On the whole, however, in 1859-60 there were extraordinarily large deliveries of spirits, from an anticipation of an increased duty. This very materially diminished the productiveness of the duty in 1860-61. The main cause of the deficiency is to be found not so much in a lessened consumption, as in the fact that the stock of duty-paid spirits in the country has been materially reduced. It is matter of interest to know in what degree, but can only be matter of estimate. According to the best information that can be obtained by the Board of Inland Revenue it appears that in 1860 the duty-paid stocks amounted to 3,000,000 gallons of spirits, and in 1861 they were only 2,000,000 gallons; this decrease of 1,000,000 gallons of itself represents a duty of no less than £500,000. Some effect of this kind has followed every augmentation of duty in the whole series of augmentations since 1853. From 1853 to 1858 we have had successive augmentations, hardly one of which produced the result anticipated for the next following year; and the tendency of them all was to contract, in some degree, the consumption, but especially the stock. I doubt whether the consumption was so much restricted as would be expected relatively to the increase of price; but the immediate result and tendency was to diminish the duty-paid stock; and where the duty formed so large a proportion of the price, it told severely on the revenue returns immediately after the augmentation of the duty. In 1853-54 I had the honour of proposing to the House the first of these augmentations, and I estimated the result at £476,000. I did obtain, I believe, £590,000; but that was the first augmentation, and a small one, and it constituted an exception to the rule. In 1854-55 I proposed a second augmentation from which the estimated return was £450,000; the amount obtained was £373,000. In 1855-56 my right hon. Friend, now the Secretary for the Home Department (Sir George Lewis), proposed a third augmentation. That was expected to yield £1,000,000; the actual return was £707,000. Lastly, the right hon. Gentleman opposite (Mr. Disraeli) proposed an augmentation of the Irish spirit duty, on which the return expected was £500,000; but in the first year it only yielded £85,000; but in the second year this £85,000 rose to £304,000. The experience, therefore, of all changes of this kind shows that some time is required to bring them into regular operation. But I am bound to say, after examining the subject with great care, and all the inquiry into details I could possibly make, that I am convinced the experiment is likely, even in a fiscal point of view, to be successful, while so far as social considerations are concerned, we are of opinion that it is and will be very beneficial. It may, indeed, diminish the consumption of spirits, nay, we sincerely hope it may have this effect; but it has not yet given rise to the only real evil we might have had to apprehend—an increase in illicit distillation. I have here the Returns, though not beyond the end of 1860, of the number of convictions and of commitments to prison in each of the three kingdoms of persons charged with keeping illicit distilleries in the years 1859 and 1860, or, at least (since the Returns for the year are not yet completed) in the first nine months of the fiscal year of 1860, compared with the corresponding nine months of the year preceding. I will not trouble the Committee with the whole of the details—I will only assure the Committee that in each of the three countries there has been a considerable diminution in the number of convictions and punishments, especially in Ireland, which is the country we naturally look to with most apprehension, and which may be called the piccant part of the United Kingdom in these matters. In England the number of persons committed to prison in the first period of 1859 was 54; in the second period it fell to 39; in Scotland the number of commitments was 6 in the first period, and 5 in the second; in Ireland the detections in the first period were 1,829, and the convictions 101; in the second period the detections fell to 918, and the convictions fell to 84. The machinery of detection employed in Ireland is so efficient that the reports of the constabulary sent in to the Government may receive the most complete reliance. No doubt the competition of wine may have done something; but that cause is altogether so slight and insignificant that the consumption of wine in this country need not be mentioned or thought of for a long time to come, if it is ever to be thought of, in competition with those great articles of consumption so much better known to the people of this country—namely, ardent spirits and malt liquors. The consumption of wine is utterly insignificant in comparison and competition with spirits; neither has the consumption of malt liquors produced any great effect, though as far as it has produced a change I will not say it is a change to be promoted by any grossly unequal or unfair adjustment of duties, but still it is a change which in all its social aspects we must view with satisfaction. The competition of spirits brought from abroad, again, has not been of a very important magnitude. There has, however, been an increase in the consumption of brandy and Geneva, owing to the removal of the differential duty, to the extent of 345,000 gallons, balanced partially by a decrease in rum of 170,000 gallons. That is the statement which I have to lay before the Committee in regard to the diminution of the revenue from spirits.

And now, Sir, I shall proceed to say a word on the general policy of the legislation of last year; because there are those who think, and very naturally think, that the House of Commons in the course of last year departed from its ordinary practice, and may be said in some degree to have shrunk from its duty in consenting to resort to the use of temporary resources, instead of meeting the full expenditure of the country from an adequate amount of taxation, and from that source exclusively. I think, Sir, I can truly say that there is no one who is more anxious than myself to invite and urge this House upon every occasion to the utmost exertion for the purpose of maintaining the credit of the country. I quite admit that the only firm and permanent foundation upon which we can stand is that which has for its basis an even balance between income and expenditure; and which steadily eschews as a great evil the creation, under all ordinary circumstances, of public debt; but, at the same time I think it quite impossible, in dealing with the arrangements of a particular year, to omit all regard to the peculiar burdens which it may bring and to the rapid, enormous, and almost incredible growth of the expenditure of the country. I will state in round numbers, yet with substantial precision, how this matter stands. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had three years ago, as Chancellor of the Exchequer, to propose the Votes necessary for the service of the country, and the Votes which he proposed were somewhat under £64,000,000. Two years only had elapsed when, in 1860, it was my duty to propose to this House Votes which were somewhat under £74,000,000 — an increase of about £10,000,000 in the national expenditure within that short period. Now has the House of Commons really flinched from its duty in regard to the mode of providing the money? I admit that we drew to some extent upon temporary resources, but I confidently urge that we were justified in doing so. Now, how much of this great augmentation in our expenditure was raised by taxation? With unrelenting hand we imposed £7,000,000 of new taxes in the course of those two years to meet the annual expenditure of the country; and some part, at any rate, of this new taxation was in the shape of permanent additions to our fiscal resources. We raised by taxes in the year about £70,000,000. The increase of taxes in two years, as I have said, was £7,000,000. We had in China a war expenditure of some £5,000,000 to provide for; and under these circumstances the result has been that, combining together what we have taken from the balances, and what we have derived from the malt credit and the Spanish payment, we have drawn from temporary resources other than taxes a total sum of no more than £2,450,000 towards meeting that war expenditure. I must confess that I do not think there is in that statement anything of which the House of Commons can accuse itself unless, indeed, there be an imputation upon quite different grounds, and unless it be that the consciences of some hon. Members may reflect upon them for not having given sufficient attention to the rapidly growing amount of the national expenditure.

And now, what have been the operations of the past year with regard to the balances in the Exchequer and to the public debt? That is very easily stated. The balances in the Exchequer on the 31st of of March, 1860, were £7,972,000; on the 31st of March, 1861, they were £6,672,000; but £150,000 of this last-named amount was money raised for the fortification annuities, deducting which, we had on the 31st of last March a balance of £6,522,000—being an actual diminution in the balances of £1,450,000; while the estimated deficiency provided for was, as I have said, about £1,400,000. The Committee will see, under these circumstances, that there is no appearance of a diminution likely to entail inconvenience in meeting the demands of the public service. And I may add as a conclusive proof to the same effect, that we have met the changes of the current question without any payment for interest on Deficiency Bills. With regard to the National Debt, again, the account is a simple one. We had last year to pay off £1,000,000 of Exchequer bonds. That rendered it necessary to ask Parliament to raise another £1,000,000 of Exchequer bonds in lieu of them. Besides that, in consequence of the very formidable prospects of the harvest during the month of August, entailing an almost certain loss of revenue, I was obliged in view of that contingency to ask rather suddenly, late in the Session, for authority in case of need to borrow another £1,000,000 of Exchequer bonds to meet the possible exigencies of the country. The state of the case, then, is this:—The old £1,000,000 has been paid off and replaced by the new £1,000,000. Out of the second £1,000,000 which I so took authority to borrow, in view of a probable deficiency, £600,000 has been borrowed. Against that, £139,000 of Exchequer bills has been paid off and not reissued. So that, in fact, in consequence of the circumstances of last year and its war expenditure, the direct addition to the debt of the country, leaving out of view the diminution of balances, is £461,000, or something under half a million.

Before quitting absolutely this lengthened retrospect, I must say it appears to me that there is a lesson to be derived from it over and above anything that I have thus far endeavoured to state. I will ask the House, if they will allow me, to compare very briefly the year which we have just brought to a close with the latest preceding year which seems chiefly to resemble it in its main features—I mean 1853? In both of these years there were large remissions of taxation. In both the harvest was a very bad one. No doubt the harvest of 1860 was considerably worse than that of 1853; it was also preceded by an unfavourable spring, which raised the price of animal food to an unprecedented height, and it was followed by a most severe and ungenial winter, which for several weeks deprived, if not one half, yet a considerable proportion of the labouring population of their employment. Notwithstanding all this, I cannot help feeling it my duty to ask the Committee to note, as I have said, the resemblances, and at the same time to note in one important respect the marked contrast, between 1853 and 1860—I mean as to the immediate and palpable effect of the remissions of duty made in these two years respectively. I do not know whether there is any one who will reply to me that if there was a difference it was because in 1853 the remissions were wise, while in 1860 they were unwise remissions. I have an equal interest in the effect of both, as it was my fate to have proposed both. Substantially, these remissions are akin in their character, and if there be a preference for either I think the remissions of last year are likely to be rather preferred, upon examination, to those of 1853. But let us mark in a very few words the singular contrast of the results attained. In 1853-4 we remitted £1,500,000 of Customs' duties, and every shilling of that £1,500,000 was made up in Customs' revenue within the year, with £23,000 to spare. That has not been the case this year. As I have just said, there was upon the Customs' revenue of 1853 a gain or recovery of £1,523,000. Last year we took off sums amounting in all to £2,376,000, after allowing £400,000 of additional spirit duty which we laid on. Instead of recovering the sum of £2,376,000, however, we only recovered £580.000. Again, as to the Excise. In 1853-4 the Estimate of Excise revenue was £14,640,000. After deducting the amount of taxes imposed, we gave a balance of relief which I take at £350,000; and the Excise revenue of 1853 showed an increase of £623,000;—so that at the end of the year the revenue gained in that branch to the extent of £973,000. In 1860 this was far from being the case. The Excise revenue was originally estimated at £19,170,000. We imposed upon it, in the shape of malt credit, additional spirit duties, and hop credit, an increase of £1,945,000, beyond the £19,170,000. But, instead of such a recovery as we had in 1853, the revenue only increased from £19,170,000 to £19,435,000; or, in other words, we obtained out of this £1,945,000 only a sum of £265,000. This is a very serious and important fact, which I am sure must attract the attention of the Committee. I do not undertake to give any complete, or full, or demonstrative explanation of this fact. But I cannot help calling the attention of the Committee to one circumstance which I have not yet specifically mentioned, of difference between 1853 and 1860—I mean the difference in the expenditure of the country at the two periods. In 1853-4 the Imperial expenditure of the country—I mean that which excludes all the purely local rates and taxes—was under £56,000,000; the local expenditure was under £16,000,000; and the total expenditure was under £72,000,000. But in 1860-1 the Imperial expenditure alone amounted to what the local and Imperial expenditure together had been in 1853-4. It amounted in round numbers to £73,000,000, including the small sum which came due in respect of the fortifications. The local expenditure, as nearly as I can make it, was about £18,000,000. The total expenditure, therefore, had grown from under £72,000,000, to £91,000,000, or nearly £20,000,000 in the space of seven years. Now, Sir, I do trust that this will be remembered and considered. Let us think for a moment what is the meaning of these few last words and figures. Nothing but reflection can at any time be required in order to bring this House to a just view of its position; and all I am anxious for is that we should reflect, and should reflect in time. What are the annual savings of this country? May we take them at £50,000,000? Enormous as that sum is, I believe it may be taken as the amount which the skill, and the capital, and the industry of England may be computed to lay by every year. If it be so, and if we take this £50,000,000 for a period of eight years, we get a total capital of £400,000,000. Now, if we put upon that sum of £400,000,000—taking all kinds of investments together—an interest of 5 per cent, the result is that it gives us the £20,000,000 as the aggregate result of the whole savings of the nation for eight years; so that the total savings of the nation for these eight years would appear to have been completely absorbed and swallowed up in the grave of this vast expenditure. Nor can I help thinking that there is some degree of relation between the inordinate growth of expenditure and that diminished elasticity of the revenue, which we cannot fail to observe in comparing our fiscal experience during the last year with the fiscal history and results of the year 1853-4.

Sir, I have still to do justice to one important subject. I have referred to the fact that last year, on the proposal of the Government, Parliament was pleased to diminish the immediately available resources of the country, and likewise to the fact that the revenue of the year is, upon the whole, unsatisfactory. Does there arise from the association of these two facts any presumption that Parliament, in its decision last year, mistook the path of duty and erred in judgment? I think I can show that, if the employment of the people and other circumstances have not been such as to yield an adequate revenue in the year such as it has actually proved to be, the condition of affairs would have been far less satisfactory but for the wise and provident legislation of Parliament. At any rate I am ready to raise that issue and to state the facts. The Committee is aware that in November last the Treaty of Commerce with France reached its final form by means of supplementary Convention. It is not necessary for me to speak in this place of the signal services which, in the view of the Government, Mr. Cobden has rendered to the country in connection with that treaty. But it is a pleasure to refer to the able and intelligent assistance which he received from the coadjutors who were associated with him in his work by the heads of certain of our administrative departments. And it is no more than an act of absolute justice that, having watched with deep anxiety the proceedings in regard to this treaty from the commencement to the close, I should record the sense I entertain, in common, as I know with all my colleagues, of the conduct of the Government of France, alike in their inception, their progress, and their completion. It is not necessary, and, indeed, it would be idle to refer to particulars; but, looking at the whole course of the proceedings, from first to last, no one can conceive a more loyal, thorough, intelligent, unflinching determination than has been exhibited by the Ministers of France, under the animating spirit and guidance of the Emperor, to give full effect alike to the terms and to the principles and spirit of the treaty, not for the sake of British interest, nor with any mere wish to conciliating England, but for the sake of the interests of France.

I will now proceed to exhibit to the Committee in a form which must be slight and general, yet which need not, I trust, be delusive, the effects of the measures of 1860 on the trade of the country. The export trade of the last year was the largest we have seen. The exports from this country, so far as we are enabled by official means to ascertain them, came to £136,000,000 of declared value, against £130,500,000 in the preceding year. The increase, indeed, was really greater than it seems, because the amended system of statistics introduced in the middle of the year, requiring greater time for the correction of the documents which give account of the goods, had the practical effect of leaving a gap which told very seriously on the month of June, and thereby unduly reduced, perhaps by several millions, the apparent exports of the year. It may be justly said that we have no precise means of knowing in what degree the increase of exports may possibly have been connected with the measures adopted by Parliament. I come, therefore, to matters which we have better means of judging, I mean the importations of foreign goods. If a great increase of importations has taken place I do not suppose there is now any Gentleman here, as there might have been in previous times, who will deplore that fact as a great calamity, and will insist that, as it must have been paid for in gold, it must constitute an impoverishment and not an enrichment of the country. I shall presume that you have faith enough in free trade to believe that an increase in our exports must necessarily have accompanied, or must in due time accompany an increase in our importations.

I now pass to particulars:—The importation of silks is generally associated with serious distress in one or two particular districts of this country; but it singularly happened that, as far as regards the trade of the season of 1860, the article of ribands, in which the manufacturers and weavers of Coventry are largely interested, is one of the relatively few that exhibited an absolute decrease of importation. I may, likewise, say in reference to the treaty with France, that it is not the riband manufacturers of France, as I am informed, from whom the people of Coventry have to apprehend a serious pressure, but the thrifty and industrious weavers of Basle, who are on the Continent the producers of the cheapest ribands, and the most formidable rivals to our manufacturers at Coventry. Of course, we have no means of officially knowing what is the consumption of English ribands; but I hold in my hand the statement which I have obtained from private sources, from persons at the centre of the trade, who have the best means of information, and the effect of it is this—that in 1860 there was a decrease in the importation of French ribands of about 12½ per cent, and a decrease in the use of English ribands of 26 2-3ds per cent. [Mr. NEWDEGATE: Hear, hear!] My hon. Friend's cheer refers, no doubt, to the fact that there was a still greater decrease in English than in French ribands. The change of last year, while beneficial in its general character, aggravated, I have no doubt, but certainly did not cause, the distress in Coventry. I much regret the coincidence in time of the two circumstances. I am sorry that by a right act we should in any degree have pressed even for a moment on a particular class. But the change in the law, requisite on its own grounds, was at most but an accessory and secondary cause. The distress at Coventry was partly owing to the change of fashion and still more to the bad weather, which almost destroyed the spring and summer demand; nor must we forget that it has also been to strikes and combinations among the workmen, and in general to those defective arrangements which are especially incident to close and protracted trades, that these distresses and sufferings are traceable. I am deeply sorry, however, that it should have so happened, and that a change which was absolutely demanded in justice to the people and every class of producers should for a moment and in a particular instance have been accompanied by any distress.

I will now proceed to take very rapidly the other particular articles to which I must refer. We heard last year in this House from the hon. Member for Launceston a doleful wail concerning the destruction that was declared to be impending over I know not how many millions of the property of our British fellow-subjects in North America. Notwithstanding the terrors of that prophecy we persevered in our legislation; and I must record it to the honour of the colonists, that, as far as I am aware, not one word has escaped from them in complaint against the just and expedient measures adopted by Parliament for the benefit of the country. I am happy to say that they are not ruined, and that on the contrary their property is, to all appearance, in a very satisfactory condition. There has been an immense increase in the importations of foreign timber; but colonial timber has not disappeared from the British market, nay, it has even been more in demand than it was before. In 1859-60 colonial timber and deals were imported to the extent, taken together, of £1,262,000 loads. In 1860-61, after the perpetration of the act of destruction to the trade, as we were told it would be, the import of colonial timber and deals rose to 1,276,000 loads.

Now, Sir, one of the objections most commonly taken last year to the measures adopted by the House was that the duties reduced and abandoned were of moderate amount, useful for fiscal purposes, and without any tendency to restrain trade and consumption. I will test the value of this objection by reference to certain articles, and we shall see that even when the duties given up were moderate in amount, it was wise and advantageous to abandon them. I will give the import of four leading articles of food set free from duty last year—butter, cheese, eggs, and rice. In 1859-60 butter was imported into this country to the extent of £2,362,000 in value. That was an enormous amount; but in 1860 61 the import rose to £4,122,000. In 1859-60 cheese was imported to the amount of £1,097,000, and in 1860-61 to the amount of £1,592,000. The import of eggs rose from £345,000 in 1859-60, to 497,000 in 1860-61; and the import of rice in the same years from £890,000 to £1,142,000. In the importation of these four articles there was a total increase of from £4,694,000 in 1859-60, to £7,393,000 in 1860-61.

I will next venture to state to the Committee the general results, without a selection of articles, of the legislation of 1860 upon the import trade of the country. I must, however, take out and treat by itself the article of corn. The importations under this head are so large that they cannot fail to awaken a sentiment of wonder in the mind of every one who hears me. I exhibit this particular commodity by itself—because it is an exceptional article excess in the importation of which is due to a temporary cause, and must evidently tend, if it has any effect, to restrain the importation of all other articles, and to displace them for the moment. In 1859-60 the importations of grain of all kinds amounted in value to £17,384,000; but in 1860-61 they rose to no less a sum than £38,159,000. We must, of course, deeply regret the diminution of the resources of producers and the increased tax on consumers within our own shores which those figures imply; but, on the other hand, it must inspire every man with a deep and cordial sentiment of thankfulness to the Almighty Disposer of events when we find what marvellous results have been achieved for us, so far beyond the powers of any and every Government, by the free skill and enterprise of trade, and when we know that in the day of our scarcity no barrier was interposed between our wants and the abundant supply that the broad earth could from any of its regions furnish, and that the ships of England floated over every sea, almost bursting with the cargoes that made up the enormous amount I have stated. The figures I have quoted represent a quantity of, perhaps, not less than 20,000,000 of quarters. The importation in the financial year just ended was more than double that of the previous year, the percentage of increase being 119½ per cent.

Passing on from the case of corn, I take next a very small class of articles on which duties were for special and exceptional reasons imposed in 1860. In what may be called the simplification of the Customs' Tariff certain articles, particularly some limited branches of the wood trade, were brought under a duty, and the result is rather singular. I believe the measure was a sound one and for the interests of commerce, but the result shows that the imposition of a duty had a highly restrictive effect upon these particular commodities. The total value of the importations of these articles, principally chicory and certain woods, in 1859-60, was £2,906,000, and in 1860-61 it was but £2,405,000, being a decrease of £501,000, or 17¼ per cent.

Having thus set aside the case of corn as one standing on its own ground, and the minor cases in which duty was augmented, I will now proceed to deal with the rest of our imposts as a whole. And I crave the particular attention of the Committee to the figures which I am now about to give. Without any selection of articles, I will give in three classes the whole values of the articles imported which we have now before us. First of all, with the exceptions I have named, I will refer to the whole of the articles forming the subjects of British trade in the way of imports which were left untouched by the legislation of last year; I will then give you those on which Parliament last year reduced the duties; and, lastly, I will give you the articles on which the duties were wholly repealed. And I may mention that as the financial year has but just closed, the figures I shall quote may not be minutely accurate; but they are correct for every substantial purpose. The imports of those articles the duties on which were left untouched last year, amounted in 1859-60 to £138,155,000. In 1860-61 the value was nearly the same — £137,406,000. Thus it appears there was a trifling decrease, which being so small we may overlook. We have, therefore, before us, in point of fact, a stationary condition — always excepting corn — as the general condition of trade. I come now to the articles on which the duty was not removed, but reduced last year. In 1859-60 before the reduction the value of the imports of those articles was £11,346,000, but in 1860-61 since the reduction the value was £13,323,000, showing an increase of £1,976,000, or 17½ per cent, while the rest of the trade of the country was stationary. Next come the articles on which the duties were repealed in 1860. The value of the importations of those articles in 1859-60 was £15,735,000, while in 1860-61 it was £22,062,000; being an increase of £6,327,000, or no less than 40¼ per cent. The principle, I take it, on which we have proceeded throughout in our operations in this field of legislation has been this—that the true basis of a large and solid revenue for this country lies in the extension of its trade. The experience is as yet narrow and the time is too short to ascertain what will be the final result of the changes of last year: the Treaty with France is still a one-sided instrument—the legislation of France is not in full operation, except as to some two or three heads, which are not to be considered as the most weighty or important in their probable effects. We have as yet reaped little of the benefit which is to arise from the relaxation of the tariff of France. But in this first year, the very year when from the failure of our crops we so specially needed increased means of employment for the people, we are able to show that, as the result of the reductions made on our side by that treaty and the accompanying measures, an addition has already been made to the trade of the country of nearly £9,000,000 sterling. For my own part, I believe that the merits of this great instrument, even considered merely with reference to its commercial consequences, may well stand and be judged on the results of such a statement.

Sir, I will now pass from the retrospective part of my duty to that which concerns the future; though I must not do it without thanking the Committee for the unbounded indulgence which it has shown me, nor without assuring you that I shall not have to make such extravagant demands on its time and patience in the portion of my task which still remains.

I come, then, to the financial year which has already begun—the year 1861-62; and I have first to present to the Committee the Estimate of the expenditure of the country for that year. Much of it is already before them in detailed estimates, and the whole will very shortly be in their hands. The interest on the Funded and Unfunded Debt in 1861-62 will probably amount to £26,180,000. I may say on this head of charge that if we compare it with the corresponding head for the past year, that there are various modifications of minor points. The interest of the Unfunded Debt has been increased, and the interest of the Funded Debt is, on the other hand, diminished in consequence of the lapse of certain annuities; but it is not worth while taking up the time of the House by going into the details, as the amounts are not of great significance. The Consolidated Fund charges will probably amount to £1,930,000, the Estimates for Army and Militia to £15,256,000, and those for the Navy to £12,029,000. I may say here that it will be our duty in the course of the present Session to ask the House for a further Vote of Credit on account of the war in China, which will probably amount to £1,000,000. The total charge for military operations under these heads, ordinary and extraordinary, will be £28,285,000, without including the packet service, which stands at something less then a million, and which formerly was included in the estimates for the Navy, but which is now removed to a separate Vote.

The charge for Miscellaneous Civil Services will be £7,737,000. Upon this particular head of expenditure I will just venture to say that there is an apparent increase in the gross sum to be voted this year for the Miscellaneous Civil Services amounting to £203,000; but I have the satisfaction of assuring the Committee, on the other hand, that there is no general increase in the items of these Estimates. I can very readily account for more than the £203,000 which represents this apparent increase. The main part is a real charge, although it is a charge which is occasional, and a charge in respect to which we obtain value for what we pay. The census which is now going on will cost the country, I believe, no less than £127,000. A sum of £37,000 will be charged in the Estimates for the salaries of the district registrars under the Court of Probate; but more than a corresponding sum—namely, about £50,000, will be received in the shape of stamps which are to form part of the Stamp Revenue, and which will henceforward be the form of the fees paid to those officers. Therefore that apparent increase represents a real economy. There is also an extra charge of £40,000 for the Mint connected with the execution of the copper coinage; but that charge is counteracted in a satisfactory manner by the set-off of £90,000 in the Miscellaneous Revenue, showing a net profit of £50,000. There are, however, several charges in the Estimates of this year which deserve the particular attention of the House. One of them is connected with the drawing of the frontier line in western North America between the British territory and the United States. For this purpose I am afraid a considerable expense will very probably be incurred, while it will be the endeavour of the Treasury to limit as much as possible the charge arising out of the measures which have been adopted. I will, however, leave it to my right hon. Friend the Secretary of the Treasury to explain the particulars of these Estimates in detail at the proper time. For the present I am justified in saying that, while both in former years and this year we have somewhat retrenched the charges for the Miscellaneous Estimates by the use of balances which were found standing to the credit of certain of the services, the provision we make will be amply sufficient for the expenditure, and that the figures

I have laid before the Committee, though they may present some apparent increase, do not represent any real or general increase. We have little, indeed, to boast of; but at any rate, for the present, whether permanently or not, we have been able, somewhat, to repress the movement in that direction. The Revenue Department charge is £4,780,000. That presents a diminution, as compared with last year. A considerable part of that diminution—not less than £70,000 or £80,000—represents the reductions of establishments, as far as they have gone, in the Customs' Department, which are among the beneficial results of the legislation of last year. I do not by any means think that the limits of those useful retrenchments have been reached; nor do we as yet obtain the full benefit of such as have been actually made, for in all reductions of this sort there are always superannuations to be provided, and the charges for superannuations will fall upon this estimate. The Packet Service will be £995,000. That is an estimate which always inspires me with some jealousy. For the present year there is a small diminution in it, which is mainly due to the receipt of certain colonial payments in aid of the packet service between this country and certain of the colonies. The total Estimate for the expenditure of the year is £69,900,000; or, in round numbers, £70,000,000. This is as nearly the precise sum likely to be required for the national expenditure as we can venture to reckon. There are, however, some special causes of uncertainty. The Vote of Credit for the Chinese operations has been calculated on the same principles as heretofore. It is, however, impossible in regard to a Vote of Credit taken for war charges to be as precise as when we are dealing with the ordinary grants. From its very nature it belongs to a class of expenditure that cannot be estimated with precision. Still I do not doubt that substantially it is likely to correspond with such demands as will be made upon us. The House will be asked also in the course of the Session to vote a certain sum — £200,000 — on account of "army excess" in the year 1859-60. That is a matter into which I need not enter. I know there is a controversy going on which another set of combatants have ll to themselves with respect to the causes of this excess, but it has no bearing on the statement I am now submitting to you, because it is asked in order to give Parliamentary sanction to a charge which has already been incurred and met, and this vote will in no way enter into the balance-sheet of the year. £69,900,000, then, is the sum at which we estimate the expenditure of the present financial year.

I come now to the estimate of the Revenue for the year. And in stating the amount of the Revenue I will take the liberty of including certain small sums which will be received if the Legislature shall think fit to adopt some minor financial adjustments which we are about to make. The whole extent of them is very small, if we except those stamps to which I have just referred. They will not be perhaps more than £50,000 a year, and it is more convenient to include these items at once in my general estimate of Revenue, than to bring forward subsequent and separate modifications of it in order to include these details with regard to them. In the Customs' revenue we propose to double the duty which was laid last year upon the article of chicory, and, including the small sum of £15,000 on this account, the Customs' may be expected to yield £23,585,000. Of course that includes the augmented duty on spirits, which will now be in full operation for the entire year. The revenue of the Excise will probably be not less than £19,463,000. The revenue of Stamps is estimated at £8,460,000. Under this head are included some further small changes of which I will now take a cursory notice. We propose to reduce the amount, which has long been felt to be high, for hawkers' licences. The payment is now £4, which we know is a severe charge. We propose to reduce that which is a £4 licence, if taken for a year, to £2, and at the same time to allow licences for half a year to be taken for £1. That change, it is expected, will be made without any loss of revenue. With regard to the Refreshment Houses Act of last Session, we propose to declare more clearly the law, and while so declaring also to enlarge in one particular the meaning of refreshment-houses with respect to their liability to duty when kept open at night. The effect of the legislation of last year was to confine the imposition of duty to those houses which were kept open at night; but I think it was the clear intention and desire of Parliament that all classes of those houses should be embraced. I propose to make clear the law, and, likewise, to declare that a particular class of shops shall be taken to fall within it; that tobacco shops, where they are kept open at night for the purpose of smoking, shall be included, and shall be made subject to the inspection of the police. That change may produce, as we estimate, about £20,000. There is another change which we are about to make, which I must say is one of the clearest as to the policy on which it is founded ever submitted to Parliament, and it is also, though a small matter, yet a matter in which considerable interest is felt by many Members. I refer to the state of our law with regard to the sale of spirits. Probably many hon. Gentlemen have not inquired into the method by which, when there is a necessity for the use of a small quantity of spirits in their own household that demand is usually or very frequently supplied. I am afraid that if the proceedings of hon Members, as heads of families, were investigated, it would turn out that probably nine-tenths of them have been at times or habitually unconscious breakers of the law. But the law on this particular subject is so irrational that I cannot refuse to submit an alteration of it to the judgment of Parliament. The law is this — that unless an householder wants for the purposes of his house or family as large a quantity of spirits as two gallons, which most probably would not be consumed in most of our houses, or in many of them, in a twelvemonth — unless he wants two gallons of spirits, which may be left in the keeping of servants, with the temptation incident to such keeping, he has no choice but to send a servant for it to a public-house. I really must say that law is a discredit to society. I think that it imposes on the whole middle class a condition which well deserves that epithet—that all who do not keep men servants, but have women servants, should, when they have occasion to send for a small quantity of spirits for a sick child or a sick wife, have no choice but to send a woman servant for it to a public-house. What we propose is, that on payment of £3 3*s*. a year the wholesale spirit dealer, who now pays £10 10*s*. a year, may acquire the right of selling spirits by retail. By that change we expect to obtain a small revenue of £5,000 a year; but before quitting the subject I ought to give the finishing touch to the picture of the present state of the law by stating that it is the constant practice of the Board of Inland Revenue when breaches are made known to them, not to press for penalties, the law being one which public opinion would make it clearly impossible to carry into effect. Then we propose a change in the stamps at present applicable to agreements for furnished houses let for less than a year. At present they pay the same *ad valorem* duty as a conveyance. The principle in other cases is to tax transactions of a fugitive character at a much lower rate; and we propose, instead of 10*s*. for every £100 of value, to require a stamp duty of 2*s*. 6*d*. on each part of an agreement—that is to say 5*s*. for the whole, whatever may be the amount of the letting. That will probably yield another small revenue of £5,000 a year. We shall propose provisions to make sure that the duty is properly enforced and paid. It is at present generally evaded. We further propose that house-agents in all cases shall take out a £2 licence, so as to keep them under the view of the Revenue Department, and so help to secure the due use of these stamps. There will also be an alteration of the law with respect to foreign bills of exchange. Instead of having jumps, as I may term them, of considerable amount in the scale, the stamps will increase by smaller steps at the rate of 1*s*. for every £100, and in that way we shall render the operation of the law more convenient to those who employ these instruments. The small charges which I have just named, together with the transfer of £50,000, the probable amount of the fees of the district registrars in the Court of Probate, will raise the revenue of the Excise to £19,463,000; the Stamps, as I have already said, is computed at £8,460,000; the revenue from taxes are estimated to be £3,150,000; and the revenue from the income tax at 10*d*. I calculate at £11,200,000. Of course, the Committee will have perceived that in making this statement I am assuming the continuance *in statu quo* of all taxes which exist; and that I have chosen as being probably, for the present occasion, the most convenient and intelligible mode. The revenue from the Crown lands is expected to be £295,000, and the Miscellaneous revenue £1,400,000. Upon that item I will say that, although the Miscellaneous revenue has lost the benefit this year of £250,000 received in payment from Spain, yet on the other hand it profits very considerably by a new arrangement with the East India Government with reference to the payment due from that Government on account of non-effective services. It was generally fixed by Act, and now stands so, £60,000. It will be henceforward taken at so much per head on the numbers serving from year to year in India, and will be between £200,000 and £250,000. That brings the Miscellaneous revenue to £1,400,000. A certain profit will also, as I have observed, accrue from the profits of the copper coinage; this I take at £50,000. Lastly, we estimate the indemnity from China to be received by the 31st of March, 1862, at £750,000. That is more than a year's receipt of that indemnity. I hear an hon. Member say "the occupation will cost more." I have an inclination to sympathize with that hon. Member. For my own part, I look upon receipts arising from this source much as I regard an extraordinary receipt from corn duty: it is apt to be indicative of greater charge or loss in another form. But this £750,000 must be taken as representing about a year and a half's indemnity. Two sums have been paid. Nothing has been brought to account in this country, but the sums are available as they may be received to meet our current payments in China. I must remind the Committee that we cannot reckon a payment of this kind minutely and precisely, as if we were dealing with payments at home, yet on the whole, taking into view the two payments already made and five quarterly payments which will come due upon April 1862, I think we may, without risk of error, such as to disturb my general calculations, anticipate coming into possession of a sum of £750,000 in China, which will come to credit and be available for expenditure up to the 31st of March, 1862. More minute details on this subject may be reserved for a future stage. [Sir STAFFORD NORTHCOTE: How much from the Post Office?] I beg pardon—the Post Office will yield £3,500,000. The total of those items is £71,823,000, and if not the very largest, it is one of the largest, Estimates of revenue which has ever been presented to this country in a time of peace.

It remains to compare this sum of £71,823,000 with the estimate of expenditure. The estimate of expenditure is £69,900,000; so that on the face of the Estimates there is a surplus of estimated revenue over estimated expenditure to the extent of £1,923,000. And, Sir, I must say I cannot pronounce that sum without seeming to myself to hear at the moment what I may describe as a loud crash. I hear somewhere in the distance a great downfall of prophecies, predictions, forebodings, lamentations, sympathies, remonstrances, and regrets, of which the crop last year, though it was a bad season for other products, was most abundant.

I have now arrived at the time for stating the proposals of the Government with regard to the balance. And this is the time when I may repeat the observation which I have recently made as a matter of form, that it is not a balance which we possess by the existing law, but one which, if we are to have it, we must ask you to give us. The Income Tax Act has expired. The Act levying the tea and sugar duties expires on the 30th of June. These three taxes represent a sum of £22,000,000. We shall have to ask you to renew Bills of which I shall say more by and by, but the authority for renewing which we shall have to obtain from you. Her Majesty's Government have come to the conclusion that they cannot reasonably expect to be allowed to keep in hand, or to take into their hand for the purpose of keeping it, a balance so large as that which I have named. Independently of the circumstance that it does not grow out of existing law, but depends on grants to be made afresh in Committee of Ways and Means, it would, in point of fact, be an amount which no Chancellor of the Exchequer for nearly the last thirty years—that is to say, since the present arrangement of the Sinking Fund—has ever, under any ordinary circumstances, presumed to ask or has ever had the smallest chance or hope of being permitted to retain. I therefore presume, Sir, that I shall carry with me the approval of the Committee when I say that we think this is an occasion on which we may dispose of a portion of the balance shown by my Estimate of revenue and charge by a remission of taxation.

Now that I have advanced to this point, it is obvious that four subjects, all of them important, will occur to the mind of every man who considers the question of remission. Each pair of these subjects is connected together. Two of them are the duties upon tea and those on sugar; and these subjects are connected together by the fact that the duties were imposed together and have been handled together, first, for the purpose of war; and again, subsequently, for the purpose of meeting an extraordinary expansion of expenditure. The duties now leviable upon tea and sugar have been called war duties; and it is undeniable that they are duties which as to a certain portion of their amount stand on special and peculiar grounds. That is to say, it was in consideration of the financial pressure caused by a war that Parliament consented to raise them; and again, when the war had concluded, it was to meet an enlarged scale of peace-expenditure that their fall was in part arrested, and they were allowed to remain at a higher point than had previously been contemplated. Indeed, I hink that no one can fail to feel that they are duties the reduction of which is greatly to be desired. At the same time, while the duty upon tea is more than 100 per cent, and the duty upon sugar is over 50 per cent, the supplies of both articles are abundant; the consumption of them both in ordinary years and in ordinary states of the country, shows a decided disposition to increase the cause which led to the imposition of the extra rates—namely, a high expenditure, is still in existence, and there is no such great difficulty attending them as to give them an urgent, imperative, and paramount claim upon the attention of Parliament. The other two subjects which must occur to the minds of the Committee are those which were likewise associated together in the legislative proposals of last year and in the debates of this House—I mean the one, what is called the tenth penny on the income tax, and the other the repeal of the paper duties. When her Majesty's Government proposed the repeal of the duties upon paper the issue was raised by my hon. Friend the Member for Somersetshire (Sir William Miles), representing the party in Opposition, of course in the form which he thought was most favourable to himself, but which undoubtedly involved no unfairness and could not be, and was not, complained of by the Government in this form—namely, that the tenth penny of the income tax was imposed in order to bring about the repeal of the duties upon paper. These are the subjects upon the discussion of which I wish to enter at this moment, and to which I invite the particular attention of the Committee.

And here we are faced at once by the old controversy between direct and indirect taxation. I take some credit to myself that I have never entered in this House into any disquisitions upon such a subject. I have always thought it idle for a person holding the position of Finance Minister to trouble himself with what to him is necessarily an abstract question—namely, the question between direct and indirect taxation, each considered upon its own merits. To many people both, as is natural, appear sufficiently repulsive. As

for myself I confess that, owing to the accident of my official position, rather than to any more profound cause of discrepancy, I entertain quite a different opinion. I never can think of direct and indirect taxation except as I should think of two attractive sisters who have been introduced into the gay world of London, each with an ample fortune, both having the same parentage—for the parents of both I believe to be Necessity and Invention—differing only as sisters may differ, as where one is of lighter and another of darker complexion, or where there is some variety of manner, the one being more free and open, and the other somewhat more shy, retiring and insinuating. I cannot conceive any reason why there should be any unfriendly rivalry between the admirers of these two damsels; and I frankly own, whether it be due to a lax sense of moral obligation or not, that as a Chancellor of the Exchequer, if not as a Member of this House, I have always thought it not only allowable but even an act of duty to pay my addresses to them both. I am, therefore, as between direct and indirect taxation perfectly impartial. But then I must say, that with regard to the remission of indirect taxes, I hope that the memorable history of the last twenty years will never be forgotten; for I do not scruple to state that if you look to its economical profits on the one hand, and then to its political, social, and moral results on the other, it is difficult to know which to give the palm in point of magnitude. If we had not gained one single shilling by the remission of indirect taxation it would have been worth having for the sake of the manner in which it has knit together the interests and feelings of all classes of the community from one end of the country to the other. If, on the other hand, it had had nothing to do with any question of moral and social results, still the merely economical results in promoting the material well-being of the people have been so signal and extraordinary that we may well rejoice to have lived in a period during which it has been our happy lot to take part in bringing about such changes. But, Sir, there cannot be a grosser delusion than the supposition that the work of Parliament, during the period I have named, has been to destroy indirect taxation. The hand with which Parliament has wrought a pruning—not to destroy the tree but to strengthen the stock. The aim of the operation has been to give it greater size and vigour; and the consequence is that at this moment, when indirect taxation has been destroyed as the fashionable phrase is, not once but four or five times over, indirect taxation is larger and more productive—I do not mean in this particular year, but in any ordinary year, and upon the average of the last two or three years—than at any former period of our history. Its condition recalls to my mind the tree of golden leaves which has been described by Virgil, from which his hero was ordered to pluck a branch, and on whose trunk, the moment one branch had been plucked, another took its place. In the language of the great poet himself:

> ——"Primo avulso non deficit alter
> Aureus; et simili frondescit virga metallo."

And then advice is given which we have done well and shall yet do well to follow—

> "Ergo alte vestiga oculis, et rite repertum
> Carpe manu."

I believe the comparison to be a just one, between this tree of Virgil and that thriving tree of indirect taxation on which Parliament has expended so much of its energy and its care. It has done much, yet something may still remain to be done, and I trust that when favourable circumstances shall offer, the House of Commons will not hold its hand, but will from time to time carry on so good a work, always observing those limits on which its goodness depends, within the limits of prudence and justice. But, Sir, in speaking thus of indirect taxation I cannot deny that remissions of direct taxation are as just and as desirable; and I as fully feel as Gentlemen opposite may feel that our direct taxation has reached a point at which it is most desirable that we should if we can begin, at least, to apply to it a downward movement. I do not think that the condition of this country with regard to its finances can be wholly satisfactory when, in time of peace, the income tax stands at 10*d.* in the pound. I know very well that I am supposed to be under a special responsibility, not only for the amount, but for the existence of the income tax. It has often been charged upon me, and I believe is to this day alleged that it is my absolute duty, whatever be the circumstances, and whatever be the expenditure, to find means of abolishing that tax with or without a substitute. I must confess that I think that is a hard imposition. I should like very much to be the man who could abolish the income tax. I do not abandon altogether the hope that the time may come. ("Hear!") I can assure hon. Gentlemen that I am not about to be too sanguine, for, in fininishing the sentence, I should have proceeded to quote Mr. Sidney Smith, who, in his admirable pamphlet upon the ballot, speaking, I think, of its establishment, or of something else, as of a very remote result, says he thinks we had better leave the care of this subject to those little legislators who are now receiving a plum or a cake after dinner. I am afraid that some such amount of prudence may be necessary with regard to the income tax. But in point of fact this is simply a question of expenditure, and I will not speak of expenditure as a thing that can be suddenly and rapidly dealt with. Upon all sudden attempts to reduce it, and upon all promises to make sudden, extensive, and sweeping reductions in it, I should look with great suspicion and disfavour. But, looking forward into the picture, and desirous to afford such indications as I can, I should hazard an opinion that, if the country is content to be governed at a cost of between £60,000,000 and £62,000,000 or £64,000,000 a year, there is not any reason why it should not be so governed without the income tax, provided that Parliament shall so will it to be. If, on the other hand, it is the pleasure of the country to be governed at a cost of between £70,000,000 and £75,000,000 a year, it must, in my judgment, be so governed with the aid of a considerable income tax. That I believe to be the whole case, and I really cannot conceive that my responsibility to abolish the tax is that absolute and unconditional responsibility wholly apart from any question of the amount of expenditure for which provision is to be made, which it has been represented by some Gentlemen to be. I think that it would be a most enviable lot for any Chancellor of the Exchequer—I certainly do not entertain any hope that it will be mine—but I think that some better Chancellor of the Exchequer, in some happier time, may achieve that great accomplishment, and that some future poet may be able to sing of him as Mr. Tennyson has sung of Godiva—although I do not suppose the means employed will be the same—

> "He took away the tax,
> "And built himself an everlasting name."

But the business we have before us is of a much humbler order. What we have now to do is to deal with a moderate surplus as best we can; and Her Majesty's Government think that, looking at all the circumstances of the case, they may in the present year propose to Parliament to remit from the income tax the penny which in 1860 they asked Parliament to impose. The cost of that change, if it be accepted by the House of Commons, will be as follows:—Each penny of the income tax now yields about £1,100,000 a year, and the remission of this penny will, in the course of the present financial year, cause a loss approximating to, but rather beyond three-quarters of the whole annual product, a loss nearly of £850,000. The tax will then be levied at the rate of 9*d.* in the pound upon incomes of above £150 a year, and of 6*d.* in the pound upon incomes below that amount. The sum of 9*d.*, it will be recollected, was imposed upon the country without any reference to remissions of duty. It was imposed in 1859 to meet the necessary charges of the year with our expenditure on its augmented scale, even before the outbreak in China; and it stands totally disconnected from any question of financial and legislative policy for the country.

The fourth and last of those subjects to which I have referred is the duty on paper, and Her Majesty's Government are of opinion that happily the time has now arrived when they may approach the consideration of that question without awakening any adverse feeling, and when they may hope not only that there will be no revival of a painful and arduous controversy, but that by the proposal which they make they may seal up that controversy and bring it to a final close. During the last Session of Parliament I heard but few Members of this House object to the repeal of the paper duty on the merits of the proposal itself. My right hon. Friend the Member for Coventry (Mr. Ellice), on the third reading of the Bill for the repeal of that duty gave expression to sentiments which certainly did not accord with my own feelings at the moment, but which I admit were felt by many Members of this House. On the 8th of May, 1860—and his observations will spare me the necessity of entering again into detail on the question—his words were—

> "With respect to the tax which we are now discussing, I have not a word to say in its defence. It is about as odious a tax as one can well imagine. It is not only a tax which interferes, as all Excise taxes do, with an important branch of manufacture, being almost the only tax"—

My right hon. Friend might, perhaps, have gone further, and said the only tax—

The Chancellor of the Exchequer

> "Of that description now left in our fiscal system; but it also impedes the circulation of information and of knowledge. Upon all these grounds no man is more disposed to repeal this tax, whenever we can do so without robbing the Exchequer. But when we are called on to repeal it at the risk of leaving a large deficit, or when we are called on to impose other taxes equally odious to the people, I think we should wait until some more favourable time presents itself." [3 *Hansard*, clviii. 945.]

My right hon. Friend laid down two conditions. He said, "I will not repeal this tax whilst there is any risk of a deficit." I do not raise any old controversy, and, indeed, I admit that, if my memory serves me right, we had at the period when that speech was delivered a prospect of increased outlay; but I have shown you on the figures that there is no prospect of a deficit now. He also said, "I will not repeal it when we are called on to propose other taxes equally odious;" and I do not think I am misrepresenting his intention when I say that the meaning was—"I will not repeal the duty on paper if that repeal is to be purchased by the augmentation of the income tax." I now invite the right hon. Gentleman and the Committee to concur in that repeal in conjunction, not with an augmentation, but with the commencement of a diminution in the rate of the income tax. When we consider the subject on its merits every man, I am sure, will admit the powerful considerations that must concur in recommending the measure we propose. There is the yet unredeemed pledge conveyed by the Resolution of this House. There is the increased and increasing difficulty of executing the law; there is, under cover of that Resolution and much connected with it, the conscientious and impartial declaration of the department intrusted with the duty of collecting the tax; there is the important fact that the repeal of this tax received the sanction of a large majority of this House last year; and though that majority dwindled on a subsequent occasion, it dwindled only in the face of the fact that new demands for public purposes had come into view, and it had become obvious that some new fiscal measures must be taken to supply the wants of the Exchequer. Such being the case we are convinced that we are under altered and happier circumstances making a proposal which will receive, not the acquiescence only, but the approval and sanction of the House. I trust there is no one here who thinks this an improvident measure—who believes it to be what is called a sacrifice of the entire source of revenue, and imagines that a tax of this kind on its repeal leaves behind it no reproductive powers. I have in my hand an account of the entire produce of the Excise duties at certain periods. In 1844 these amounted to £14,469,000; since then we have repealed £2,355,000, and assuming that no reproductive power exists in remissions of this class, there should now remain of Excise duties £12,114,000, instead of which they amounted, in 1859, to £20,224,000. Of course, in that sum was included a certain amount—perhaps about £2,000,000—arising from the augmentations in the duties upon spirits in Scotland and Ireland between 1853 and 1858, but the great bulk of that was derived from the augmented strength and consuming power of the country, and that augmented strength and power were themselves due to the vast increase which I have named, amounting in the gross to no less than £8,126,000, the extension of its trade, industry, and enterprise consequent upon these remissions, and other remissions like these, more than upon any other course.

Let me give the Committee the financial results of these two propositions:—We have a probable or estimated balance of £1,923,000. One penny taken off the income tax will deprive us for about three-fourths of the year during which the change will be in operation of £850,000. We cannot propose the repeal of the paper duty from the 15th of August, the period which was fixed on last year, because that would trench rather too sharply on the amount at our command. We propose to date its remission from the 1st of October. The loss on Excise revenue by repealing the paper duty from the 1st October is computed at £675,000; and there will be a loss of Customs' duty from the same cause of £15,000; making together £690,000. There will be, however, a saving by reduction of the Vote for stationery of about £15,000—a sum representing but a very small proportion of the direct saving which the public will make by the repeal—but that is the amount of the direct saving on the consumption of paper, more or less, for the present financial year. Adding to this £10,000 the amount of the saving by reduction of the establishment charges for the half-year, the total saving will amount to £25,000, leaving a net loss on the repeal of the paper duty of £665,000. Coupling this sum with the sum to be lost by reduction of income tax, the total remission will be £1,515,000, which, when deducted from the balance of revenue, will leave a residue of that balance which I have submitted to the Committee, or what is commonly called a surplus, to the moderate amount of not more than £408,000. And here, Sir, on the part of the Government I must make an appeal to the House of Commons. I venture to express a hope that its Members will give us their support in resisting any attempt at invading this very moderate surplus. The Government have selected what they thought great and important items for a remission, which they have thought it was their duty to propose for the benefit of the community at large, and of the trade and industry of the country; and with respect to other overtures, even though they should appear reasonable in themselves, we feel it an absolute obligation, in which we trust the Committee will give us its support, to decline, in the absence of further means and of a fuller Exchequer, to listen to any such demands however pressing they may be.

But, Sir, I must not finally dismiss this subject without referring as I pass on to a matter of considerable though secondary importance—I allude to what are called the minor charges on trading operations. In my official capacity I have received memorials from several Chambers of Commerce expressing the desire of the mercantile world to be relieved from those charges, and I should be very sorry to leave any portion of the merchants of this country under the impression that the expression of any wish of theirs had not led to the most respectful examination of the subject on the part of any Chancellor of the Exchequer, and particularly on the part of one being, like myself, closely connected by origin and association with their class. The yield of these charges is about £310,000, or £320,000 a year; and it is obvious that the Exchequer is not in a condition to make a surrender of that sum. But, further, I am bound to say that as regards the greater number of these charges I cannot admit that any case has been made out to justify such a surrender. In all there are six of them. The charge on dock warrants, the charge on delivery orders, and the charge on contract notes are the three first:—These three are stamp charges, and I believe them to be as unobjectionable as almost any charges to be found among the stamp duties of the country. Two others of the measures of this class, adopted last year, have reasons for their maintenance entirely apart from their fiscal results. One of them consists in an imposition of a stamp duty of 1*s*. 6*d*. on the bills of lading taken out for commodities exported from this country, and it yields a sum of £40,000 or £50,000 a year. But the charge was imposed for a purpose beyond the mere collection of revenue—namely, with a view of obtaining accurate and trustworthy instead of inaccurate statistical information. That object we have been in a great degree enabled by means of this instrument to attain; I am bound to say that I think it one of great public value, and although in a very few cases of very small values the charge may have been inconvenient I cannot admit that a case has been made out against the continuance of the tax. Next, and sixthly, as regards the charge of certain small fees by way of percentage on deliveries of goods out of warehouse; the object in our view was not merely to obtain a certain amount of money, but to impose by means of a self-acting check a limitation upon an expenditure which was very serious in its amount and very difficult for the servants of the Crown to control; I refer to the charge incurred and to be incurred by extending what are termed warehousing privileges to small ports, and also to inland towns. The effect of the tax was to put on these places a portion of the charge of the establishment. I confess I think that a very valuable tax, and I am not prepared to admit that it is attended with serious disadvantages, or with any great imposition of labour upon private parties in order to its collection. The remaining charge is one with respect to which I must say that I cannot go the same length. I refer to the charge of 1*d*., according to a scale which has been established, on goods imported into this country. I frankly admit that although the tax is attended with some appreciable amount of statistical benefit, I think there is a good deal of labour connected with its collection imposed on the mercantile classes; and labour, after all, when it is imposed on the taxpayer is in itself an additional tax. If that cannot be got rid of by any better arrangement—a point on which I dare not hazard an opinion — I am quite willing, and, indeed, am of opinion that Parliament, at an early period, should reconsider the subject. But with respect to the demands advanced by certain Chambers of Commerce for the abolition of the whole of these charges, I think I have shown that even were the measure in itself desirable, yet the Government, with such a moderate balance as £408,000, would not be justified in acceding to their demands.

Sir, perhaps it may be thought that by the proposals we make we are called to compromise the interests of the next financial year 1862-3. We have certainly laid an additional deficit upon that year. There will be the second portion of the paper duty — somewhat less than a moiety—amounting to £525,000, which will not come upon this year, but will appear as an item to our debit in 1862-3. There is, likewise, the remaining quarter of the income tax, which would be in full £280,000, making a total of £805,000. Now, Sir, I do not at all think, provided we do not aim at too great an exactitude of detail, and provided we are not supposed to be making calculations for a more remote future, which are of necessity dangerous even for the year actually current, but are only endeavouring to sketch circumstances prospectively so far as they may be made the fair subject of conjecture. I do not think it at all unfair to ask, is there a reasonable prospect that we shall in what we now propose be doing justice to the Revenue of 1862-3? I say, then, in reply that there is every prospect of it. In the first place, as far as regards China, the present year is a year, to a considerable extent, of war expenditure. A not inconsiderable portion of our Army and Navy Estimates are due to the force in China; and even as regards the balance between the Vote of Credit and the amount of indemnity there is a sum of £250,000 still forming a special burden on this year. In taking £500,000 as the sum due to China and now borne on our Naval and Military Estimates, I am sure that I am understating the amount. Then, if I take £250,000 men as the excess of direct war charges we have this year to defray, and if I take £500,000 as that which may be called the normal and regular increment of the national revenue one year with another from the growth of the population, and of wealth, those sums will together amount to a considerably larger total than the amount we are going to take from the Revenue of 1862–3 by the changes to which we now invite your attention.

Now, Sir, one point remains, and it is this. I propose to re-enact the income tax and tea and sugar duties only for a single year. There is an advantage in a more permanent legislation, but we feel this difficulty—if we were to ask for the re-enactment of those duties for three years, that it would be said that such a proposition implies a certainty that they will not be reduced before the end of three years. Our object is to leave these questions open, in the hope that we may see some reductions of expenditure which it may be beneficial to apply in that direction; and, therefore, on the whole, we think it fitting for the moment, though admitting that the proceeding is on general grounds not without inconvenience, to propose the re-enactment of these taxes for one year only from the 1st of next July.

With respect, again, to the levying of the income tax, the exceptional operation of last year, which brought into the compass of twelvemonths two quarters of the former year together with three-quarters of the later one, now gives place to the normal condition, and the collection for the year will be one-quarter at 10*d.* and three-quarters at 9*d.* I shall, however, ask leave to introduce a clause into the Bill to facilitate the collection of the tax on certain dividends which fell due since the 1st of April, and escaped payment of the tax. This is not, in point of fact, an *ex post facto* legislation, for the gentlemen who received those dividends would be bound to return them in Schedule D; but as it is just possible that here and there some one or two might forget to make the proper return, to prevent any accident of that sort, the Bank and other paying bodies will be required to supply lists of the names of the parties and the amounts they have received, so that we may see that the law is fairly and uniformly applied.

I come now, Sir, to the succession of the subjects which we shall follow in submitting our proposals. I shall ask the Committee to vote immediately, in the usual form, without prejudice to their ultimate decision, a Resolution enabling me to charge a double duty on foreign chicory. That Resolution is the only one on which I shall ask the House to vote to night; but I shall propose that the House should again resolve itself into a Committee of Ways and Means on Monday in order to decide on the proposals of the Government. It is very desirable, in reference to the collection of the income tax and the making of the new assessments this year, that the decision should be as expeditiously arrived at as is conformable with the convenience of the House, and the nature of the duties on tea and sugar, so important to commerce, likewise makes despatch desirable. As to the mode and order of proceeding, we intend to adopt that which we think will at once give the House the most ample facility and convenience in discussing the measures of the Government, and be best suited to the position and office of the House as a branch of the Legislature. As our proposals are all strictly financial, and as they together form one single plan, we shall present them all in their proper connection with one another by a series of Resolutions in Committee of Ways and Means. We shall take, first, the income tax; then the tea and sugar duties, and after these the repeal of the duties on paper. Some minor Resolutions will follow; and when they are all reported together from the Committee, we shall ask leave to bring in a Bill pursuant to the Resolutions which the Committee will, as we hope, have adopted.

Now, Sir, it is impossible for me to conclude a financial survey of the affairs of the country, with, at any rate, so much of effort to exhibit their details to the Committee without some few reflections upon its general condition. And, in referring to that general survey, I must, in the first place, tender the expression of my gratitude for the kindness and patience with which the Committee have followed me through what I may almost call a wilderness of figures. Sir, as respects the connection between the general condition of the country and its financial state, I must say the reflections which this picture before us suggest are satisfactory. We have seen this country during the last few years without European war, but under a burden of taxation such as, out of a European war, it never was called upon to bear; we have also seen it last year under the pressure of a season of blight, such as hardly any living man can recollect; yet, on looking abroad over the face of England, no one is sensible of any signs of decay; least of all can such an apprehension be felt with regard to those attributes which perhaps are the highest of all, and on which most of all depend our national existence—the spirit and courage of the country. It is needless to say that neither the Sovereign on the Throne, nor the nobles and the gentry that fill the place of the gallant chieftains of the Middle Age, nor the citizens who represent the invincible soldiery of Cromwell, nor the peasantry who are the children of those sturdy archers that drew the crossbows of England on the fields of France—none of these betray either inclination or tendency to depart from the tradition of their forefathers. If there be any danger which has recently in an especial manner beset us, I confess that, though it may be owing to some peculiarity in my position or some weakness of my vision, it has seemed to me to lie during recent years chiefly in our proneness to constant and apparently almost boundless augmentations of expenditure, and in the consequences that are associated with them. I do not refer to this or that particular charge or scheme, I do not refer to the Estimates of the year; but I think that when in an extended retrospect we take notice of the rate at which we have been advancing for a certain number of years, we must see that there has been a tendency to break down all barriers and all limits. For my own part I am deeply convinced that all excess in the public expenditure beyond the legitimate wants of the country is not only a pecuniary waste—for that is a comparatively trifling matter—but a great political and a great moral evil. It is a characteristic of the mischief which arise from financial prodigality, that they creep onwards with a noiseless and surreptitious step; that they are unseen and unfelt until they have reached a magnitude absolutely overwhelming, and then at length, we see them, as perhaps they now exist in the case of one at least among the great European nations, so fearful and menacing in their aspect that they seem to threaten the very foundations of national existence. Sir, I do trust that the day has come when a check has began to be put to the movement in this direction; and I think, as far as I have been able to trace the sentiments of the House and the indications of general opinion during the present Session, that the tendency to which I have adverted is at least partially on the decline. I trust it will altogether subside and disappear. It is certainly true — and I for one should be among the first to uphold the soundness of the assertion—that sweeping and rash reductions of expenditure are to be deprecated almost as much as excess and prodigality. But, at the same time, there is many a one who shares that sentiment and yet who still feels that it is demanded by high public expediency and by national duty that we should recur I do not say to the charges for national wants, with the nations overgrowth, will vary and will grow, but to the spirit the temper and the rules, with which no long time ago we were all want to regard the subject of the public expenditure. Sir, I trust that such a wish may be realized, and if only it be so, then, for my own part, I say that, if there be difficulties in the work of Government they are not, so far as regards the department with which I have the honour to be connected, difficulties which any man of ordinary courage need for a moment, under whatever contingencies, hesitate to face. The spirit of the people is excellent. There never was a nation in the whole history of the world more willing to bear the heavy burdens under which it lies—more generously disposed to overlook the errors of those who have the direction of its affairs. For my own part I hold that, if this country can steadily and constantly remain as wise in the use of her treasure as she is unrivalled in its production, and as moderate in the exercise of her strength as she is rich in its possession, then we may well cherish the hope that there is yet reserved for England a great work to do on her own part and on the part of others, and that for many a generation yet to come she will continue to hold a foremost place among the nations of the world. Sir, I beg leave to move the following Resolution:—

"That, towards raising the Supply granted to Her Majesty,—In lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 16th day of April, 1861, be charged thereon on importation into Great Britain and Ireland; namely:—Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln-dried 12*s.* the cwt."

Sir STAFFORD NORTHCOTE said, he was aware that the Committee would not expect him at that moment to give any decided opinion upon the elaborate statement which they had just heard. They all knew very well with what extreme ingenuity and skill the right hon. Gentleman laid before them his financial statements; but, great as were the expectations which had been excited as to the statement to be made that night, he was sure that any one who had listened to the speech of the right hon. Gentleman must feel that those expectations, so far from being disappointed, had been exceeded. He had been partly induced to rise at that moment because he took to himself, to some extent, the "crash" which the right hon. Gentleman imagined he heard, of the predictions and expectations as to the probable results of the last financial year. He (Sir Stafford Northcote) and those who sat with him on that side of the House objected to the propositions of the Budget of last year on the ground that the provision made by the Chancellor of the Exchequer was not sufficient for the wants of the year, and they now had statements laid before them which showed that those predictions were perfectly right. The deficiency on the last year was actually no less than £2,271,000, and the deficiency would have been still larger if it were not for the fact that the expenditure had been less than the estimate of the right hon. Gentleman by as much as £800,000. The deficiency on the year would, therefore, have been upwards of £3,000,000 if the right hon. Gentleman's estimate of the expenditure had turned out to be correct. In addition to this the Committee could not yet be informed what the real expenditure for the year had been, inasmuch as a great part of this expenditure had been incurred in distant parts of the world, and was only estimated, and not ascertained. Beyond this the proposals of the right hon. Gentleman in February last did not correspond with the financial scheme which was subsequently adopted. The remission of the paper duty was one of the principal proposals of the right hon. Gentleman's Budget; and when hon. Gentlemen on that side of the House made their predictions they were speaking on the assumption that the paper duty would be taken off, and the spirit duties levied at 8*s.* a gallon; whereas afterwards the paper duty was retained, and the spirit duties were raised to 10*s.* a gallon. Even if they had not taken the large Vote for China, the income, as originally provided by the Chancellor of the Exchequer last year, would not have been sufficient. Now, as to the large surplus of the present year of £1,900,000, it was, no doubt, very satisfactory to hear that there was to be a surplus; but in truth the right hon. Gentleman put the matter in a very ingenious way, and there was in reality no surplus whatever. What hon. Members on that side of the House said last year was that if the taxes which fell in this year were not renewed, there would be a deficit which they would have to deal with of between £11,000,000 and £12,000,000; and it now appeared that the actual deficit was £8,500,000, and that but for the retention of the paper duty and the increase in the spirit duties, it would have been £11,400,000. It was well that the Committee should be reminded of these circumstances. They were to be asked to vote in a week's time—and he did not complain that the time was not sufficient—the whole scheme of taxation for the following year; but it was well that they should remember that last year they entered upon the discussion of the Budget under the influence of a speech such as the one they had just heard; and when they came later in the Session to try to stop some of the proposed measures, they were told that they were then too late. It was, therefore, of the highest importance that they should this year thoroughly sift the grounds upon which the financial measures were recommended to them. He did not, as he said on that occasion, wish to express any opinion as to the merits of the financial scheme, but only as to the importance of giving due consideration to the matters proposed to them. The right hon. Gentleman said, as he understood, that he expected the loss to the revenue caused by the repeal of the paper duty and the remission of 1*d.* in the pound of the income tax would be compensated by reductions in the naval and military expenditure. But there was one material item which the right hon. Gentleman seemed to have forgotten — the circumstance that £1,000,000 of Exchequer Bonds would fall due in May, 1862, and another £1,000,000 in May of the following year, and if he was not mistaken a third in the ensuing year. At all events, there was £3,500,000 which had been added to our debt, in the shape of Exchequer Bonds, of which £2,000,000 would fall due in the two following years; and, when he considered this circumstance, coupled with the facts that we had drawn heavily on the balances, that we were borrowing for fortifications, and that we did not yet know the full cost of the China war, he could not help feeling that they should consider carefully what would be the effect of the changes proposed in reference to the financial year. He had thought it his duty, for the present, at least, to point out to the Committee that the predictions of last year were justified by the result.

Mr. DODSON said, it appeared that there was a surplus of £1,900,000, and the Chancellor of the Exchequer proposed to remit £1,100,000 of income tax, and £1,400,000 of paper duty. True, there would be no deficiency this year, because the Exchequer was not to lose one quarter of the year's income tax, nor was the whole of the paper duty to be lost this year. Still in his opinion it was rather a dangerous experiment to prepare a deficiency for the following year; and he thought that it would have been more prudent this year to have remitted either the penny of income tax or the paper duty and the hop duty, or some such minor tax, for that course would have left the Exchequer with a surplus, and not have trenched on next year's resources by anticipating reductions.

Mr. HADFIELD expressed his regret that no diminution of the duty on fire insurances had been proposed. It was a most impolitic tax, and he believed that if it were reduced in amount there would be no great loss to the revenue, as the number of insurances would largely increase.

Mr. HENNESSY said, that in March last he proposed a Resolution in reference to the duty on chicory, and he was in hopes that the right hon. Gentleman the Chancellor of the Exchequer would have seen the propriety of equalizing the duties on chicory and coffee. The proposition of the right hon. Gentleman to increase the duty on chicory was, no doubt, a step in the right direction; but the right hon. Gentleman must know that the great difference in the duties on these articles led to vast adulterations, and therefore he should be glad to know whether he intended to increase the duty on chicory, and particularly on powdered chicory, which was ten times more valuable than the root.

Mr. POLLARD-URQUHART said, that the hon. Member for Stamford in criticising the financial statement had made no allowance for the bad harvest of last year, which he (Mr. Urquhart) believed was the principal cause of the falling off of the revenue; and it was the first time of late years that so bad a harvest had not been followed by increased taxation or by a loan. The bad harvest of 1839 was followed by an increase of 5 per cent upon the customs, and 10 per cent upon the excise; whilst that of 1847 was followed by a loan. This year, however, the bad harvest was followed by a remission of taxes. As everybody lamented that there was not a reduction in his own hobby tax, he, as a West India proprietor, must lament that there was no reduction in the war tax upon sugar; but, as a whole, he must say that he agreed with the proposal of the Government.

Mr. G. C. GLYN said, he had no doubt that the statement of the Chancellor of the Exchequer, which turned into a surplus what all the world feared would be a serious deficiency, would give satisfaction

to the country. He should have liked to have heard that the duty on fire insurances was to be reduced; but he would not press that question on the present occasion, for he believed that the proposed remissions of taxation were precisely those which the country desired. The reduction of the income tax would be regarded as a great boon, while the House of Commons was, in some sense, bound to deal with the paper duty. He regretted that the Chancellor of the Exchequer was not able to announce a further payment from Spain, and he regretted still more that nothing seemed to be expected from the Government of Greece. About three years ago a Committee appointed to consider the subject reported that they saw no reason why Greece should not resume payments to the three guaranteeing Powers. Instead of payment being made, however, the debt due to us went on increasing every year, and it now amounted to at least £800,000. They knew from the common sources of information that the Greek Government was now in a position to order steamers of war and other things, and he could not but think that the best course for them to pursue was to pay their debts.

Mr. E. BALL thought that, as one great portion of the public had more particularly suffered by the bad harvest, the right hon. Gentleman should have come to the conclusion that that distressed class should be more particularly considered in the remission of taxation. He could hardly say that he hoped that this would be the case, for he never had been able to obtain the sympathy of the right hon. Gentleman for the farmer. As the malt tax pressed particularly upon the farmer it would have been but right if relief in that direction had been afforded to that class of the community which, by the confession of the right hon. Gentleman, were the more immediate sufferers from the bad harvest. The malt tax was a tax which was most oppressive in its nature; but, instead of giving relief the right hon. Gentleman last year insisted upon the prompt payment of the tax. By anticipating the payment last year he got some £700,000 or £800,000; but the effect was that many abandoned the production of malt, and there was also less malt used, so that there was a loss on the malt duty of £750,000. He trusted that even now the right hon. Gentleman would consider the propriety of dealing with the malt tax.

Mr. W. EWART, as an advocate for

many years of the repeal of the taxes on knowledge, begged to express the pleasure he felt at the proposal of the Chancellor of the Exchequer to abolish the paper duty. He thought that good faith with the country and sound policy alike demanded that this duty should be removed; and he, therefore, rejoiced to find that his right hon. Friend had adopted the course he had. He did not entertain so confident a hope as his right hon. Friend that the light wines of France would be largely consumed in this country, nor could he coincide with his right hon. Friend upon the propriety of retaining the alcoholic test. It would be better to admit the more alcoholic wines of France, which, if they came in under a shilling duty, would sell in this country for 1*s.* a bottle. There was a point on which he wished to remark, and that was the new copper coinage. The coins were not at all what was required. What was wanted was something much smaller and more convenient—something much more resembling that of France.

Mr. CAVE said, the mercantile community would be much disappointed to learn that the right hon. Gentleman intended to continue the objectionable penny charges which seemed against every principle of taxation by combining the *minimum* return to the revenue with the *maximum* of loss and annoyance to the tax payer. The country, he thought, would regret to hear that sugar and tea were again to be postponed to paper, and the most solemn and reiterated pledges again unfulfilled. No time could have been better than the present for reducing these duties, as the accumulation of large stocks of both in the country ensured that the reduction would benefit the consumer, and not go into the pockets of the importer. The right hon. Gentleman knew well that even the revenue suffered from these high duties, which gave a premium to adulteration. But we could not expect to have good sound claret at 14*s.* a dozen for nothing, and the price the poor man would have to pay was that he must still put up with sugar which would not sweeten his tea; and tea which was equally *maris expers* with the remarkable beverage which had been so successfully puffed by the Chancellor of the Exchequer.

Mr. J. EWART said, the commercial community would be greatly disappointed by the continuance of the penny duties; and he was correspondingly glad to hear the right hon. Gentleman promise to reconsider the penny duty on packages. There was no tax more unpopular among the trading community.

Mr. BERNAL OSBORNE: The Chancellor of the Exchequer is such a great magician on these subjects that he must be a bold man who would attempt to criticize him ; but this I must do him the justice to say, that when he talked of having to lead us through a "wilderness of figures" it proved under his leadership to be nothing but a garden of flowers. I am rather amazed at hearing the hon. Member for Shoreham (Mr. Cave) taking such small exceptions to a great scheme. For myself, I have always taken exception to the repeal of the paper duty under the financial circumstances of the country, and never voted for it; but I think the right hon. Gentleman has acted with great wisdom in proposing to remove this fruitful subject of controversy between the two Houses and in taking off the paper duty. As far as my own personal predilections are concerned I should have preferred the reduction of the tea and sugar duties ; but I cannot resist the conviction that the paper duty was a most dangerous subject to be left open after the course taken by the other House of Parliament, and I congratulate the right hon. Gentleman on the great nerve and wisdom he has shown in dealing with it. That penny on the income tax thrown to us country Gentlemen will float his Budget. He has wrapped up the paper very well, and if the penny does not float the Budget through, it will be very unwise of us not to take the come promise he offers. I think, too, the right hon. Gentleman has acted wisely in placing these matters in one Bill. I, of course, reserve my right to look into the details; I admit I was rather surprised to hear of this surplus. I expected rather to hear of an increase of the income tax than of a penny being taken off. Reserving my right to look into these matters, I thank the right hon. Gentleman in the name of my constituents for the statement he has made, for his nerve in making it, and for his condemnation of the profligate expenditure sanctioned by this House. Such an expression, coming from such a quarter, will do good service, not only in this House, but also in the country.

Lord ROBERT CECIL said, he also wished to say a word about this "profligate expenditure." He thought nothing would be more calculated to injure the character of that House and of the Government than if the right hon. Gentleman persisted in using language of this kind. If any one was responsible for the expenditure of the country it was the Chancellor of the Exchequer himself. The right hon. Gentleman was bound to take one of two courses —he was bound to protest in the Cabinet against any expenditure that he believed to be profligate, and if his remonstrances were not attended to it was his duty to carry out his views in the manner usual to recalcitrant Ministers. But if the right hon. Gentleman did not think proper to take this course he was bound not to discredit the Estimates that he himself moved. The right hon. Gentleman was at present asking the House to save him from the effect of his own measures. A Minister ought not to sanction that which he did not approve, and the Finance Minister ought least of all to say he disapproved the way in which the finances of the country were carried on.

Colonel SYKES said, that he had received from some of his constituents great complaints with regard to the penny taxes, and he trusted the right hon. Gentleman would take the subject again into his consideration.

Mr. PAGET said, that the remission of the paper duty would afford a great relief in the manufacturing districts, and contribute not a little to the removal of the distress among the operatives. Vast quantities of paper were used in reference to some articles of manufacture.

Mr. FRANK CROSSLEY said, that the hon. Member for Cambridgeshire (Mr. E. Ball) had spoken of the malt duties as being oppressive to the agricultural interests; but it was not the agricultural interest that paid it—it came out of the pockets of the consumers. He thought the statement of the Chancellor of the Exchequer a very able one considering the immense difficulties by which he was surrounded. They had had a bad harvest and a fall of revenue, yet the Chancellor of the Exchequer had so arranged his expenditure as to enable him now to propose a reduction of a penny on the income tax, and the abolition of the paper duty, which the House stood pledged to abolish, and which was left in a most unsatisfactory state at the close of last Session. He thought the removal of the duties on tea and sugar very desirable, but he did not think this was a good time for it, on the ground stated by an hon. Member, namely, because there were large stocks of those articles in the country at the present time. The removal of this duty at such a time would injure the large holders of tea and sugar; but, on the other hand, the high price of these articles pressed heavily on the poorer classes. But the paper duty was, in his opinion, the thing to be dealt with first, for it was inconsistent to grant large sums for the spread of education and at the same time to tax the very articles that were employed in doing it. It had been stated that a duty of £886,000 had been paid on corn imported this year. If a duty of 1*s*. per quarter were raised on all the corn grown in this country the sum would have been three or four times that which he had mentioned; therefore, it was clear that the agriculturists received protection to the extent of something like three millions a year. He thought, therefore, the next best thing the Chancellor of the Exchequer could do would be to strike off that impost altogether.

Mr. LONG said, he must express his regret at the demeanour of the right hon. the Chancellor of the Exchequer when the hon. Member for Cambridgeshire spoke of the distress of the agriculturists. He begged to inform the right hon. Gentleman that if he were as well acquainted with the distress of the agricultural community as he (Mr. Long) was, he would not have met the remark of the hon. Member for Cambridge with the smile he did. He should be glad to see some practical proof of the sympathy of the right hon. Gentleman with the agricultural interest, which he might well have displayed in the manner pointed out by the hon. Member for Sussex, by abolishing the hop duty, and thereby carrying out the free trade principles, to do which, he always alleged, was his honour and glory.

Sir JOSEPH PAXTON joined with the hon. Member for Nottingham (Mr. Paget) in the opinion that the repeal of the paper duty would act very beneficially in the manufacturing districts. The consumption of paper was very great in connection with the ribbon trade. There was not a yard of ribbon made that had not in its fold a piece of paper, which added very considerably to its appearance. The custom, he believed, was established by the French some four or five years ago. He thought the right hon. Gentleman had rather underrated what would be the production of the revenue of next year. He (Sir Joseph Paxton) believed he could see certain indications that the revenue for the next year would far exceed what the Chancellor of the Exchequer had stated. There were only two causes which could prevent our finances regaining a healthful condition—one was another bad harvest, which he trusted a kind Providence would avert; the other was our being drifted into a war, which he trusted the good sense of the country would not permit.

Mr. BENTINCK said, he found it was not the intention of the House to enter into a discussion on this occasion, but he thought some misconception had arisen as to what was said by the hon. Member for Cambridge (Mr. Ball). The hon. Member for the West Riding (Mr. Crossley) had said that the hon. Member for Cambridge had expressed his surprise that the Chancellor of the Exchequer had done nothing for the agricultural interest. That was a slight misconception, for it was quite impossible his hon. Friend (Mr. Ball) could have felt any surprise that the right hon. Gentleman had done nothing for the agricultural interest; for from the year 1846, when the right hon. Gentleman seceded from the party who were more particularly connected with the agricultural interest, he had done his best to show that, however great might be the zeal of the convert, it was far exceeded by the hatred of the apostate. He would only, whilst on his legs, advert to what had been said by the hon. Member for the West Riding as to the agricultural interest still receiving protection to the extent of £3,000,000 per annum. He wished they did, or that it was more; but he confessed he did not see how the hon. Gentleman made the £3,000,000 up. The tax of 1*s.* a quarter had amounted only to £800,000. He thought that if the hon. Member for the West Riding was disposed to open the question as to the amount of protection received by the commercial and the agricultural interest respectively, he would find that the balance at present was decidedly in favour of the former. He, therefore, thought that the hon. Gentleman would do well not to raise that question.

Mr. FRANK CROSSLEY said, that a tax of 1*s.* a quarter on all corn imported affect the value of all corn grown, and in that way the agriculturists were protected to the extent of £2,000,000 or £3,000,000.

Mr. HOPWOOD said, he would ask the Chancellor of the Exchequer to consider the expediency of imposing a tax on railway tickets; that would enable him to remove the duty on hops and malt, and the most objectionable duty on fire insurances.

Mr. MALINS expressed his great satisfaction at the proposal to take a penny off the income tax. He accepted this step as an earnest of the right hon. Gentleman's intention to get rid of this impost at the earliest possible opportunity. He thought that after the pledge of the right hon. Gentleman in 1853 that it should terminate in 1860, he was bound to lose no opportunity of reducing it. He believed it would be much better if, instead of repealing the paper duty, they had taken 2*d.* from the income tax. He did not say that this proposition would have been universally approved of, for he knew there was a large party in the House that was in favour of the reduction of the paper duty, and they had the advantage of a clap-trap cry that they wished for the repeal of the taxes on knowledge. But if any hon. Gentleman would go into the calculation for himself, and see how much he paid on the paper for any volume, he would at once see that he had given the right designation to this cry. He admitted that there was at one time a strong feeling in favour of the reduction of the duty in that House, but the majority gradually dwindled down, till at last it amounted only to nine. The country would be surprised, after such a division, and after what had occurred last year in "another place," where a course was pursued that gave the greatest satisfaction to the country, at the decision which the Government had arrived at. The Prime Minister came down to the House, after the Bill for the repeal of the paper duty was thrown out in "another place," and expressed himself with great moderation on the subject. The Chancellor of the Exchequer took a different view from him of the question, and spoke in strong terms, and at least one of his colleagues participated in his views. He (Mr. Malins) could understand, therefore, that there had been a great contest between the right hon. Gentleman and some of his colleagues on the subject. The right hon. Gentleman seemed to have carried the day, and accordingly the duty was to be taken off. For himself, he had only to express his regret that the right hon. Gentleman should have elected this particular duty for remission and have left untouched the tax on hops—a tax that was opposed to all sound principle, which yielded only on an average £200,000, and which the right hon. Gentleman was every other year obliged to postpone. There was another duty, the reduction of which he thought would have commended itself to the consideration of the Chancellor of the Exchequer—he alluded to the duty on fire insurances. He was convinced that if that duty were reduced the deficiency would be more than made up in the course of two or three years. Yet, though he could not admit that the right hon. Gentleman had exercised a sound discretion in the repeal of the paper duties, still, if he and his colleagues had made up their mind to repeal those duties, and upon their representations that they had a sufficient surplus to enable them to do it, without knowing what might be the opinions of the party with which he usually acted, and speaking for himself only, he did not feel inclined to offer any further opposition, as he believed the House would thereby get rid of a troublesome and embarrassing question, and it would satisfy a considerable portion of the community.

Mr. NORRIS would not have risen but for the hon. and learned Gentleman the Member for Wallingford (Mr. Malins) saying that if any Gentleman would take the trouble to calculate, he would find that the amount of the paper duty on books was quite inappreciable. He, on the other hand, would take the liberty to say that if the hon. and learned Gentleman would take the trouble to calculate he would find that of every sovereign he gave to the National Society, 6*s*. 8*d*. of it—a sum with which the hon. and learned Gentleman, no doubt, was familiar—went to the Government in the shape of duty on their school books.

The CHANCELLOR of the EXCHEQUER said, he must in the first place thankfully acknowledge the great candour with which hon. Members had spoken of his financial statement. He wished to say a word or two to what had fallen from several Members, and among others, from the noble Lord the Member for Stamford (Lord Robert Cecil). The noble Lord had misunderstood some expressions that fell from him on the subject of the expenditure of the country, and said he had no right to discredit the Estimates for which he was responsible. Now, he had expressly stated that he made no reference to particular estimates. He spoke of the great expenditure of the country in the past, and deprecated large and unnecessary expenditure in the future. He had spoken, in short, retrospectively and prospectively. No one would be more ready than himself to acknowledge that it would be cowardly and contemptible for a Minister, especially for a Minister of Finance, to attempt to shift from himself the responsibility of the Estimates passed under his auspices; and certainly he had no such intention. With regard to the duty on chicory, the proposition was simply to double the duty agreed to by the House last year. The hon. Member for Kendal (Mr. Glyn) had spoken of the desirableness of ascertaining if any payment could be had from Greece in respect of the loan guaranteed by the three Powers. He should have mentioned that there was a small payment from Greece now for the first time to come to the credit of this country. Greece would pay to the Consolidated Fund for the present £12,000 a year on account of interest on that loan. Some years ago a Commission was appointed to examine into the state of the revenue of Greece, and its capability to pay a contribution or a sum in full discharge of the obligation of the loan, and if he recollected aright the Report of the Committee was to the effect that Greece was able without injury to take upon herself the obligation as to the whole of the loan; and he must confess that having a warm interest in the welfare of that country, and entertaining rather sanguine hopes of its prosperity, he thought it would be rather a good thing if it were to pay largely to the interest of the debt, as that might prevent the application of the money to other and less useful purposes. The present payment was £12,000, and in accepting that quota of £12,000, there was no waiving of the right at any proper time to make further demands for payment of interest. The hon. Member for Dumfries (Mr. W. Ewart) spoke of our new copper coinage, and complained that it was not so small as that of France. The difference between the copper coinage of the two countries was, however, very small, and the mixture of the metal was almost exactly the same in both. He wished to state to the House what he regarded as a rather curious circumstance. The Mint had been hard at work for a considerable time, and up to the last account sent to him about 30,000,000 of pieces of copper money had been sent out; but the whole of that mass of copper had been added to the circulation of the country without a single old copper piece being returned. That fact, while it proved the great scarcity of the old copper coinage, also demonstrated the great convenience of the new; and he might observe that the profit which the Government of France had made by introducing a more convenient coinage had not been less than half a million. As to the subject of the penny on packages inwards, referred to by the hon. Member for Liverpool, he could not defend the charge as it now worked, and admitted there was evidence of the trouble and inconvenience caused by it. Whether those inconveniences could be removed or not he would not now give an opinion; but if they could not it might be desirable, when Parliament had the means, to reconsider the subject with a view to the remission of the tax. With respect to the comparison that had been made between the remission of the paper duty and the reduction of that upon tea and sugar, he must observe that, although those were subjects in *pari materia*, they were not equal in extent of revenue. In giving up £670,000 upon paper for the present year he had given the extreme of what he thought was likely to be the balance at his command; but the reduction of the duty on the tea to 1*s.* 2*d.* per lb. to say nothing of that upon sugar, would according to the Estimates of the Customs entail a loss of £850,000. The hon. Member for Norfolk (Mr. Bentinck) had made a remark, which he (the Chancellor of the Exchequer) had heard without the least irritation, that he had always been a bitter enemy to the agriculturists. But, although he had not been angered by the observation, he could not help feeling surprised that a Member of Parliament should have made such a charge, especially as the lapse of years might have been expected to allay all extreme feelings, such as prevailed in former times. He might differ from the hon. Gentleman as to the best mode of serving the agricultural interest, but he had a conscientious belief that the setting free of a manufacture of this description was one of the best plans that could be devised for benefiting rural districts. An hon. Gentleman (Mr. Hopwood) had asked him whether he had ever considered the possibility of levying a penny tax upon railway tickets, which the hon. Gentleman seemed to think would prove a substitute for the malt tax and other duties. He had frequently considered the subject, as he was daily receiving suggestions of such a tax; but he could not see his way to deal safely with them, and he could not but regard such a tax as a most unjust one. Even if it were adopted it would not produce one-sixth of the present amount of the malt duties. In conclusion, he thanked the Committee for the patient hearing it had accorded him. The hon. and learned Member for Wallingford (Mr. Malins) had expressed himself in a manner which he (Mr. Gladstone) thought very judicious, and though he could not concur in the hon. and learned Gentleman's views, he drew from the tone of his observations a favourable augury for the harmonious manner in which the House would deal with the financial questions of the year.

Mr. BENTINCK said, he was glad to hear that his remarks had not produced any feeling of irritation in the right hon. Gentleman's mind, for that was exactly the spirit in which they were offered; but when he expressed surprise that the lapse of time had not allayed passions which existed at a particular time, he adopted a singular and untenable ground. Was it, or was it not, a fact that the right hon. Gentleman did secede from the agricultural party, and had not his whole public and financial career from that period to the present time been one of unvaried hostility to the agricultural interest? ("No, no!") It was easy to cry "No;" but he should feel glad if any hon. Member who did so would rise and make his denial good by argument. In the meantime he must assert that the right hon. Gentleman's policy had been one of antagonism to British agriculture.

Mr. CAIRD denied the right of the hon. Gentleman to constitute himself the sole representative of the agricultural interest. As himself representing a constituency largely interested in agriculture, he felt bound to say that the Chancellor of the Exchequer, following up the policy of the late Sir Robert Peel, had done more to promote agricultural prosperity than any one else. Even taking the price of corn as a test, if the prices for ten years before the abolition of the protective duties were compared with the prices for ten years succeeding, it would be found that there had been very little difference; but the real benefit to the agricultural interest had been the enlargement of trade and the encouragement of every other kind of agricultural produce, which had led to the present state of prosperity among that class.

Mr. BUTT reminded the Committee that when a Motion was made, about ten years ago, for a Select Committee to inquire into the subject of agricultural distress, the Chancellor of the Exchequer voted for that Motion. Since then nothing more had been heard of agricultural distress.

Resolved,

"That, towards raising the Supply granted to Her Majesty,—

"In lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 16th day of April, 1861, be charged thereon on importation into Great Britain and Ireland—namely,

"Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln dried, 12*s.* the cwt.

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

BIRTHS, DEATHS, AND MARRIAGES BILL. (IRELAND).—SECOND READING.

Order for Second Reading read.

Lord NAAS said, it was unnecessary to enlarge on the importance of this subject. But in discussing the details of this Bill, he thought he might venture to compare its provisions with that which he had had the honour to submit to Parliament. In the first place, the Government scheme proposed that the information respecting births and deaths, should be collected by the Poor Law Commission, and be by them transmitted to superintendent registrars. By his Bill, on the other hand, it was provided that these facts should be obtained by the constabulary, and should be by them forwarded to the Registrars of Births, Deaths, and Marriages, through whom it would reach the Registrar General. Now he thought that these duties could not be sufficiently discharged through the agency of the Poor Law Commissioners and the Dispensary Medical Officers. He objected also to the application of that machinery to any other than Poor Law purposes. He (Lord Naas) further in his scheme proposed that the registrars should be paid no longer by fees but by fixed salaries. He thought that the police would be very efficient in the collection of the statistics of births and deaths. He had heard sentimental objections against the employment of the police in these duties; but these objections fell to the ground when it appeared that the police were successfully engaged in obtaining agricultural statistics as enumerators for the decennial census and in performing various duties of a similar nature. They were under the direct control of Government, and there was no work imposed on them by his plan which would interfere in the least with their ordinary duties. He further objected to the way in which his right hon. Friend intended to deal with the registration of marriages. He (Lord Naas) proposed to place the registration of Roman Catholic and of Protestant marriages on precisely the same footing. By the Bill which he (Lord Naas) introduced, the Roman Catholic clergyman was to send to the registrar, every quarter, accurate copies of the certificates of all marriages solemnized by him. By the Bill of his right hon. Friend, the returns of Roman Catholic marriages were to be made through the clerks of the unions. He thought his own plan much the simpler of the two; it would afford as much security, and make no distinction between the marriages of persons having different religious faiths. It would be better, however, to refer these Bills and the whole matter to a Select Committee.

Mr. VINCENT SCULLY had already suggested that these Bills should go before a Select Committee. He thought there were some merits in each Bill, and some imperfections. The real difficulty was as to the registration of mixed marriages. By this Bill the Roman Catholic clergyman was still to be liable to a penalty if he married a Protestant to a Roman Catholic, who had not previously been married before a registrar. He thought that nothing ought to be done in the registration of marriages until the question of mixed marriages had been put on a satisfactory footing.

Sir FREDERICK HEYGATE said, he had heard with great regret the proposal to refer those Bills to a Select Committee. Ireland was said by Dr. Farr to be the only country in Europe which did not possess a system of registration of births, deaths, and marriages. It was high time that this national reproach should be removed, and he hoped the year of the Census would not be allowed to pass without an attempt to pass some measure of this kind.

Mr. DAWSON said, he agreed with the hon. Gentleman that it was unadvisable to defer legislation on this subject. Of the two Bills he preferred that of the Chief Secretary. He infinitely preferred committing the performance of the duty of registration to the medical officers than intrusting them to the police. The medical officers, by their position and their intimate connection with all ranks of society, were much more fitted for it. He regretted that some attempt had not been made while legislating on this subject to amend and assimilate the general law of marriage in Ireland, and he hoped the Government would give some assurance of their intention to introduce a measure on this point at a very early period.

Sir EDWARD GROGAN said, that as the difference between the two Bills was admitted to be one of details only, he thought they should both be referred to a Select Committee, and he believed that would be the case after all. It was the only way in which a good working Bill could be got. He urged upon the right hon. Gentleman (Mr. Cardwell) the prudence and propriety of referring them to a Committee, so as to have a Bill which should be acceptable to the country, and would not impose any large tax upon the people of Ireland.

Mr. BUTT said, the only question they had then to consider was the propriety of reading a second time the Bill immediately before them, and he saw no reason why they should not accede to that Motion. He entirely disapproved of the proposal in the other measure, which would hand over to the police the management of social arrangements of that description. It savoured more of the *régime* of Austria or some other despotic country than of this. All were agreed that a system of registration of births, marriages and deaths was required; and the question was which of the two Bills before the House should be selected; he thought a Committee of the Whole House infinitely superior to a Select Committee of Irishmen sitting upstairs.

Sir HUGH CAIRNS said, that in referring a Bill to a Select Committee no power was delegated to that Committee to decide finally what should be its provisions; but where two Bills dealing with the same evil but in different ways came before the House, he thought that was exactly the case in which a Select Committee might be usefully employed. As he had presented petitions, night after night, from Ireland praying for some system for the registration of births, deaths, and marriages in that country, yet taking exception to almost all the details of the Chief Secretary's Bill, he was curious to know from whom the petitions presented by the right hon. Gentleman in favour of the Bill proceeded. He found that they were nearly all the petitions of clerks of unions, the only persons benefited by the Bill, and that one of them came from a body of medical practitioners in Glasgow. Some parts of the right hon. Gentleman's Bill were objectionable in the highest degree. The Irish Poor Law was passed for a particular purpose, and had hitherto worked well; but it should be strictly confined to that purpose, for any extension beyond its legitimate object would be sure to end in breaking down the system. Under this Bill the charge for the proposed registration was to be paid out of the rates levied for the relief of the poor in Ireland. To this he most strongly objected. The analogy with what was done in England had no weight, because Poor Law charges in England were borne by the Consolidated Fund to an extent which was not the case in Ireland. They had heard it said that it was very desirable medical men should be employed to certify deaths at which they were present; but the conclusion by no means followed that they were the best persons to be registrars. Would not the registrars of marriages in Ireland be the proper parties to perform the registration of births and deaths, rather than the clerks to the Poor Law unions, who were wholly unfit for the duty? There would be great inconvenience in having two systems of registration for Protestant and Roman Catholic marriages, as was proposed by this Bill, and in having yet another system for mixed marriages as was proposed in a Bill introduced in "another place." His objections extended to matters which could not be discussed in a Committee of the Whole House, and, consequently, he trusted the Chief Secretary would agree to refer the Bill to a Select Committee, as proposed by the hon. and learned Member for Cork county.

Mr. BLAKE was of opinion that the matter might be more satisfactorily settled by a Select Committee. He hoped, therefore, that the right hon. Gentleman would concur in that course.

Mr. CARDWELL was gratified to find there was no opposition to the principle of the Bill, and that Ireland was agreed to wipe away the reproach of being the only country in Europe in which there was no registration of births, deaths, and marriages; and he took it for granted that the Bill would be passed this Session. His only reason for not copying the Bill of the noble Lord the Member for Cockermouth (Lord Naas) on this subject was because it created forty salaried officers or thereabouts; in addition to which he objected to that measure on account of its centralising character, which would have rendered it extremely distasteful to the people, especially when they found that the machinery for the collection of the details was the constabulary. The machinery proposed by the Government Bill was similar to the machinery used for this purpose in England, and local administration and payment by local funds was the principle of the measure. The masters of unions would be the registrars. It was also proposed to make use of the machinery of the Medical Charities Act, and that the medical officers of the dispensary districts should be made available in collecting details. There were more than 1,000 of these officers, and they were poorly paid; so that it would be a most acceptable thing to them to have the opportunity of making some slight addition to their incomes through this source. As far as regarded marriages there was a kind of registration of marriages in Ireland now; but only of Protestant marriages. It was a part of the statutory duty of the registrars of marriages to perform that ceremony; and everybody knew that the Roman Catholics of Ireland, as of any other country in which the majority of the people were of that religion, would not cooperate in the registration of marriages which they did not consider properly performed; and he therefore proposed to adopt similar machinery for the registration of marriages in Ireland as already existed in England. He believed that to refer the matter to a Select Committee would endanger the passing of the Bill this Session. Certainly, if it were referred to a Select Committee, it ought not to be referred to the Committee to go into the whole of the marriage law of Ireland, as the hon. and learned Member for Belfast seemed to wish; it could only be a reference for the settlement of clauses. He would not oppose the second reading of the Bill of his noble Friend, and would fix the Committee for such a day as would give ample time to him to see what the state of the public business was likely to be, and what chance they had of passing a Bill this Session. He was not without hopes that some means would be found of settling the Bill on the floor of the House, which would, in his opinion, be a far preferable course to referring it to a Select Committee.

Mr. WHITESIDE said, the reason which actuated his noble Friend and himself in introducing the Bill on this subject was obvious to every one who was acquainted with the system pursued in Ireland in regard to marriages. It frequently happened that Roman Catholics especially had great difficulty in proving a marriage in their own church and the pedigree of the parties, because there was no law which made it obligatory on a Roman Catholic clergyman to keep a register. Although the clergyman might keep a book in which marriages were recorded, that book was not legal evidence before a court of justice. His noble Friend and himself, therefore, attempted to frame a Bill to remedy that evil. That Bill had been laid on the table, and was a much more rational measure, as he believed, than the Bill of the right hon. Secretary for Ireland. It was framed upon the same principle, as regarded the registrars, as that of the 7 & 8 *Vict.* He had never heard from a Roman Catholic clergyman the objection to it put forward by the right hon. Gentleman. It was objectionable to give the Lord Lieutenant any more patronage; and the Bill of his noble Friend was, therefore, framed on the principle of employing existing machinery. There were 1,700 districts in Ireland in which the information required was to be collected. It was proposed by his noble Friend's Bill that that information should be collected by the constabulary, of which two-thirds were Roman Catholics and one-third were Protestants. The noble Lord's Bill proposed that a copy of the registry of all marriages should be sent to the Registrar General in Dublin; whereas, according to the right hon. Gentleman's plan, persons might be compelled to hunt up the books in the possession of every Poor Law clerk in Ireland. Nothing could be more inconvenient and unsatisfactory than such an arrangement. The marriage question also interposed a difficulty which could be best got over by a consideration in Committee. Nothing could be more reasonable than to refer both Bills to a Select Committee, in order to settle which of the machinery ought to be adopted.

Mr. HASSARD thought that the House could better determine the question at issue than a Select Committee upstairs. He certainly preferred the machinery proposed in the Bill of the Chief Secretary for Ireland to that in the Bill of the noble Lord.

Mr. MONSELL differed from the hon. Member for Waterford. He was of opinion that those matters of detail which occasioned such controversy, could be much better settled by a Select Committee than by that House. The measure proposed to throw upon the Roman Catholic clergy certain duties; but hon. Gentlemen on both sides of the House seemed to have forgotten the very necessary point of consulting that clergy as to their willingness to act.

Mr. GEORGE said, the simple question for consideration was, whether the machinery proposed by the Secretary for Ireland, or that proposed in the Bill of his noble Friend, should be adopted. It appeared to him that a Select Committee was a better tribunal than that House to try such a question. Both sides of the House were agreed that a measure on this subject was necessary, though they differed as to the precise nature of the machinery.

Mr. BAGWELL thought the clerks of the boards of guardians would be perfectly able to perform the duties proposed to be assigned to them. Certainly, he thought, the less they placed their affairs in the hands of the police the better. He hoped, therefore, that the House would not agree to the proposition for sending the Bill before a Select Committee.

Mr. BERNAL OSBORNE complained that no estimate had been given by the Treasury of what the cost of the system was likely to be. The local taxes of Ireland were increasing every day. He doubted whether it was proper to place the proposed registration upon the poor rate; and at the same time he protested against giving any more power to the police. The police might be very well as a body of indifferent soldiers; and it seemed to be the desire to make it more and more military. Speaking without any party feeling, he hoped that everybody who had the interests of Ireland at heart would support the Motion for sending the Bill before a Select Committee. They were in no such hurry for this registration. Let them take care that they did not allow the Poor Law to be made an instrument for fixing taxation upon Ireland. Let them take care that next year the Chancellor of the Exchequer did not come down with his bewitching eloquence and propose to make Ireland pay assessed taxes through the means of the Poor Law.

Bill read 2°

Motion made, and Question proposed, "That the Bill be committed to a Committee of the Whole House."

Mr. VINCENT SCULLY moved that the Bill be sent for consideration to a Committee up stairs.

Amendment proposed, to leave out the words "Committee of the whole House," in order to add the words "Select Committee,"—instead thereof.

Colonel DUNNE entirely agreed with the proposition of the hon. and learned Gentleman.

Mr. CARDWELL said, the probable amount of expense to be incurred under the Bill would be £25,000. The amount of expense under the Bill of the noble Lord (Lord Naas) would probably amount to £30,000.

Sir HUGH CAIRNS inquired on what data that estimate was founded.

Mr. CARDWELL said, the calculation was founded on the supposition that the expenses in Ireland would be analagous to those in England.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 94 ; Noes 100 : Majority 6.

List of the Ayes.

Adam, W. P.
Atherton, Sir W.
Bagwell, J.
Baring, T. G.
Barnes, T.
Bass, M. T.
Bazley, T.
Beale, S.
Beamish, F. B.
Bethell, Sir R.
Black, A.
Blencowe, J. G.
Bouverie, rt. hn. E. P.
Browne, Lord J. T.
Buller, J. W.
Butt, I.
Caird, J.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Clay, J.
Clive, G.
Collier, R. P.
Collins, T.
Crawford, R. W.
Davey, R.
Dawson, R. P.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Dodson, J. G.
Dunbar, Sir W.
Dundas, rt. hn. Sir D.
Dunne, M.
Enfield, Visct.
Ennis, J.
Evans, T. W.
Ewing, H. E. C.
Finlay, A. S.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Gibson, rt. hon. T. M.
Gilpin, C.
Goldsmid, Sir F. H.
Gordon, C. W.
Gregson, S.
Gurdon, B.
Hadfield, G.
Hankey, T.
Hassard, M.
Headlam, rt. hon. T. E.
Heneage, G. F.
Heygate, Sir F. W.
Heygate, W. U.
Hodgkinson, G.
Hutt, rt. hon. W.
Ingham, R.
Johnstone, Sir J.
Kingscote, Col.
Kinnaird, hon. A. F.
Lacan, Sir E.
Locke, J.
Lowe, rt. hon. R.
M'Cormick, W.
Mackie, J.
M'Mahon, P.
Martin, J.
Massey, W. N.
Mellor, J.
Moncrieff, rt. hon. J.
Monson, hon. W. J.
Montagu, Lord R.
O'Connell, Capt. D.
Packe, G. H.
Paget, Lord C.
Pease, H.
Pigott, Serjeant
Proby, Lord
Puller, C. W. G.
Roebuck, J. A.
Russell, Sir W.
Seymour, Sir M.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, A.
Thompson, H. S.
Tollemache, hon. F. J.
Turner, J. A.
Villiers, rt. hon. C. P.

Wemyss, J. H. E.
Westhead, J. P. B.
Whitbread S.
Wickham, H. W.

TELLERS.
Brand, Mr.
Knatchbull-Hugessen, Mr.

List of the NOES.

Acton, Sir J. D.
Annesley, hon. Col. H.
Archdall, Capt. M.
Arnott, Sir J.
Baring, T.
Barttelot, Major
Beaumont, W. B.
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Blake, J.
Bond, J. W. M'G.
Bovill, W.
Bridges, Sir B. W.
Brooks, R.
Bunbury, Capt. W. B.
Burke, Sir T. J.
Cairns, Sir H. M'C.
Calcutt, F. M'N.
Close, M. C.
Cobbold, J. C.
Cogan, W. H. F.
Cole, hon. H.
Cubitt, G.
Daglish, R.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Douglass, Sir C.
Dunkellin, Lord
Dunlop, A. M.
Dunne, Col.
Edwards, Major
Elphinstone, Sir J. D.
Estcourt, rt. hn. T. H. S.
Fellowes, E.
Fermoy, Lord
Fitzgerald, W. R. S.
Forde, Col.
Gard, R. S.
Gavin Major
George, J.
Getty, S. G.
Gifford, Earl of
Goddard A. L.
Greene, J.
Gregory, W. H.
Grogan, Sir E.
Hamilton, Lord C.
Hamilton, Visct.
Hardy, G.
Hill, Lord E.
Hood, Sir A. A.
Hornby, W. H.
Horsfall, T. B.
Howard, Lord E.
Hume, W. W. F.
Knatchbull, W. F.
Knightley, R.
Leader, N. P.
Lefroy, A.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, W. S.
Longfield, R.
Lovaine, Lord
Lygon, hon. F.
M'Cann, J.
MacEvoy, E.
Maguire, J. F.
Manners, rt. hn. Lord J.
Monsell, rt. hon. W.
Montgomery, Sir G.
Morris, D.
Mure, D.
Naas, Lord
O'Connor Don, The
Onslow, G.
Osborne, R. B.
Pakenham, Col.
Peel, Sir R.
Pollard-Urquhart, W.
Powys, P. L.
Quinn, P.
Ridley, Sir M. W.
Salt, T.
Smith, M.
Smith, S. G.
Smyth, Col.
Somes, J.
Stacpoole, W.
Stanley, Lord
Stuart, Lt. Col. W.
Torrens, R.
Upton, hon. Gen.
Waldron, L.
Walker, J. R.
White, J.
Whiteside, rt. hon. J.
Woodd, B. T.

TELLERS.
Hennessy, Mr.
Scully, Mr.

Words *added.*

Main Question, as amended, put and *agreed to.*

Bill *committed* to a Select Committee.

SUPPLY—REPORT.

Resolutions *reported.*

First Resolution *agreed to.*

Second Resolution,

"That a sum, not exceeding £253,422, be granted to Her Majesty, to defray the Salaries and Expenses of the Coast Guard Service, the Charges for the Royal Naval Coast Volunteers, and Royal Naval Reserve, which will come in course of payment during the year ending on the 31st day of March, 1862."

Read 2°

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

VISCOUNT ENFIELD called attention to the fact that, in the early part of the present year a gentleman who took a great interest in the subject of Naval Coast Volunteers had laid a plan before the Admiralty, with the view of perfecting the members of the force in drill by providing them with light gunboats, adding that he Commissioners of the Admiralty had declined to accede to the proposal. The expense of providing the Volunteers with a few light gunboats could not be very great, and he trusted the Admiralty would not neglect so admirable a means of improving the efficiency of the corps.

SIR JAMES ELPHINSTONE said, he understood that the other night, in consequence of the unexpected termination of an adjourned debate, the House went into a Committee of Supply, and some £6,000,000 of money were voted in fifteen minutes, when very few Members were present. He wished that the consideration of the Report might be deferred to some future day, and for that purpose begged to move the adjournment of the debate.

Motion made, and Question proposed,— "That the Debate be now adjourned."

LORD CLARENCE PAGET said, in reply to his noble Friend, he did but justice to the Admiralty in supposing they had a very earnest desire to encourage the movement of the Naval Coast Volunteers. A great many proposals had been made to the Department, and the noble Duke the First Lord had taken the subject into his consideration, and had called for reports on the subject from various quarters. The result was that orders had gone down to prepare batteries on shore at the various coast guard stations, for giving facilities for drill to that class of Volunteers along the coast. That was all he (Lord C. Paget) had power to state at present. At some future day, when the men had learnt their drill at the great guns he hoped something more might be done. This was the course that was being adopted also with regard to the Naval Reserve. At some particular stations there were ships provided for the use of Volunteers, as in the Thames. When the men had become practised in drill, it would be for the consideration of the Admiralty how far some gunboats or small vessels should be placed at the disposal of the Volunteers, to enable them to get their sea legs. The hon. Baronet the Member for Portsmouth appeared to think that it had been his (Lord C. Paget's) wish to force the Navy Estimates through a thin House. That was not the case. When the adjourned debate closed his name stood next on the list, and the Estimates were called on. The hon. Member for Lambeth, the hon. Member for Birmingham, and others were present who took part in the discussion. At the same time, out of deference to his hon. Friend the Member for Sunderland, who had a Motion on the subject, the important Vote for shipbuilding was deferred, as also the Vote for Public Works. He denied there was any intention to force the Estimates through the House.

Mr. LIDDELL said, he was glad to find the Naval Reserve had been a success; but he was afraid that the shipping masters suffered in an unjustifiable manner. The service required from them was extremely laborious, and their remuneration was very inadequate to the duties performed. Theirs were services of a most valuable description and deserved better treatment.

Question put, and *negatived;* Resolution *agreed to.*

Mr. LINDSAY said, he had on a previous occasion refrained from pressing objections he intended to make to several Votes, on the understanding that they would not be taken until after the Budget, and was surprised to find the next morning from the newspaper report that several of the Votes in question had been passed. He now intimated his intention to oppose Vote 10 when it came on.

Mr. NORRIS also complained of the undue haste with which the Votes had been carried through Committee during a thin attendance of hon. Members.

Sir JAMES ELPHINSTONE must submit that when hon. Members objected to particular Votes it was their duty to be present when they were brought on. He, like his hon. Friend, was not present on Friday night, and like him was astonished to find that nearly the whole of the Estimates, except the 10th and 11th, had been run through. He, too, had understood that the Votes would not be taken before the Budget.

Mr. KINNAIRD, having been present when the Votes in Supply were agreed to. could assure the hon. Gentleman that they had by no means been run through, but that there had been a very good attendance of hon. Members, and that the Votes had been duly considered. It was not right to stop the business of the House because one or two hon. Members were not present when the Estimates were discussed.

Mr. CONINGHAM said, some observations had been made on a previous occasion about malversation in the dockyards. He did not know anything of that, but he could tell the House that a new system of police had been organized in the various dockyards, and the result was that all the marine-store dealers in the towns in which the dockyards were situated were ruined and obliged to leave the locality.

Mr. SPEAKER reminded the hon. Gentleman that he was out of order in addressing himself to other matter than the Report before the House.

Subsequent Resolutions *agreed to.*

HARBOURS BILL—SECOND READING.

Order for Second Reading read.

Mr. MILNER GIBSON moved the Second Reading of this Bill.

Mr. HORSFALL, who had given notice of his intention to move that the Bill be read a second time that day six months, said that he would reserve his objections until the Bill went into Committee.

Bill read 2°, and *committed* for *Monday,* 29th April.

STATUTE LAW REVISION BILL
SECOND READING.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving the second reading of this Bill, said that a Commission had been long sitting to consider the consolidation of the statute law. Obviously the first step in consolidation of the law was to ascertain of what the law actually consisted. He had, therefore, caused letters to be addressed to the Government departments in reference to the statutes in force within their particular department, and the result of his inquiries, with the aid of the register of the Statute Law Commission, he had placed in the Schedule to this Bill. The ultimate object of these proceedings was to obtain an expurgated edition of the statute law, which law was at present contained in 42 volumes, but which he hoped would be reduced to one-fourth of that bulk. The present Bill proposed to weed the statute book of all the useless statutes which encumbered the book between the 11th Geo. III. and the year 1858. He proposed that the Bill be read a second time, and should afterwards propose that it should be sent to a Select Committee.

Mr. WHITESIDE asked the hon. and learned Gentleman if it could be possible for any Committee to deal with a subject of such perplexity. The Bill should be brought in on the responsibility of the Government, and the House would give the hon. and learned Gentleman every assistance in their power in the discussion. It could not be expected that the hon. and learned Gentleman the Attorney General could attend to this Committee and at the same time discharge his important duties to his clients and the Crown; and it certainly was not fair to ask a Committee of the House to discharge such a duty, which ought to be referred to the law officers of the Crown.

Mr. HADFIELD was of opinion that this measure was the first stage to begin at to weed out from the statute book all the old and obsolete Acts, and that an edition of the statute book really useful would be the result.

Bill read 2°, and *committed* to a Select Committee.

House adjourned at half-after Twelve o'clock.

* * *

HOUSE OF LORDS,

Tuesday, April 16, 1861.

Minutes.] *Sat First in Parliament.*—The Lord Braybrooke after the Death of his Brother.

Public Bills.—2ª Bankruptcy and Insolvency. 3ª Law of Foreign Countries; Mutiny; Marine Mutiny; Exchequer Bills; Consolidated Fund (£3,000,000).

BANKRUPTCY AND INSOLVENCY BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in rising to move the second reading of the Bankruptcy and Insolvency Bill, expressed a hope that, inasmuch as their Lordships had on previous occasions, by enactments that had passed that House, sanctioned the most material provisions of the present measure, they would be unanimous in supporting the second reading. In bringing the measure before their Lordships he would abstain from minute technicalities; but he thought it his duty shortly to give to their Lordships some history of the past and present state of the law in regard to bankruptcy and insolvency. By the common law of England there was no distinction between traders and non-traders —between bankruptcy and insolvency. There was nothing resembling the *cessio bonorum* of the civil law. No remedy was given to the creditor till he had brought an action and recovered judgment, and then, upon that judgment, he might levy execution against the lands, the goods, and the person of the debtor. But until he had obtained that judgment, however insolvent the debtor might be, there was no remedy against him, and he could not be deprived of his property. An action being brought, and the person of the debtor being arrested, the debtor had no remedy. He was sentenced to perpetual imprisonment unless he paid the uttermost farthing that was due to his creditor. This state of things, which was injurious alike to debtor and creditor, received some mitigation in the reign of Henry VIII., when, in order to obviate the mischievous consequences of that state of the law, an Act was passed which enacted that those who were traders and obtained the goods of others in their hands, and then fled the country, or concealed themselves, or made away with such property, were liable to be made bankrupts. A commission issued under the Great Seal; they were arrested and thrown into prison, their property was confiscated and distributed among the creditors, but the debtors stript of all their property were still liable for their debts. The reign of Elizabeth, when an alteration was made by which the law was rendered still more stringent; and nothing could satisfy the creditor except perpetual imprisonment of the body of the debtor. So things continued down to the fourth year of the reign of Queen Anne; and then, for the first time, it was enacted that when a trader honestly and fairly delivered up all his property to his creditors he should be discharged from all liability to debts theretofore incurred. He obtained what was called a certificate of conformity, which was a protection against any action for a bygone debt. The bankruptcy law received various amendments, but still proceeded on the same general principle down to the time of Lord Eldon. Lord Eldon was a most consummate Judge in every department of the law, and in none more than in the law of bankruptcy; but, strange to say, although he, at an early period of his career, denounced the existing law of bankruptcy, he did nothing to improve it. In the sixth year of the reign of George IV. there was a consolidation of the bankruptcy law introduced by Lord Henley. But it was simply a consolidation, and it left all the abuses that before existed untouched. In the first place, there was a patentee of bankruptcy, who received for doing nothing about £8,000 a year from the estates of bankrupts that ought to have been distributed among the creditors. There would have been no harm in the Bankruptcy Court being made self-supporting; but this patenteeship was an enormous abuse. And there were various other sinecures. With regard to the judicial system by which the law was administered, strange to say, in the London district there were seventy judges, who went by the name of "The Septuagint." There was hardly any qualification required of them, any one could be appointed. He himself was once a candidate to become one of "The Seventy." The moment he was called to the bar he had a promise from the then Lord Chancellor that he should be appointed one of "The Septuagint"—not from any merit of which he could boast, but because his father had been at school and at college with the Lord Chancellor. It so happened, however, that before a vacancy arose, "All the Talents" were turned out; and if he (the Lord Chancellor) had not been disappointed he probably never would have risen higher than one of "The Septuagint." Under this system a great part of the estates of bankrupts was consumed before the creditors were thought of. With regard to the country districts matters were much worse. In the country a Commission of Bankruptcy was like a wrecked ship on the Cornish coast. The Commissioners were selected by the solicitor to the bankruptcy, and the solicitor having appointed the Commissioners, the Commissioners taxed the bill of the solicitor. The abuses that took place were almost incredible. He had been informed by a gentleman at the bar, who had sat on a country commission of bankruptcy, that on one occasion after a meeting they amused themselves by turning out a fox at the expense of the bankrupt's estate. This state of things continued down to the time when Lord Brougham became Chancellor; and he might say, in passing, that the country was much indebted to him for the improvements which he effected in the Court of Bankruptcy, as well as for the establishment of the Judicial Committee of the Privy Council and the Central Criminal Court, which would make his memory long respected as a law reformer. Lord Brougham swept away the sinecures; but, then, there were compensations to be paid the sinecurists out of the estates of those who might afterwards become bankrupt. There were appointed for the London district six Commissioners, who were permanently to be employed, and form the Court of Bankruptcy. In the country districts there were one or two commissioners for each district; for Birmingham, Manchester, Leeds, and other great towns. Lord Brougham also established a Court of Review, consisting of four Judges; but this did not succeed so well. He also introduced that great improvement in the bankruptcy system involved in the appointment of the official assignee. Most monstrous abuses had been perpetrated from the assignee being chosen by the creditors without any control whatever. The assignee employed an attorney who, too, often became the sole master of the concern, and the greater part of the estate of the bankrupt was spent in litigation. But on the appointment of official assignees by Lord Brougham it was found that £2,000,000 which ought to have been distributed amongst the creditors were locked up in the hands of the London bankers. In 1849 there was a consolidation of the bankruptcy law, embracing all the statutes from the 34th of Henry VIII. down to the 13th of Victoria. That measure failed to give satisfaction. It occasioned much disappointment and discontent in its operation. Had the Court and its machinery been properly constituted it would have been generally resorted to by those who sought a fair distribution of the effects of a bankrupt; but as it was the Court of Bankruptcy was shunned as an unmitigated evil, and composition deeds had become all but universal. To 1,000 cases brought into court there were 10,000 deeds of trust. Such was the state of the law with regard to traders. With respect to non-traders the evil was considerably greater, both for creditors and debtors. There had been no alteration in the law in respect to non-traders since the time of William the Conqueror up to the period within his own recollection. In 1813 Lord

Redesdale brought in a Bill the object of which was to give relief to non-traders by the establishment of the Insolvent Court, for until that time there was no tribunal to which the non-trader could apply for relief. The establishment of that Court was considered a great boon to non-trading insolvents, and he recollected a humorous scene in an opera, popular at that time, in which a number of insolvents in a debtor's prison were represented dancing round a May-pole and singing a song in praise of the Court and its first Judge:

> "Cease your dunning!
> Serjeant Running-
> ton will quickly set us free."

The relief given under this Bill was, however, very inadequate, because the measure applied only to those who had been in prison for a certain time. Unless a person had been thrown into gaol by his creditor, there were no means under the law of making him surrender his property, and the insolvent, on the other hand, obtained no relief if he had surrendered it, unless he had been in prison. Early in the present reign an alteration was made in the law, by which the Court in every instance had the power to require the insolvent when he was discharged to confess a judgment binding all his future prospects. Under that judgment of the Court, the insolvent, if he became afterwards possessed of any property, was still liable to the payment of his debts to the last farthing. In practice that law was somewhat modified, so as not to deprive the insolvent of the whole of his future acquired property, but only of one-third portion of it. But still he was not a free man, and the vesting order was a clog upon him in his subsequent career. The insolvent, too, was only discharged from the debts returned in his schedule, and lawsuits were constantly arising respecting the construction of the schedule. Down, then, to the present moment, the non-trader, although surrendering the whole of his property, was not discharged from the liability to the payment of his debts, and can not commence the world again a free man. Moreover, the creditors have no effectual remedy against an insolvent. This state of the law was discreditable and injurious to all parties. It was well known that Boulogne and other towns on the Continent were crowded with English debtors, who drew their money from this country and set their creditors at defiance. It had been said that a strong reason for not, at present, introducing any measure for the reform of the representation of the people in Parliament, was to be found in the fact that there was no popular demand for such Reform. That, at any rate, could not be said in respect of reform of the bankruptcy and insolvency laws. "Indignation meetings" had been held and every Chamber of Commerce in the kingdom almost had petitioned the House in favour of such a change in the law as that now proposed, and he had had numerous applications to receive deputations on the subject from all parts of the United Kingdom. His official duties made it impossible for him to receive those deputations; but there could be no doubt as to the strong and general feeling on the subject. Various Bills had been brought into Parliament to remedy those evils, but all of them had failed to give satisfaction. When his noble and learned Friend near him (Lord Chelmsford) was on the woolsack he introduced a Bankruptcy Bill. That measure passed the House of Lords; but it was regarded by the commercial world as not satisfactory, chiefly, he believed, because it did not give sufficient power to the creditors. Another Bill was introduced by the noble Lord the Member for London (Lord J. Russell) for the amendment and consolidation of the bankruptcy law, the noble Lord being asked, as the most influential Member for the largest mercantile community in the world, to take charge of it; but it made no further progress than being laid on the table of the other House of Parliament. They had now before their Lordships a Bill sent up to them from the other House, and upon which most laborious pains had been bestowed. Shortly after the formation of the present Government he had had a consultation on the subject of the law of bankruptcy with his hon. and learned Friend the Attorney General, and they entirely agreed as to the principles on which such a Bill should be constructed. The framing of the Bill had been left to his hon. and learned Friend, who had bestowed an immense amount of labour upon it, and made sacrifices of a more than ordinary character to accomplish the undertaking. He (the Lord Chancellor) sincerely hoped that the success of the measure would amply reward him for all his labour and sacrifice. The Bill of last Session included a consolidation of the bankruptcy law; but that was found to be an inconvenient course; and, upon consideration, he arrived at the opinion that the Bill, to be effectual, should be a Bill for the amendment of the law, and not one for the consolidation of the law. The Bill of the present Session was in reality limited to an alteration of the existing law. He would now shortly mention the leading features of the Bill. The first was, that though it would not entirely do away with the distinction between trader and non-trader—a point upon which a misunderstanding existed—yet it provided that when insolvency was established, whether the party were a trader or non-trader, his effects should be administered by the same tribunal and according to the same law. It seemed to him that there was no reason why such should not be the state of the law. As soon as a man was unable to pay his debts, his property was no longer his, and ought to be administered by other hands. But, in the second place, assuming that he made an absolute and really honest surrender of all that belonged to him, it was only just that the non-trader likewise should have the benefit of the provisions of the Bankruptcy Act, and, for the future, should be wholly relieved of responsibility in respect of his debts. The principle of this part of the measure was, that when insolvency was established it was immaterial whether the insolvent was a trader or non-trader. In a Bill which had been adopted by their Lordships and sent down to the other House, the principle of extending the law of bankruptcy to non-traders had been sanctioned, and he trusted their Lordships would not on the present occasion depart from the principle they then sanctioned. The Bill, therefore, proposed to abolish the distinction between trader and non-trader, and rendered it no longer necessary to show any trading on the part of the debtor. There was, however, a distinction as to what were acts of bankruptcy by a non-trader. The special acts which under the present Bill would constitute an act of bankruptcy on the part of the non-trader were these—departing the realm with the intent to defraud or delay his creditors, or remaining abroad with like intent; and making any fraudulent conveyance, gift, delivery, or transfer of his property. There were other acts of bankruptcy which were common alike to the trader and non-trader, such as lying in prison on arrest for debt for fourteen days, or escaping from such imprisonment; filing a declaration of insolvency; suffering an execution to be levied. Another and very important class of acts of bankruptcy resulted from what was known as the Judgment Debtor Summons. If, after one week, in the case of a trader or one month in the case of a non-trader, after judgment signed, the debtor shall fail to pay the debt, if the debt amount to £50 or upwards, the creditor is entitled to issue a Judgment Debtor Summons requiring his debtor to appear and be examined respecting his ability to satisfy his debt. If, on his appearance, he fails to satisfy his creditor, the Court may adjudicate a conditional bankruptcy against which he had three days to appeal, after which he might, if the Court thought fit, be finally adjudged bankrupt; but the Court was empowered to allow such time as it thought fit, in order to afford to the debtor the opportunity of paying his debt or giving security. If he failed within that time to do either, he would be guilty of an act of bankruptcy and adjudged bankrupt. It had been feared that a provision of this nature might be made to operate most unfairly behind the back of a non-trader who might be absent abroad. But this danger was effectually guarded against by a clause which had been introduced into the Bill in its passage through the other House, which provided that a copy of the petition for adjudication shall be served personally on the non-trader debtor whether at home or abroad, or, if personal service cannot be effected, then the Court may be satisfied that efforts have been made to effect personal service and have come to the notice of the debtor, and intentionally defeated by him; and such copy must be endorsed by a memorandum specifying the time within which the debtor is to appear; but such time is in no case to be less than thirty days after service. Whether at home or abroad he must have at least thirty days to show cause; his defence must be heard by the Judge of the Court, and every facility was allowed him to show, if he could, that he had reasonable means or expectations of being able to pay his debts. A wise distinction was thus made between a trader and non-trader, the former being supposed to have some settled place in which he was to be found when his liabilities became due, while the non-trader was not so restricted. But no reason existed why in the event of his being unable to discharge his liabilities he should not equally with the trader be compelled to surrender his property. While it would punish the extravagant and fraudulently-disposed, the Act would entail no hardship whatever on any honest man. By the next clause, the Insolvent Court was entirely done away with, for it was absurd and mischievous to have two rival systems of jurisdiction, regulating cases of a kindred nature by wholly different modes of procedure. The expense of the Insolvent Court would be done away with, and in future there would be one general court for traders and non-traders. There would be in London one supreme Judge in bankruptcy. In the country all cases in which the property was under £300 would by the Act be referred to the County Courts, and in all other cases it would be open to the creditors, if they pleased, to take them into such Courts. The County Court Judges already exercised jurisdiction in certain cases of insolvency, and this extension of their powers would make but very little difference. He hoped that eventually all the bankruptcy business in the country would be disposed of by the Judges of the County Courts, and that we should be able to do without country Commissioners. In this respect a good example had been set us by Scotland, where already bankruptcies were administered by the Sheriffs' Courts, and a trustee was appointed by the creditors to manage the estate. The result of this was that, while in England the expense of distributing a bankrupt estate amounted to 33, in Scotland it reached only 13 per cent. By this Bill the Government proposed to confer the management of the estate upon an assignee to be appointed by the creditors. The measure did not, however, abolish official assignees. The enormous profits of those officers would be reduced, but it would still be their duty to take possession of the bankrupt's property, to hold it until a trustee or creditors' assignee was appointed, and to superintend the latter functionary in the management of the estate—a check which would, no doubt, prevent the waste and extravagance which prevailed under the old system. The next alteration was an important and a useful one, and was entirely new. It gave the Bankruptcy Court power to assist in winding up the affairs of persons who had entered into an arrangement with their creditors by deed of assignment. Hitherto the Court could not render any assistance unless the debtor absolutely became a bankrupt, but now it would be empowered to settle disputes and otherwise facilitate the carrying out of these arrangements. It was provided the voluntary deeds of composition should be registered, and that if any dispute arose upon them the facts might be stated to the Court of Bankruptcy, which would at once decide the question. By this means justice would be done speedily and at little expense, without the necessity of bringing the estate into bankruptcy. It was further proposed to abolish the classification of certificates. There had never been any rules according to which certificates were classified, and in consequence great uncertainty had prevailed in that respect. The Commissioners had nothing to guide them; and thus each, taking his own individual views, took a different course in awarding certificates. For instance, in London during five years Mr. Commissioner Evans out of 479 applications granted but 17 first-class certificates, or about 1 in 28; Mr. Commissioner Fonblanque out of 653 applications granted 31 first-class certificates, or about 1 in 14; and Mr. Commissioner Fane out of 653 applications granted no fewer than 161 first-class certificates, or nearly 1 in 4. The punishments to which a bankrupt was liable for not appearing when summoned, and for other offences, were formerly excessively severe, but by the Bill all such offences were made misdemeanours, and three years' imprisonment was the heaviest punishment which could be inflicted for any of them. This power of making certain offences criminal in a great degree did away with the necessity for different classes of certificates. He understood that the clause imposing a stamp duty had given rise to a great deal of complaint, which was really groundless. There were now no sinecurists to be paid out of bankrupt estates, for the Chancellor of the Exchequer had agreed, though not without great reluctance, that the payment of compensation for abolished offices should be transferred to the Consolidated Fund. A number of fees were suppressed, and certain meetings rendered no longer necessary; and the stamp was imposed for the purpose of defraying only the necessary expenses of proceedings. The next matter was the right of attorneys and solicitors to practise in this Court. No one admitted more freely than he did the honour and respectability of that branch of the profession; they would be allowed to continue to practise as heretofore in the inferior Courts; but only counsel could appear before the Chief Judge. He thought that this arrangement would be found to be advantageous in every respect. The Chief Judge would be empowered with the Lord Chief Justice to make rules and orders of Court. This imposed a great additional

[labour

labour on the Lord Chancellor; yet it was manifest that it would be highly inconvenient to have to go to Parliament for every rule and order that the practice of the Courts might render necessary. He was sorry he had had to detain their Lordships so long in making this explanation, and he would now move that the Bill be read a second time.

Moved, that the Bill be now read 2ª.

LORD CHELMSFORD said, the amendment of the existing bankrupt law had been so long and so earnestly desired and looked forward to by the commercial world, that he thought, he having himself formerly proposed some alteration in it, it would hardly be becoming at this stage of the Bill if he were not to offer a few observations as to the parts of the measure which he thought would require their Lordships' earnest attention. He felt that although the subject was one of considerable importance it was not a very inviting one, and he was afraid that he could hardly secure their Lordships' willing attention to it; but, at the same time, a measure abolishing the distinction between a trader and a non-trader was a step that must be personally interesting to all; and, although they might not be aware of it, to each one of their Lordships individually. He was aware of the inherent difficulties in this subject, and he knew how hard it was to reconcile conflicting interests and conflicting views in respect of it. He should rejoice, though he himself were were not the author of it, if the Government should succeed in passing a measure which would satisfy the expectations and wishes of the commercial world. Although, however, he had every disposition to look favourably on the efforts that had been made in this particular, he regretted to say that from communications he had received from various quarters from persons connected with trade and commerce, and from his own examination of different portions of this Bill, he was convinced that without considerable alteration it would hardly secure the approbation of the classes for whose benefit it was intended. He was glad to find that his noble and learned Friend had become a convert to the view which he (Lord Chelmsford) had himself suggested when he introduced his Bill in 1859, which view was opposed to the premature consolidation of the law. His noble and learned Friend on that occasion expressed himself strongly on the subject of the Bill which he (Lord Chelmsford) introduced. He said he was disappointed—he was mortified—that an attempt was not made to consolidate the law of bankruptcy; he said that he merely proposed a patchwork on the existing system. The scheme which his noble and learned Friend now had under his protection had been described by its projector himself as a "fragmentary measure;" and he thought that the fragments would require much shaping and polishing before they would fit into this piece of patchwork. He had no difficulty in tracing in this Bill much of the hand of the Mercantile Law Amendment Society; indeed, they boasted that they had induced the hon. and learned Attorney General to make alterations in his Bill to suit their views. That society was composed of persons carrying on wholesale houses and large mercantile establishments—persons of the greatest respectability; but they had their own peculiar views of these subjects, and in falling in with those views the Attorney General had run contrary to the wishes of a very large class of persons. It was pretty well known that there were two distinct classes of opinions as to the manner in which the bankrupt law ought to be administered. One class of persons thought the creditors ought to have complete control over the administration of the affairs of the bankrupt; the other class thought that the official assignee or some person in the Bankruptcy Court should administer the affairs of the bankrupt, and should have so effectual a control as almost entirely to exclude the creditors from any interference in the winding up of the estate. The Mercantile Law Amendment Society entertained the view that the creditors ought to have absolute control over the administration of the affairs of persons who claimed the relief of the bankruptcy laws. Many persons connected with the mercantile body entertained opinions of an opposite kind, and on a former occasion Lord Overstone expressed his opinion in accordance with the views which he had last adverted to. It was very important to bear in mind that it frequently happened that the interests of the larger creditors of an estate and those of the smaller were not perfectly consistent, and that the machinery applicable to large bankruptcies was scarcely applicable to smaller ones. He understood that of the bankruptcies which annually took place 85 per cent were of estates the value of which did not exceed £1,000, many being as low as £300; and only 15 per cent were of estates of a larger character. This Bill applied particularly—

he would not say exclusively—to large bankruptcies, and the machinery it provided was infinitely too cumbrous to be applicable to the smaller estates. The Mercantile Law Amendment Society proposed to give the creditors as much control over the estates of bankrupts as possible; and for that purpose it was necessary that they should in some way dispose of the official assignee. They could not get rid of him altogether; but this Bill lowered his position and considerably impaired his efficiency. By this Bill the moment a man was adjudicated a bankrupt the official assignee was required to take possession of the whole of the property. This duty had hitherto been performed by the messenger, who occupied the position of sheriff's officer of the Court; and certainly it was rather degrading the official assignee from his present position to impose such a duty upon him without the slightest necessity, as it had always been adequately and properly performed by the messenger. Provision was made for the subsequent transfer of the property from the official assignee to the creditors' assignee. Upon the adjudication of bankruptcy the Court was to order the first meeting of creditors, and that meeting was to take place at the time and place the Court should determine, having regard to the residences of the majority of the creditors. He should like to know how, in the case of a hostile bankruptcy, it would be possible for the Court to ascertain the residences of the majority of the creditors, so as to order the meeting to be held at the place most convenient for that majority. Suppose, however, the first meeting held. The creditors then had power, though they were not bound, to appoint a creditors' assignee; and the effect of this permission would be that in all large bankruptcies there would be a struggle for the assigneeship, which would be accompanied by the right to choose the solicitor, and probably by a considerable influence in the appointment of a manager, a new paid agent provided under the Bill. But in the small bankruptcies no creditors' assignee would be appointed, because nothing was to be gained by the appointment of the solicitor and manager. At present if the creditors did not choose to appoint their assignee, the official assignee might let the affairs remain in *statu quo;* but under this Bill the official assignee, possibly at his own risk, and the Court at its own expense must go on and carry the bankruptcy to its termination. Supposing a creditors' assignee to be chosen, the official assignee was required "forthwith" to make out a balance-sheet of all payments, receipts, and transactions of the bankruptcy. That word "forthwith" seemed to him to be used in a manner that was almost flippant; for it seemed to be assumed that he would in a day or two make out this balance-sheet, whereas they all knew that in large bankruptcies the preparation of such a statement of their affairs might take weeks or even months? And what was to become of the estate in the meantime? The moment the creditors' assignee was appointed the estate became vested in him, and it was his duty to collect the debts, except a certain class of debts to which he would presently refer. And how was he to collect the debts? He must have the books for that purpose, but the official assignee would also want them to make out the balance-sheet. It was perfectly clear that, under these circumstances, delay, which was so much complained of under the present system, must take place to a very considerable extent, and that frequently detriment to the estate of the bankrupt must follow. But he would suppose the balance-sheet made out, and the official assignee vested with full power to perform his portion of the duty. At present the official assignees were the sole collectors of the debts, and he believed that they had performed this duty to the entire satisfaction of the mercantile community. Mr. Whitmore had during the time that he had been official assignee collected debts to the amount of £1,850,000, and had distributed the entire amount, with the exception of £40,000, without a single complaint; and of this £40,000, £20,000 remained to be divided, and £20,000 was not divisible in consequence of the smallness of the individual amounts. And his books were in such perfect order, that if inquiries were made he would be able in ten minutes to tell what had become of every portion—even to the application of a single postage stamp. It was proposed that the official assignee should collect debts under £10—and the majority were under that amount—and the creditors' assignee those above that amount; and, therefore, there would be a double collection by the two assignees. But who was to have the books? for each party would want them. In London the inconvenience, though great, might not be insuperable; but in the country, with the official assignee in one town and the creditors' assignee in another, double sets of books would be required, so that enormous expense would be thus incurred. If, however, all these difficulties were overcome, the creditors' assignee was then to deliver quarterly accounts to the official assignee, who was to audit them. It would frequently take two years to wind up a large estate, and therefore there would in such a case be eight quarterly accounts, requiring the assistance of a professional accountant; and this would entail very considerable expense. But there was to be no check or control over the accounts rendered by the official assignee; in default of there being a creditors' assignee, the official assignee was to render accounts to the registrar; and in the County Courts the registrar was to be the official assignee; so that in those courts the registrar would render the accounts to himself, and would himself audit them. This state of things would go on until the final dividend—though there was no definition of what that was—but then the creditors' assignee was to be entitled to his discharge, and the official assignee was then to go on, his responsibility reviving. He ventured to say that it would be quite impossible to work this Bill in its present shape, and that unless it received considerable alterteration at their Lordship's hands it would only result in mortification and disappointment. As to the prevention of expense, there would be, as he had pointed out, the expense of the balance-sheets of the assignee, of the quarterly accounts, and of the balance-sheet of the bankrupt; and in addition there might be a manager appointed at the expense of the estate. He could not for the life of him understand why there should be any such paid agent appointed, for if the creditors' assignee were not competent why should he be appointed, and if he were competent why was he to be supplanted by the appointment of a paid agent? For all these reasons he was perfectly satisfied that unless changes were made in the Bill it would bring to a dead-lock the performance of the duties of official and creditors' assignees, and that there would be an enormous increase of expense. He wished to speak with all respect of his hon. and learned Friend who had framed the measure, and of the industry which he had applied to it; but it proved the inherent difficulties of the subject, that, after all the care and diligence of his learned Friend, he was only able to produce a Bill of this description. Now, as to the abolition of the distinction between traders and non-traders, or, to speak more correctly, between bankruptcy and insolvency. His noble and learned Friend said, that upon this point he had followed the Bill which he (Lord Chelmsford) introduced in 1859. But his noble and learned Friend was mistaken in that, for the object of that Bill was that there should only be three acts of bankruptcy applicable to non-traders, whilst by this Bill, as it was now worded, they were to be affected, not only by these three acts of bankruptcy, but also by the ten other acts of bankruptcy applicable to traders under the present law. This was probably an inadvertence; but it showed that the Bill required careful attention at their Lordship's hands. They all knew how Bills were altered in Committee; and after this Bill had been so altered in Committee of the other House it was proposed to reprint it; but it was not, in fact, reprinted until just before the third reading, when it was too late to propose Amendments; so that the measure had not in fact received the finishing touch of the House of Commons. But there was a more important objection, namely, that the non-trader clauses were to have a retrospective effect. Such was not originally the intention of the Attorney General. There was in the Bill originally a clause that these provisions were not to be retrospective; but by some means or other this clause was struck out, and as the Bill at present stood any non-trader who had incurred any debt within six years of the passing of the Bill would be liable to be made a bankrupt upon that antecedent debt. It was said that there was no injustice in this, and that cases had frequently occurred where new modes of procedure and new facilities were created for the recovery of debts, and those new modes of procedure were applicable to persons liable in respect of antecedent transactions. But this was not analagous, for this Bill proposed to alter the whole *status* of the debtor by attaching consequences to the debt which were not anticipated when the debt was contracted, and thus to inflict all the evils and injustice of a retrospective law. He hoped to obtain their Lordship's consent to reintroduce the clause preventing the retrospective operation of the Bill. With regard to the County Court Judges they seemed to be treated like beasts of burden, for every weight was placed upon them. It was now proposed that they should have jurisdiction in bankruptcy, and that where there should be no Commissioner in any district the Lord Chancellor should have power to transfer the whole jurisdiction of the Commissioner to the County Court Judge, and to transfer to the Judge likewise the staff of official assignees and registrars. This power of transfer, according to the interpretation clause, was not limited to estates under £300, and this power was to be given, notwithstanding the Commissioners on the Bankruptcy Law in 1854, of whom Mr. Walpole was the chairman, in the strongest possible way described how unfit the County Courts were to deal with questions of bankruptcy. It was necessary that a court of bankruptcy should be stationary. But the County Courts were ambulatory; and according to this Bill 485 new courts of bankruptcy were about to be created. Where were the books to be left, or how was it possible that the Judges in the County Courts should administer the estate of the bankrupt in the same way as the district Court now did? Then, again, the official assignee was generally chosen on account of his experience in commercial affairs and his great knowledge of accounts. But how was the registrar of the County Courts to perform those official duties when he was appointed for quite other purposes? The thing must break down. Then it must not be forgotten that the Judges of the County Courts were for the most part already overloaded with their proper business, and great injustice would be done them by saddling them with the bankruptcy business which was now discharged by District Commissioners at salaries of £1,800 a year, while there was to be no addition whatever to the salaries of the County Court Judges. If the County Courts were to take cognisance of cases of bankruptcy at all their jurisdiction ought to be limited to estates that were under £300 a year, and he was satisfied that even with that limitation the County Court Judges and registrars would have great difficulty in performing their duty. There were various clauses in the Bill of which he approved, but which were so clogged with other provisions as to have their intentions in a great degree frustrated. He alluded especially to that clause by which bankrupts who had no means to pay the fees of application in the ordinary way might, by the interference of the registrar, on making an affidavit that they had not the means of paying the expenses, obtain their discharge. This was a humane and a wise provision; but the object was thwarted by Clauses 115 and 116, which provided that this provision should not be applicable to parties committed by a County Court Judge, but that in such cases the parties must be imprisoned forty days before he could be discharged; and when after that he was discharged the debt must still remain as a hopeless clog upon him. He thought these provisions ought to be struck out of the Bill. There was a general impression abroad that this Bill had not received that attention from the House of Commons which its great importance deserved. It appeared that hon. Gentlemen trusted—as they well might under ordinary circumstances—to the authority of his hon. and learned Friend the Attorney General, and that they were glad to get the Bill into their Lordships' House, where they knew their Lordships were in the habit of giving measures of this kind the most careful attention. He believed, further, there was a general impression abroad in the public mind that they might rely upon their Lordships to make those alterations and Amendments which were requisite to make the Bill perfect, and he hoped that impression would not be disappointed. But he feared, if he might judge from the attendance that evening, that this Bill would not receive adequate attention if it were considered in a Committee of the Whole House; and he trusted that his noble and learned Friend the Lord Chancellor would adopt the suggestion of his noble Friend (the Earl of Derby), and consent to the Bill being referred to a Select Committee, where alone it could receive that consideration and amendment which its importance deserved and of which it was so susceptible.

LORD CRANWORTH said, that among all the subjects that could engage the attention of their Lordships, a good bankruptcy law was the most difficult. On the one hand there was the bankrupt, who was sore and irritable from the position in which he found himself; on the other hand the creditors, who were very angry when the bankruptcy took place, gradually became indifferent, and left the matter to agents and attorneys, until they found that the oyster was consumed and the shell alone remained for them. Any one who would settle this matter in even a tolerable manner deserved well of his country. The Bill now brought in by his noble and learned Friend contained many very excellent provisions. The clauses relative to traders and non-traders had, he thought, been framed with eminent skill. There ought to be no difference in the mode of administering the estates of insolvents whether traders or non-traders. The difficulty was in defining correctly an overt act of insolvency on the part of the trader and non-trader respectively. That difficulty had, he thought, been met very satisfactorily. Another part of the Bill was well calculated to give general satisfaction to the trading community. He referred to the clauses allowing the affairs of the bankrupt to be wound up by trustees without making the debtor a bankrupt, yet having the assistance of the Court of Bankruptcy if difficulties should arise. Another provision enabled the Chief Judge in London, where fraud had been committed of the nature of a misdemeanour, to try the bankrupt on *vivâ voce* evidence before a jury. This clause would require considerable modification. It would be necessary, for example, if such a severe punishment as three years' imprisonment was to be inflicted, that an appeal should be permitted such as now might take place in the case of persons tried under indictment. It would also be matter for consideration whether a penal jurisdiction of that kind ought to be extended to County Court Judges. In 1859 he had expressed his opinion, that the County Court Judges could not be advantageously employed in conducting bankruptcy business; he was still of that opinion, but in Committee he would carefully consider whether his objections were removed by the provisions of the present Bill. He doubted much whether the time of the Commissioners would be fully occupied; and, therefore, he approved of the power proposed to be given by the Lord Chancellor to order them to take accounts in Chancery; and he should like to know whether the Chief Clerks in Chancery might not be employed in some way in bankruptcy business—seeing that Chancery business was now disposed of so rapidly. He was afraid great evils would arise from the powers intrusted to the creditors' assignees. When in 1858 his noble Friend Lord Chelmsford's Bill was under discussion, he had communicated with a noble Lord who was not now present —Lord Overstone—and that noble Lord satisfied him that the proposal to abstract the proceedings in bankruptcy from the official assignee and put them into the hands of the creditors' assignee was one that ought to be gravely considered. The effect would be to put them into the hands of the attorney of the creditors' assignee, and they might again see a state of things similar to that which existed when Lord Brougham became Chancellor, when above £2,000,000 of money belonging to bankrupts' estates was found lying with London bankers. His noble and learned Friend referred to the great number of cases now settled out of Court; but there would always be a large number of cases settled privately, even with the most perfect system of bankruptcy law that could be established, for the general feeling was that when no fraud had been committed publicity should be as much as possible avoided. Then, with respect to the Chief Judge, he wished his noble and learned Friend had defined more exactly what the duties of that functionary were to be. He did not think the time of the Chief Judge could be occupied by the duties likely to devolve upon him. Indeed he could not see the necessity for such a functionary with a salary of £5,000 a year and a secretary at £300. Those were all matters that he thought would require serious consideration before the Bill passed into law.

Lord KINGSDOWN said, he did not propose to go into details, but he thought it desirable that their Lordships should distinctly understand the effect of this Bill in its two great divisions. In the first place it annihilated the distinction between traders and non-traders; and, secondly, it constituted an entirely new court for the purpose of administering both bankruptcy and insolvency. He must say that if their Lordships had not yet pronounced any opinion upon the subject, he should have asked them to consider carefully whether it was fit to abolish the distinction by which those who were engaged in trade, and those who were not, were placed in different positions as regarded the operation of the bankrupt law. It appeared to him that the duties and liabilities of the two classes were entirely different, and it had hitherto been the policy of this country uniformly to preserve a distinction between them. In so doing we had, in his opinion, acted upon a sound and well considered principle. The man who engaged in trade must, from the nature of his engagements, give and receive credit, and it was also a part of his engagements that he must at all times be ready to answer the demands which he was liable to have made on him. With respect to those who were not engaged in trade the case was very different. Take the case which, unfortunately, too often happened—that of a young man at college; there were always tradesmen ready to press their goods on him—to tell him that payment was a matter of no consequence, or that it would do at any time. Even after he left college and came to London the same thing was likely to happen to him, especially if he was entitled in reversion to a large property. It might be extremely reasonable to seize and sell the whole of a trader's property the moment that he was unable to meet his engagements; but was it so just or so equitable to do that in such a case as he had described? When a creditor gave a young man in such a position credit he knew that the young man had no necessity to contract the debt—that he was, in fact, seducing him into debt—and was it right to give a person who had induced or seduced a young man to contract debts the right to put the whole power of the bankrupt law in operation to recover those debts? But, after the opinions expressed on the subject both by their Lordships and the other House of Parliament, he had no intention to ask them to review their decision. He should merely observe that it would require great care to provide against the consequences which might follow from it. Let them take the case of an heir in tail with a large property. A Jew money-lender might commence by lending him £50 and end by selling the entailed property, though that sale might bring ruin on an entire family. He believed that the mixture of the bankruptcy and insolvency jurisdictions and the having both administered in the same court was a mischievous system; but, assuming that their Lordships should be of a different opinion, he must take the liberty of inviting their attention to what had been already done on this subject. His noble and learned Friend had already referred to what had been done in the way of amendments in the bankrupt law. Certainly, if the law was in a bad state it was not from want of attempts to improve it. Experiment after experiment had been tried though it seemed with little success. In 1831 "The Septuagint" were swept away, and a Court was constituted, with a Chief Judge and three other Judges, as a Court of Review, and there were six Commissioners. The Chief Judge had a salary of £3,000 a year, the other Judges £2,000, and each of the Commissioners had £1,500. The Commissioners who acted under the old law all received compensation, some of whom, he rejoiced to say, were receiving it yet. It was found that the Chief Judge and the other Judges had not enough to do, and, accordingly, in the next year, or in 1833, another Bill was passed by which a part of the business of the Insolvent Court was transferred to the Court of Bankruptcy. Still work could not be found for them. In 1835 the number of Judges was reduced to three. In 1836 another transfer was made to the Court of Bankruptcy of the power over insolvents. In 1838 another, and in 1844 another Bill was passed, and in 1847 the Court of Review was abolished altogether, the Judges were otherwise provided for, and one or two of them were still living and in the enjoyment of pensions for the offices which they had received in exchange. It was now proposed by this Bill to restore the Court of Review, which in 1847 was abolished as useless. It was proposed to restore the Chief Judge without any other Judge, and to give him £5,000 a year. The present Commissioners of Bankruptcy in London were as competent to give a decision on any point which might come before them in that court as any Judge who could be appointed. Of two of these gentlemen, Mr. Fane and Mr. Serjeant Goulburn, he could speak from an intimate acquaintance with them of near forty years, and Mr. Fane had been a law reformer long before law reform became a fashion, and he was nearly the only reformer who had not reformed to his own advantage. Another great defect in the Bill lay in the multitude of appeals which it allowed. A single appeal was necessary in all cases; but here they had first the decision of the Commissioner, then of a Judge, next an appeal lay to Chancery, and finally to the House of Lords.

The LORD CHANCELLOR was understood to state that in most cases the decision of the Judge was final.

Lord KINGSDOWN referred to the 75th section, which enacted that the decision of the Chief Judge should be final, unless he thought it a proper case for an appeal to the Court of Chancery, and asked whether it was becoming that the decision should rest with the Judge, whether or not he would permit his own ruling to be subjected to review. He contended that no Judges who might be appointed could more fittingly discharge the duties of an appellate jurisdiction than the Vice Chancellors, who, in the present state of business in the Court of Chancery, had ample time for the purpose. The Vice Chancellors were not fully occupied. He believed that for three days in each week for several weeks past the Master of the Rolls' Court had been closed. Having referred to the provisions relating to official and trade assignees, the noble and learned Lord said he believed the operation of the Bill, instead of tending towards economy, would be productive of great extravagance. It was impossible to feel any confidence that this Bill would give satisfaction when it was remembered how many similar attempts had been made in the last thirty years, and that the result had been a state of things which the Lord Chancellor had described (though he believed erroneously) as exacting universal indignation. He had felt it right to give expression to these sentiments, intending no disrespect to the distinguished persons by whom the Bill had been prepared; but he felt it right to add that the measure now before the House was not that which the Attorney General had originally proposed. He had been obliged to consider the opinions and interests of a number of persons representing, with or without authority, the mercantile and trading interests of a portion of the Metropolis, and to introduce corresponding alterations into the measure.

Lord WENSLEYDALE shortly addressed the House, but was inaudible.

The LORD CHANCELLOR said, as it had been intimated that it was not intended to offer any opposition to the second reading of the Bill he should not think it necessary to occupy any of their Lordships' time in reply to the objections urged. He thought, however, that his noble and learned Friends, since they did not intend to oppose the Bill, would have done much better if they had reserved the greater portion of their observations until the measure had arrived at its next stage. It had been insinuated that the House of Commons had not duly considered the provisions of this Bill, and that they had been guilty of precipitation in sending up a Bill to this House to which they had not themselves paid proper attention. Now, he had known the House of Commons for many years, and he must say that he did not remember any instance of a Bill, with the exception of the Reform Bill in 1831 and 1832, which had occupied so large a portion of the attention of that House. When the Bill was in Committee each clause was duly considered and everything like party feeling was laid aside, and the Members on either side devoted themselves with great diligence to improving the measure. Several of the most important improvements in the Bill had come from his Conservative Friends, amongst whom he should mention with honour the name of Sir Hugh Cairns. The Bill was amended, with their assistance, and it assumed such a shape as to satisfy them as well as the House of Commons. After such prolonged deliberations by the other House of Parliament it was now proposed by a noble Lord to refer the measure to a Select Committee. Such a proposition he (the Lord Chancellor) should resist, because he did not think it would be respectful to the House of Commons, after the most careful attention they had bestowed upon the provisions of the Bill that it should now be referred to a Select Committee. The commercial world had been informed every morning how the clauses had been disposed of the night before in the House of Commons; and now that the Bill was in their Lordships' House it was most undesirable that it should be considered by a select and secret tribunal, where perhaps some of its most valuable enactments might be smothered in private. He could not but express his surprise and regret at the objections urged by his noble and learned Friend near him (Lord Kingsdown), whose opinions he respected as much as that of any man living; but at the same time he (the Lord Chancellor) knew that the current of authority for the last fifty years had been against the barbarous distinction which now existed between trader and non-trader. With regard to the apprehensions entertained that family settlements would be disturbed by this measure, he would remind their Lordships that a provision similar to that now proposed had long been the law in Scotland, and had worked beneficially. The noble and learned Lord, in conclusion, said that when the Bill was in Committee he would answer at greater length the objections that had been urged against it.

Motion *agreed to.*

Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Monday* the 29th *Instant.*

House adjourned at half past Eight o'clock, to Thursday next, half-past Ten o'clock.

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HOUSE OF COMMONS,

Tuesday, April 16, 1861.

Minutes.] New Writs Issued.—For Tynemouth, *v.* Hugh Taylor, esquire, Manor of Hempholme.

STREET RAIL COMPANY BILL.

SECOND READING.

Order for second Reading read.

Mr. CHILDERS said, that at the request of the promoters he wished to move that the second reading of this Bill be postponed to that day fortnight.

Motion made, and Question proposed, "That the Bill be read a second time upon this day fortnight."

Mr. VINCENT SCULLY said, he would move that the Bill be read a second time that day six months. He opposed the Bill on public grounds. No person who had examined the Bill could suppose seriously that it could be entertained by the House. The practical effect of the Bill would be to give an entire monopoly to one particular company to possess itself of all the streets and roads in all the towns and cities in the United Kingdom. The proposed tramway might be a great public convenience, but the Bill was in its nature a public measure, and as such ought to be in the hands of the Government. He protested against it being postponed one night after another until the end of the Session, when it might perhaps be passed after the bulk of the House had left town. Let them, now that they were all there, dispose of it at once.

Amendment proposed to leave out the word "fortnight," and to insert the words "six months," instead thereof.

Sir JOHN SHELLEY seconded the Amendment. He had put himself to some trouble in order to find out whether the proposal was feasible, and he had no hesitation in saying that if the House of Commons sanctioned such a proposal to lay down tramways in the crowded streets and thoroughfares of this Metropolis he should not by his vote make himself responsible for the consequences that might follow. Mr. Train, by hook or by crook, had got hold of a member of the Board of Works in his (Sir John Shelley's) district, and had obtained permission to put down the rails in Victoria Street. He had inspected the rails, and considered them dangerous in crowded thoroughfares. He had heard that a serious accident had occurred that morning on the Bayswater Line from the want of power to prevent the horses from running away with the omnibus. He also objected to the Bill as establishing a gross monopoly that ought not to be permitted by the House.

Mr. BRIGHT observed that the arguments used by his hon. Friend, the Member for the county of Cork, and his hon. Friend, the Member for Westminster, against the Bill were of the most antiquated description. The same arguments had been used against railways by people who had an objection to traverse the country by that mode of conveyance some thirty years ago. His hon. Friend, the Member for Westminster, had told them that an accident had occurred that morning on the tramway laid down to Bayswater. He (Mr. Bright) would undertake to say that no man—unless such as ought not to be allowed to go out without a keeper—who observed the traffic upon these tramways, but must see that the probability of accident was infinitely less than by the ordinary means of transit in the City. The Bill was merely permissive in its nature, and allowed the company to make arrangements for laying down those tramways with the persons who were supposed to have an absolute authority with regard to what should be done in the roads and streets. The Bill conferred no power on the company to do anything until they first obtained the sanction of the parties who at present had power to do that which was intended by the Bill to be done. By one clause in the Bill it was intended to give remuneration to the promoters of this new system of railways, by restricting to the company the right of running carriages on those rails with flange wheels. No doubt that amounted to a species of monopoly. ["Hear, hear!" *from the Opposition.*] He was glad to find that hon. Gentlemen opposite were opposed to monopoly. But that was the mode in which the promoters of the Bill proposed they should be remunerated for their expenditure. The House knew perfectly well that no one would go to the expense of putting down tramways without being remunerated. The question for the House to consider was what was the mode by which any company doing that work for the public should be remunerated? That clause, then, was one which the House ought to refer to a Select Committee; to take evidence and consider the subject fully, so as to indicate to the House what should be its policy in matters of this kind for the future. It should be remembered that the proposed mode of transit was found to be of great advantage in the towns and cities of other countries. He should be sorry that the House should, by a hasty vote, prevent that which might turn out to be a great improvement. He should, therefore, support the original Motion.

Mr. MASSEY said, that if the postponement of the Bill for a fortnight would assist the object of the promoters he should have no objection to that course, but his objection to the Bill was one that arose from the forms and practice of the House. All the arguments urged in favour of laying down the rails would be extremely apposite if the Bill had been brought before the House as a public Bill. The Bill, however, comprised subjects that did not belong to the province of private legislation. It was essentially a public Bill, and dealt with important public interest. He said that in the most decided manner, in the discharge of his duty as Chairman of Ways and Means, who was bound by Standing Order to call the attention of the House to all private Bills that trenched on public rights. One of the clauses empowered all public bodies having the control of the great highways of the country to sanction the laying down by a particular company of a system of transit, thus conferring on that company a monopoly of the roads. If that were desirable, it was a subject of great public interest; and the Bill ought to be introduced with the sanction of the Government. He should, therefore, support the Motion of the hon. Member for Cork.

Mr. CHILDERS said, he had merely proposed the postponement of the second reading in order to give hon. Members an opportunity of making themselves acquainted with the system of street railways to which it referred. He had himself seen it in operation on a large scale in the United States, where 13,000,000 persons had been carried by it in one year with scarcely any accidents to themselves, and with a very trifling amount of accidents to the passers-by. After the statement of the right hon. Gentleman, the Chairman of Committees, however, he would withdraw the Bill, on the understanding that the question would be taken up by the House as soon as possible with the view of seeing how such a beneficial object as laying down street railways could be carried out.

Mr. SPEAKER said, that although the hon. Gentleman had expressed his wish to withdraw the Bill, he could not entertain that question until the Amendment was withdrawn.

Mr. HENLEY said, he thought that before the Bill was withdrawn the House ought to have a clearer understanding on the subject. He did not think that the House had been fairly treated in respect to this Bill. The Bill had been before the House for a long time, and had been postponed from week to week, and it had been proposed to postpone it again for another fortnight. Anything seemed desired but the decision of the House. If the question were withdrawn, there would be no record of the matter, and, therefore, he for one should wish to see it disposed of in accordance with the Motion of the hon. Member for Cork.

Lord FERMOY said, that his hon. Friend the Member for Birmingham was practically adopting a principle of monopoly with regard to the proposed mode of conveyance. That was a rather remarkable proceeding for the apostle of free trade. The real question was whether the Bill before the House ought to be treated as a private or as a public Bill. He could not consent to allow the Amendment to be withdrawn.

Mr. CHILDERS said, he consented to the Bill being negatived.

Question, "That the word 'fortnight' stand part of the Question."

Put, and *negatived.*

Words *added.*

Main Question, as amended, put and *agreed to.*

Bill *put off* for six months.

BELLIGERENT RIGHTS.

OBSERVATIONS.

Sir GEORGE GREY said, with reference to the Resolution proposed to be moved by the hon. Member for Liverpool (Mr. Horsfall)—

> "That in the opinion of this House the subject of Belligerent Rights at Sea is at present in an unsatisfactory state, and deserving of the serious attention of Her Majesty's Government."

That it was a question of great national importance, but not of pressing and urgent necessity. His noble Friend, the First Lord of the Treasury, had been prevented by indisposition from taking his seat, but he hoped to be able to do so to-morrow. The noble Lord the Secretary for Foreign Affairs was also unavoidably absent that evening. He thought the hon. Gentleman would be of opinion that the question, if it were to be discussed at all, ought to be fully discussed, which could hardly be done in the absence of the two noble Lords. He (Sir George Grey) was authorized by the noble Lord, the First Lord of the Treasury, to say that if the hon. Gentleman would consent to posptone his

Motion, he would be happy to render him every facility in his power for bringing it forward at a future day.

Mr. HORSFALL said, that although under ordinary circumstances he should be unwilling to postpone the Resolution, yet, considering that any discussion on this subject in the absence of the two noble Lords must necessarily be imperfect, he could not refuse to assent to the right hon. Baronet's request.

RATES OF DUTY PAYABLE UNDER THE LANDED ESTATES ACT (IRELAND).

QUESTION.

Major STUART KNOX said, he wished to ask the Chief Secretary for Ireland, Whether there is any intention on the part of the Government (in pursuance of the advice of the Irish Judges and other legal authorities) to take measures for the reduction of the rates of Duty payable on proceedings under the 88th Section of the Landed Estates Act; namely, 10*s.* per cent under £10,000, and £1 per cent above that amount, in consequence of which high rates many persons are precluded from taking advantage of the Act?

Mr. CARDWELL stated that the propriety of modifying the rates of duty payable on proceedings under the 88th Section of the Landed Estates Act was now under consideration, and that he hoped soon to be able to make a satisfactory statement on the subject.

ELECTORAL RETURNS.

QUESTION.

Mr. COLLINS said, he would beg to ask the Secretary of State for the Home Department, When the Return of the number of Electors, &c., for the West Riding of Yorkshire, ordered on the 1st day of March last, would be presented?

Mr. CLIVE said, the Return had been made, but an error had been discovered in it, and in order that that might be rectified its production must be deferred for a few days.

THE DOCKYARDS.—QUESTION.

Mr. ANGERSTEIN said, he wished to ask the Secretary to the Admiralty, If the Officers of the Woolwich Dockyard have recently made any Report or Reports to the Admiralty upon the statements contained in the Report of the Royal Commissioners appointed to inquire into the management and control of Her Majesty's Dockyards, as to the number of errors alleged to have been discovered in certain documents in the departments of the Storekeeper, the Accountant, and the Chief Engineer; and if so, whether it is the intention of the Government to lay the same upon the table of the House?

Lord CLARENCE PAGET said, that the Admiralty had received a very lengthy Report from the Officers of the Woolwich Dockyard, and that Report had been referred to the principal officers of the department in order that they might make inquiries into the statements it contained. Under these circumstances he was not at present in a position to state whether he would be able to lay the document upon the Table of the House.

FORESHORES AND TIDAL WATERS.

SELECT COMMITTEE MOVED FOR.

Mr. AUGUSTUS SMITH, in bringing this subject again before the House said, he should endeavour as much as possible to avoid going over the same ground which he had been obliged to take on a former occasion: this was the less necessary since the discussion that had taken place, both in and out of the House, and more especially the more extended action of the Woods and Forests Commissioners, had made both Members of the House as well as the public at large better acquainted with the merits and subject matter of the question. He must, however, be allowed briefly to recapitulate the main features and points to which he had felt it his duty to draw the attention of the House on his former Motion. First, then, as to the nature of the property in question, which was a claim on the part of the Crown to all the seashores of the United Kingdom between high and low mark, and which are estimated to be above a million of acres; but the claim did not stop here, for it extended to the whole bed of the sea. To be sure in ancient days the Four Seas were always reckoned to be part of the realm; but that they were part of the freehold estate of the Crown, which it may deal with just like any of the other estates and demesnes from which what are called the Land Revenues of the Crown are derived, is quite a new doctrine, and one only that has been attempted to be set up within a very few years. Now let it be first observed, that all ancient authorities and documents are against the claim, and whether we consult Domesday Book, where all the demesne of the Crown are so specially set forth—Magna Charta—the various Commissions of Seven—ancient Acts of Parliament—Inquisitions—the Year Books, or various Law Proceedings, all these, either by their silence or by their provisions repugnant thereto, negative the proposition. In like manner all old legal writers are opposed to the claim. The civil law, every one knows, gives no countenance to it, and that as the ground-work of much of our ancient law accounts for that being equally opposed. If all the old law writers, such as Bracton and Callis, usually quoted on this subject, are adverse, till the treatise ascribed to Lord Hale was written, so also are almost all the best modern authorities who have written on the subject, such as Chitty, Hall, Phear, and others. His former Motion, it will be recollected, was founded on certain Returns which had first been presented to the other House on the Motion of Lord Wynford, and subsequently laid on the table of this House on the Motion of Mr. Cheetham, the late Member for Lancashire. It will be recollected he directed the attention of the House to the various and numerous legal proceedings which had been instituted of late years in relation to this species of property as detailed in those Returns ; but one point more especially he had attempted to impress on the attention of the House, that, in the greater number of those suits, and more especially in those of the greatest magnitude and importance, the question raised had not been carried out to its legitimate issue, and its merits, therefore, greatly prejudiced by the compromises in which those suits had terminated. The various arrangements and arbitrations which had been made and submitted to, more especially that arbitration between the Crown and the Duchy of Cornwall—by which all the great and most important evidences on which these claims were based—were kept out of view, and not tested by proceedings taken in open court That the great suit of the City of London was thus allowed to terminate, and not carried from court to court on appeal, must ever be regarded as a most unfortunate occurrence. Since the close of the last Session, another Return has been laid on the table of the House, on continuation of the former Returns, to which he must now be permitted to advert, and request the attention of the Members to the details given therein. If, on the one hand, it appears the Woods and Forests Commissioners have extended their operation in relation to lettings and sales, another feature is satisfactory as exhibited by these returns, since these suits are much fewer in number. And as respects these suits, there is still a more satisfactory result to be gathered — namely, that wherever the claim has been decidedly and ably dealt with, the Crown has lost. He more particularly called the attention to two suits mentioned, one brought against a Member of this House, Sir John Hanmer, in North Wales, and another against Sir Thomas Phillips in South Wales. Each of these happened to be rich and able men, who spared no pains to defend their rights, and succeeded accordingly in doing so. But they have advantages in this respect which poorer and humbler parties cannot command, and who, consequently, find it better to succumb than resist. But let it be observed how very hard is the position of all these parties. The existence of these claims were totally unknown as existing till very recently. All trace of the documents on which they depend are not easily discovered, and from their non-production he verily believed many parties had been unjustly deprived of their rights. One other point he desired to call attention to in respect of these suits, namely, the very large number which had been entered in reference to properties in the Principality of Wales. Now this is the more remarkable, as, by the ancient law of Wales, the ownership of the seashores was clearly settled, as he would show by an extract from the laws of Howell Dha, and which laws it should be recollected were guaranteed on the conquest of Wales by Edward the First, and he had yet to learn that their force has ever been legally abrogated. The extract is as follows :—

> "Whoever possesses land upon the margin of the shore, owns as much of the beach as the breadth of his land ; and he may make a weir or other things thereon, if he will ; and if the sea throws anything upon the land, or upon the beach, they belong to the king, for the sea is a pack-horse to the king."

He more particularly alluded to these laws, as it is contended by the owners of similar lands in Scotland that such is the law there ; and looking to the ancient position of Wales and Scotland as inhabited by people bearing a strong affinity to each other, it is easy to trace an identity of law on this subject from this common origin. And here he begged to thank his hon. Friend, the Member for Ayrshire (Mr. Finlay), for the papers bearing on this subject which he had circulated since the last Session of Parliament; but there is one statement of his which he must beg to point out as erroneous. In reference to this seashore property he states it is now a settled point that such in England forms part of the patrimonial estate of the Crown. He must beg to correct him as to this term "patrimonial estate." There is no such term applicable to such property in England. The estates which are vested in the Crown, and called the Crown lands, are not a patrimonial estate at all as if attached to the person of the Sovereign, but are attached to the office of the Crown; and were so vested, not that the revenues should be merely for the maintenance of the Sovereign, but were intended, and were so always dealt with, for the support and carrying on the whole Civil Government of the country; the actual maintenance of the Sovereign was, no doubt, part of their appropriation, but is always mentioned as quite secondary. The Civil Government of the country, the whole administration of justice, the expense of its diplomatic relations with other countries, and even the defence of the realm, were in former days all equal claimants to be provided for out of these revenues. Now this is very important to be constantly borne in mind — as it is to be apprehended that there is a project afloat to claim these solely for the future maintenance of the Sovereign, and that, therefore, there is every exertion being made to swell and augment their amount. Among others this claim arises to deal with the seashores of the kingdom as if part and parcel of the freehold estates of the Crown with a view of enabling any future Sovereign on his coming to the throne to take these revenues, instead of depending as now for his provision on a civil list granted and settled by Parliament. This unconstitutional project should never be lost sight of. He would advert to the particulars as furnished by these last Returns, and first, as to lettings and sales.

There appear to be of lettings, in England 29, of which 14 are at Little Hampton. Wales, 15—10 of these on the Menai. Isle of Man, 1—45. Of sales, in England there are 31, sold for £19,029; Wales, 15—£12,852; Scotland, 25—£2,921; Ireland, 26—£2,985; Isle of Man, 1—£15. Total—Sales, 98; sold for, £37,802. The whole of which, £37,802, though including in it the value for rights which the public give up, is added to the capital account of the Woods and Forests, whereas that share which is given in respect of such public rights ought to be paid over to the public account. One feature in respect of these lettings requires observation, namely, that there are several to different public departments for carrying on the public service. He would mention one only in illustration, that at Shoeburyness, where there exists a magnificent extent of dry sands at low water, admirably adapted for artillery practice; but before the War Department is allowed to use these sands for so important a public purpose, down come the Commissioners of Woods and Forests, and claim a rent as for property over which they call themselves owners. To be sure the amount of rent, £10, is not large, but it is the principle which is so objectionable, as it is also entirely novel. Formerly, as a matter of course, all Crown property was considered available for the public service whenever and wherever required, but no compensation for its use was attempted to be exacted. In the same manner Public Companies, whether for carrying out railways, forming harbours, piers, &c., are heavily charged for works intended for the public benefit, and for which the public give up certain rights. But this is not all; even private individuals are not allowed to put up any defences for the security of their own property on the seashore without paying an acknowledgment for the same. The lettings mentioned at Little Hampton are all for this purpose. Now if the Crown is to derive the profit, surely it ought to take upon itself the maintenance and security of what it claims as its property, especially when, by neglect of that duty, it endangers the property of others. But this is the singular part of these claims on the part of the Crown. The Commissioners of Woods and Forests never appear but when there is something to receive, some profit to be made; but whenever there is any call for outlay they not only are not to be found, but, dog-in-the manger-like, what they ought to do of themselves they will not permit other persons to execute without paying for permission. Now, what says Judge Blackstone on this point, who asserted that the shores belong to the king, and, for this reason, following what had been said before by Lord Coke—that the king is bound to protect the country from foreign enemies, so he is also bound to protect the shores from the aggression of the sea. But this is just what the Woods and Forests never think of doing, though the proposition of ownership naturally begets the other, and that if there is a right of exaction, the duty of protection must necessarily follow. This, however, is not all as affecting the position of this property in relation to others. Not only does the Crown claim to be exempt from keeping up the shore as a barrier, but its right advances or eats into the property of others with the encroachments of the ocean—a heavy storm arises, an inroad of the sea takes place, and the shore line between high and low water mark is brought inland some hundred feet or so. It is still claimed as Crown property, and thus what was an individual's freehold estate to-day is claimed as that of the Crown to-morrow. It is quite inconceivable that such an irrational state of things can be defended for one moment, and said to be the law of the land. To proceed, however, with the remarks he was making on the various sales made by the Woods and Forests, and the heavy charges entailed on various useful public works by their demands; those on the works at Birkenhead, it appears, have not yet terminated, though some £60,000 or more has already been exacted on their accounts. Then, again, a sum of £7,000 is levied on the Penarth Harbour Works, near the entrance of the river leading up to Cardiff. This, be it remarked, is not simply for foreshore, but the greater part on account of the bed of the sea, below low-water mark, which is being enclosed for those useful works. This charging for the bed of the sea is quite a novelty, and at Bournemouth, on the coast of Hants, where a pier has been erected going down into deep water, there appears a similar charge. When the chain pier at Brighton was erected, though but a few years back, no such charge was ever thought of; but one would not be surprised to see a claim now made for the space of the bed of the sea which it occupies. It has been contended on former occasions, that it was far better the shores should be vested in the Crown than in private individuals, to prevent exaction, when such useful works were required to be erected for the public interests. But it is quite clear the Commissioners of Woods and Forests have no thought or regard for the public interest, or their protection, but that their whole and sole object is to realize all they can by the sale of these shores, which they are most active in carrying out, and almost enforcing, in every corner of the kingdom, being well aware that it is a very slippery property, of very doubtful character, and, therefore, to be made the most of while the sun shines. So little regardful, however, are these Commissioners of the public interests, that they do not care to retain under their charge shore property which is most important for the public service. There has especially been a sale on Milford Haven, in which they have grossly abused the trust reposed in them. There they have sold shore ground to the extent of eight acres, close adjoining on to the Royal Dockyard at Pembroke. The agreement for this sale was made as late as in 1854, and for a sum of £1,600. The Admiralty, actually, I am informed, remonstrated against the sale, but it has been carried out notwithstanding; though the late Board of Admiralty, I am told, found it so essential to be added to the yard, that they had a valuation made for its subsequent re-purchase, but which the present Board have not adherred to. Now, be it remarked, this shore, for the last fifty years at least, has always been used by the inhabitants in the neighbourhood for the drawing up and launching of their boats; for their convenience in all kinds of traffic; for the depositing of timber and other materials temporarily. It was to all intents and purposes a public common or waste, and used as such by certain parties. But the party, who has bought up the Crown Rights as they are called, is taking steps to turn it to his private account, and among other acts carried out with this view is the depositing large quantities of rubbish, so as to make that portion above high water of wider extent. The consequence is large quantities of mud in solution is carried down right in front of the dockyard, augmenting thereby the deposit banks in that quarter. Now for the removal of those mud accumulations by dredging, we a few nights since only, voted a sum of, I think, £4,000 in the Navy Estimates. Thus through the negligence of the Commissioners of the Crown Lands, not only is a property sold which it was important to retain for the public service, but a nuisance is created to enhance the charge on the public. This principle of sale of what is to all intents and purposes public property, though called Crown property, as vested in the Crown as trustees for the public, is altogether new, and is nothing more nor less than making the public buy that which already belongs to it. Now in all the sales it should be remembered the public give up certain rights, such as those of navigation and fishing, when the tide is up, of passage as over a highway when the tide is down, of various easements as they are called in law, but the whole profits are pocketed by the Woods and Forests, and the value transferred *in perpetue* to the Crown lands. The whole amount of property thus sold of late years amounts, it appears by these returns and the accounts of the Woods and Forests, to the large sum of about £224,000. Now, accepting as true the theory of Lord Hale, as propounded in his Treatise, *De Jure Maris*, that these wastes of shores and water are, as it were, held by the Crown as appertaining thereto, as the wastes of a manor do to the lord thereof, it is clear the proportion due to the Crown would be similar to that apportioned to the lord of a manor. Last year a return was laid on the table of this House showing what that generally was, as given by the Enclosure Commissioners, and was found to vary from a fourteenth to an eighteenth. The share, therefore, of the Crown out of the above sum would be about £16,000, and the remaining large sum, exceeding £200,000, ought to have gone direct into the Exchequer. The public are thus just simply defrauded of this large sum. Leaving, then, this part of the subject, it is time the attention of the House should be directed to a consideration of the various rights to which this property is subject, and their relation to each other. There are the rights of the Crown, the rights of the public—if they are not identical—and the rights of individuals, as subject to the two former. The pamphlet he held in his hand was the speech of Mr. Serjeant Merewether, in which he so ably and gallantly fought the battle of the City of London in its contest with the Crown. By the information in that suit the claim of the Crown is thus set forth—

> "By the Royal prerogative the ground and soil of the coast and shores of the sea around this Kingdom, and the ground and soil of every port, haven, and arm of the sea, creek, pool, and navigable river thereof into which the sea ebbs and flows, and also the shore lying between high-water and low-water mark, belong to Her Majesty."

The learned serjeant thus meets this assertion, and, as he believed, very accurately described the true state of the case—

> "I, of course, am not denying that the Crown has dominion and Government over the soil of the seashore—there is no doubt of that—neither am I in any degree denying that the Crown has jurisdiction over the seashore by the Court of Admiralty when it is covered by water, and by the common law when it assumes again the state of dry land. But none of these go in the slightest degree to show—on the other hand there is rather a contrary influence—that the Crown has any private property on the shore. A *jus privatum* in the shore is that which is set up by the Crown, and that is the only doctrine which I am combating; therefore, admitting the Government—admitting the jurisdiction—admitting the right where there is no special occupant—I am contending that in all other cases the occupation and possession of the shore is so necessary to, and is so generally used and enjoyed by, the owner of the adjoining land, that there is no pretence to any right in the Crown preventing that occupation. The occupation may be slight in point of evidence I admit; perhaps it may be only by the straying of cattle—perhaps it may be only for the purpose of taking advantage of the sea adjoining—embarking and disembarking; and, therefore, the acts of occupation may be few; but there is a case much stronger than that, in which the Crown has not the possession nor the right of the soil, although the soil is called the King's soil. I am alluding to the case of highways. It has been said, indeed, that the seashore is the King's highway—it may be so called, and highways are so called, yet the occupation of the owner of the adjoining land is still held sufficient, by presumption of law, to entitle him to the land of half the highway; so I say in the case of the seashore, where the occupation is more frequent, but, perhaps, difficult of direct proof, the legal inference is the same."

In corroboration of these views, the learned serjeant refers to various documents, but he would only mention two Statutes, one of modern and the other of ancient date. The first is the 54 *Geo.* III., c. 159, which authorizes the Admiralty to do certain acts on the seashore, but has this proviso—

> "Nothing in this Act shall abridge, diminish, or take away any right of property or ownership which any Lord of Manor, or other person, may have on any part, or the banks, shores or sides thereof."

In this Act, it is to be observed, there is no reservation of any rights of the Crown; a legislative admission at that period, that the subject was entitled to the shore as belonging to the land, as the usual consequence, or it would have been otherwise provided. The other Statute is the 4 *Edw.* I. *Extenta Maneru.* This enumerates every species of property which can possibly belong to a manor, but no mention whatever is made of the seashore as having any peculiar quality, and which would lead to the supposition that at that period of time it could be regarded otherwise than as part of the adjoining land. It is, therefore, pure fiction to describe it, as has been lately attempted, as part of the original estate of the Crown yet ungranted. Had it been so somewhere as still vested in the Crown, it could not fail to have been enumerated. But these shores are never mentioned as part of the possession of the Crown in any inventory or catalogue of such property. There is, further, no instance of any separate grant of the shore; but, if mentioned at all, always as an adjunct or rather boundary of the adjoining estate or manor. Neither is there any instance of such being put in charge for rent. Neither can any acts of ownership on the part of the Crown be instanced over the shores such as now claimed, as if they were part or parcel of the Crown lands and freehold estate. It was still his duty to trespass a short time longer, and he could assure the House it would be but for a brief period, to satisfy them as to the present unsettled state of the law, and how much it needed to be examined into and settled. The numerous suits which had of late been instituted are sufficient proof of that uncertainty; and any one attending to the substance of those suits must be convinced that many points have been mooted which still require to be determined. But referring to a work already mentioned, *Hale's Rights of the Crown in the Sea Shores*, published about thirty or forty years since, that writer speaks of it as a question even then of importance, how far the present state of the law was susceptible of alteration and amendment, though he very decidedly says, quoting Mr. Justice Bayley in the Brighton case—that if the king were to make the seashores of the realm a source of private sale and profit (just what the Commissioners of Woods and Forests are now doing) he would, according to what is said by the Judges, be acting contrary to the trust for which the ownership of the shore is vested in the Crown by the common law. The king's right is *jus publicum*. Again, a few years since, Lord Derby, in moving this question in the other House, in presenting some petitions, specially admitted the uncertain and unsatisfactory state of the law, and recommended its being defined and amended. But the language of the learned Attorney General on a former occasion, may be adduced as further proof as admitting this uncertainty. He says, "It was true in a certain sense"—now it was this certain sense he wished to have defined—"that the Crown could appropriate no part to the prejudice of others. This property was vested in the Crown for the good of the public. The Crown could not appropriate any part" (but it is thus hedged by the learned Gentleman) "unless it was done without prejudice to the public and the benefit of the Crown." What could be more unsatisfactory and indefinite than such language? But to the same effect is the language more recently of that learned Gentleman, the Lord Advocate of Scotland, who was examined last year by a Committee of the House of Lords on the subject of the salmon fisheries, when this question of the shore right was incidentally brought up. Question 60—Earl Cawdor asked—

> "Independently of any property which the Crown has between high and low-water mark?" Lord Advocate: "It depends on the supereminent right of the Crown to the lands of the realm. The right of the Crown to the salmon fishery is not merely a trust for the public, but a patrimonial right."

It would thus appear that the Lord Advocate considers the shore right merely a public trust; but on a subsequent question he adds,

> "I think the question of the shore a very difficult question. It is quite clear as regards the shore, to a certain extent, the exercise of the right of the Crown is limited, because there are public uses to which that shore may be put."

Now, it is just those limits and those public uses which it would be the object of this Committee to ascertain. In a subsequent part of his evidence, the Lord Advocate, while contending for the right of the Crown, still spoke of it as a qualified right—qualification which, for the peace of the subject, ought to be ascertained. Before quitting these Returns, it is necessary to allude to a certain Schedule of Acts of Parliament which the Commissioners have appended of their own accord, as showing an acknowledgment of that right which is now set up. These Acts, be it observed, are all of very modern date—not any of them going further back than twenty years, and the greater part are private Acts. The earliest are those connected with the works at Birkenhead, then those at Grimsby, in Lincolnshire. Later is that respecting the Regalia of the County Palatine of Durham, and one of the latest that misnamed a Submarine Mines Act, which gave over all the seashores and harbours of Cornwall to the Duchy under the authority of an arbitration which was made on the evidence of documents which were never produced before this House, though it was promised by the then Secretary of the Treasury they should be printed in full. The Submarine Telegraph Act is further quoted, to which, on a former occasion, he made allusion at considerable length, as furnishing evidence of the increasing claims set up, and likely to be set up, on this subject, and how the language used in respect of the same crept on, in stronger and stronger terms, in describing the property.

A paragraph in relation to this same subject is well worth the attention of the House, as it appears in the last Report of the Commissioners of Woods and Forests. They are speaking of a probable increase being necessary in the establishment of the Woods and Forests Office, and among other reasons given for this they say—

> "The proceedings which arise upon the frequent applications in reference to the sale and letting of land subject to the flow of tidal waters, have added very materially to the amount of correspondence passing through the office, and to the number of reports and accounts which have to be prepared and examined. The correspondence in many instances is of a very difficult character. We would specify, for instance, those relating to the Scotch teinds, and to the foreshore rights, and many other rights claimed by or against the Crown. In numerous cases laborious search has to be made through old documents and maps. . . . . The foreshore sales are likely to become more numerous for some time. . . . A considerable increase of business will certainly arise with reference to the salmon fishing in Scotland, owing to the recent decision in the House of Lords, in which the rights of the Crown to such fishings were upheld."

Here is a fine prospect of active aggression in support of rights never heard of till lately, and to be sure to find all this energy and zeal in any Government officials is something quite unusual, and would be refreshing, were they really in support of the public interests. Could such agents be transferred to the Treasury Department, to replace our Stephensons in looking after the Red Sea Telegraph Contract, Galway Packet Contract, and such improvident engagements, the public interests might be benefited. But, unfortunately, these Commissioners have shown anything but regard as has been already shown, for the protection and care of the interests of the public, whose servants they strictly are, and have had in view but one object only, which is in every way that comes within their power, to seize and get hold of every species of property, so as to augment and enhance the revenues of the Crown lands for the object and purpose which has been already stated, and which has now been in course of development for some years. And this is the true key to these claims in reference to the sea shores; also to such seizures as that of the Hall Citadel, and to the revival of the Crown prerogative, not heard of for centuries, to the salmon fishings of Scotland. It is the same spirit which has led to the claim of the Duchy on the waters of the Hamoaze, which enforced a payment for seventy acres of that estuary of £3.400 in order to form the docks at Keyham, and which, if sound, of course extends their right over the whole bed and surface of that hitherto, as it was considered, public port. It is the same which imposed a charge of £100 on every £1,000 that was proposed to be laid out in the improvement of the port belonging to the borough, which he had the honour to represent, and which claims £1,800, or £18 per acre, for the bed of the tidal waters required to form the new docks at Falmouth. These are heavy charges and exactions on owners of property, which never yielded to the parties one farthing profit, and over which they never excercised any acts of ownership. And these claims are as novel as they are unreasonable. He had now but one more point to press on the notice of the House, and to which, as really having a most important bearing on the right at issue, he requested their particular attention. Little or no reference, except incidentally, had been made to any ancient authorities in support of this Motion, and he had not forgotten what fell from the Attorney General on the last occasion, when with a courtesy peculiar to that learned Gentleman, and with a condescension in imparting instruction to one unlearned in law for which he hoped he was sufficiently grateful, he was told not to read old books and musty parchments. Well, he hoped he had profited by that advice, and accordingly had given his attention to a new course of study, the result of which he proposed to submit to the learned Gentleman. This was based, not on any black-lettered document, but on one derived from Parliamentary authority itself, and he was the more disposed to offer this to the learned Gentleman's attention, as he thought the House could not fail to have observed, as he himself had been able to detect that he was not very strong in constitutional law. Had not his very ears tingled when he had heard the learned Gentleman assert but a few nights since, that it was the prerogative of the Crown to create as many judges as it pleased? Such a doctrine, he would venture to affirm, had not been propounded from any one holding the office of Attorney General during the period of the last two hundred years. But before he gave him the high authority from the document to which he referred, or the subject matter of this Motion, he must draw the attention of the House to the previous circumstances which had called it forth. In the reign of that unfortunate monarch Charles I., about the year 1635, a Royal Commission was issued, which had for its aim to call in question every subject's title to every species of property throughout the kingdom, with a view of extracting composition in respect of disputed titles, just as the Woods and Forests were now doing. He referred more particularly to this Commission, because some faint rumour had reached his ears that there existed a notice that a Commission might be offered as a substitute for the Committee moved for—a course to which he should most decidedly object, knowing that Royal Commissions were often only used as a means for defeating the real justice of the case. As, however, should such a Commission be determined on, the learned Attorney General might be at a loss for the terms in which such Commission should be couched, he begged to offer this as an appropriate formula on the occasion. The Commission in question was addressed to the Lord Archbishop of Canterbury, to sundry other servants of the Crown, and, among others, to Sir John Bancks, the then Attorney General. It was styled as issued *pro titulis defectivis*, for defective titles, and was, as he had already said, intended as an engine for extracting money on the plea of making such titles valid. It ran thus—

> " *Rymer's Fœdera*. Vol. ix.—p. 7.
>
> " 1635. Commission.—To Williams' Archiepiscopo Cantuariani et alii pro titulis defectieri.—Among others, Sir John Banck's our att. genl.
>
> " Whereas our dear and royal Father, King James of blessed memory, lately deceased, for the quiet of his loving subjects, and the settling of their estates, was pleased to give way to an Act of Parliament for confirming of their titles in such their manners, lands, tenements and hereditaments, (. . . . .) which they and their ancestors had enjoyed and possessed for the space of three-score years.
>
> . . . Relation being had thereto—the same being a favour that none of his predecessors yielded unto them in former times.
>
> " And whereas Wee, out of our royal and tender care of the common good of our subjects, and to establish unto them such their estates—as were defective and defeasible.
>
> . . We did grant a Commission . . upon reasonable fines and sums of money, to be paid by our subjects to our use, to compound with them for such supply of their said deficient estates as aforesaid.
>
> " And whereas we observed such slackness in our subjects in embracing that grace and bounty offered—it might justly induce and move us . . . in reducing those lands and possessions to the increase of our revenue—Wee, preferring peace and quiet . . . and thereby to secure them from being brought to hazard of the loss of their honours, manors, &c. . . which in truth and right belong to us, as our own proper inheritance.
>
> . . . .
>
> We, therefore, have once more renewed and granted forth this our Commission of grace . . We have appointed you . . . to our use to bargain, sell, conclude, demise, and in our name—any of our landships, manors, lands, tenements, rectories, tithes, portions, oblations, messuages, cottages, gardens, meadows, pastures, closes, marshes, as well fresh as salt, lands deserted, left, or gained by or from the sea—mines, woods.
>
> " Schedules expressing defective titles . . .
>
> 1. . . . . tenements and marsh grounds, which formerly have been, and now are inned, gained, bank'd, fenced, left bare and dry, by and from the sea or any navigable or royal river, or other fresh waters, and all our ouzy grounds, marshes, and other low grounds surrounded and now subject to the surrounding of the sea. or other fresh or salt waters with all and singular their commodities and appurtenances whatsoever, either in charge or not in charge.
>
> " Commissioners at a house in Fleet Street, to whom subjects are referred to have their defective titles made good—upon moderate compositions—(which we intend shall be applied to our use.")

Now, let us look to the result of this Commission. When a few years after, in the year 1641—just two hundred years previous to the time when this notable scheme was again hatched, as to the property of the seashore, in 1841, under the Chief Commissionership of the then Earl of Lincoln, the present Duke of Newcastle—the various grievances and wrongs of the subject were enumerated, after the most careful consideration, by Parliament, in that celebrated document called the Grand Remonstrance. This particular grievance is not lost sight of, and the clause in which it is specified is well worth the learned attorney's study, as well as those other clauses which refer to judicatories established without due authority of law. The words of the Remonstrance are few but very explicit, and are to be found in the 26th Clause, protesting against the grievance in question in these words: "The taking away of men's right under colour of the King's title to land between high and low-water mark."

After such an authoritative declaration, he might feel entitled simply to call on the House to reaffirm such a declaration. He, however, did not intend to do that, but simply to ask the House to inquire into the subject matter which had called it forth in those days. Let it be recollected such a claim had never previously been put forward, not even in the time of Henry VII., when every species of claim was made on behalf of the Crown, with a view to exactions for the increase of the Sovereign's revenues. From that day to this—a period of two hundred years—these claims have equally been in abeyance. On what ground inquiry is to be refused he is utterly unable to understand. That the claims, as now put forward, are novel, no one denies, and if there are any parties who ought to be anxious to establish their validity and justice they are the Commissioners of the Crown Lands themselves, who ought to feel bound to court instead of thwart inquiry. Refusal can only beget suspicion that these claims are not well founded, and they may rest assured till such an inquiry is fully instituted and carried out, these claims will never be patiently submitted to or their justice acknowledged.

Motion made, and Question proposed,

"That a Select Committee be appointed, to inquire into the rights of the Crown and Public, as well as of individuals, as connected with the Foreshores and Tidal Waters of the United Kingdom; the manner in which the Commissioners of Woods and Forests are dealing with the same, and the state of the Law affecting this description of property."

CAPTAIN JERVIS seconded the Motion. Until 1830 no attempt was made on the part of the Crown to lay a claim to the foreshores in order to bring money into the Treasury of the country; and by an Act passed in 1855 even a person who won his case against the Crown had to pay his own costs. This induced compromises to be made, as the costs might be worth more than the article in dispute; and an inquiry ought to be made into such cases, which amounted to nothing more nor less than extortion. He would ask whether these cases were to go on, year after year, till the Board of Woods and Forests had got possession of all the foreshore of the country, which they might sell as fast as they acquired it? If the Board held it as trustees, he denied their right to part with it. At present the town which he had the honour to represent (Harwich) could not carry out a proper system of drainage because the Corporation could not come to terms with the Woods and Forests as to the disposal of the foreshore; and he knew that a similar inconvenience was experienced by other towns on the same coast.

SIR JOHN HANMER said, he would recommend the House to refuse its assent to this Motion. He had not been present at the debate or at the division, when the matter was formerly brought under the notice of the House, and when allusion was made to a case in which he was personally concerned; but having heard of that circumstance, he now attended, in order to reply to anything which might be said on that subject. He certainly had been surprized to hear from the hon. Gentlemen who had preceded him, that it was a new right that was asserted on the part of the Crown. He would undertake to show that, in every reign from William the Conqueror down to the present time, there was plain proof that the Crown was possessed of this right. In the charter of King William the Conqueror to the monks of Battle, which was in the British Museum, the King's sea rights were expressly mentioned. There was, to use the words of a learned Judge, "no mystery about the seashore," and there was no subject in English law, which had, to use an expressive phrase, been so well thrashed out. If there were a legal right to be tried in the matter, then let it be brought before a court of law and disposed of, and let not complaints be urged with respect to it in the House of Commons. It took him five years and cost him a good deal of money to collect evidence from the public records to show his own right, and if a Commission were to be appointed to go round the kingdom people who had really good rights would be unable to prove them. His own advice to hon. Members who had seashore rights was that they should study the book of Lord Hale, *de jure maris*, and prepare themselves to maintain those rights in a court of law, rather than submit them to discussion before a Select Committee of the House of Commons.

MR. FINLAY said, very few persons who held property on the sea-coasts would or could follow the example of the hon. Baronet, for few could devote either the time or the money which would be required to combat the claims of the Crown. This question was exciting in Scotland a very great deal of dissatisfaction and especially in the county he had the honour to represent. Argyleshire comprised a greater extent of sea-coast than any other county in Great Britain, exceeding 1,000 miles, and its inhabitants naturally felt very keenly the evils arising from the unjust interference of the Crown. Whatever may be the law of England it cannot be denied that the decisions of the Scotch Courts of Law and the opinion of the best legal authorities in Scotland prove that the Crown officers in that part of the United Kingdom are now pushing the claims of the Crown beyond the limits established by law. I shall quote a well-known writer on Scotch law, Professor Bell, who says—

> "The land which lies between high and low water mark is not, as in England, held to be the property rescued to the Sovereign, but presumed to be granted as part and pertinal of the adjacent land under the burden of the Crown's right as trustee for public uses."
>
> "If the sea or seashore be a boundary of any man's property the grant is construed to include the shore to the ebb mark, and to extend or recede with the waters."

Lord President Campbell, in the case of Turner *v.* Downie, 1807, said — "Property of land adjacent to our heritor's shore is not a regale." In spite of many decisions establishing clearly the rights of adjacent proprietors to the seashore, subject to the rights of the public, the Crown officers aid in pushing their novel and illegal claims in the way which is most likely to establish them without exciting opposition. Clauses having that object in view are inserted into local and private Bills and advantage is taken of the necessities of individuals to induce them to acknowledge the rights of the Crown by small payments of money; but whenever these attempted encroachments have been opposed by legal proceedings they have been allowed to drop. The amount received by the Crown, in this way, is quite insignificant, being under £7,000 during the last thirty years, which is not sufficient to pay law expenses and salaries of agents and others employed. These claims have been detrimental to public as well as to private interests. In some cases when the seashore has been sold to the Crown, the public have been debarred from free access to it for purposes of fishing and navigation to which they are entitled; and private individuals whose properties are bounded by the sea, are prevented by these unjust claims from protecting their own lands and houses from the sea. The Road Trustees in Argyleshire have been obliged to complain of the damage done to the public roads from the same cause—an amount of damage which has caused a heavy expenditure and increased rates to the road payers. Improvements on the seacoast are interfered with and prevented, and a great deal of irritation is created in the minds of all persons concerned. It is neither politic nor seemly that such a state of things should be allowed to continue; and, it is of the greatest importance that the rights of the Crown, if it has any, should be clearly defined, and with that view, he should give his cordial support to the Motion for an inquiry.

The ATTORNEY GENERAL said, the hon. Gentlemen the mover and seconder of the Motion had displayed so much legal erudition, and had expressed their opinions —which, at least, had the merit of not being tinctured or clouded with any doubt on the legal points involved in it—with so much confidence, that he was disposed to think the ordinary functions of an Attorney General were entirely superseded. He was bound to acknowledge—and he did so with great sincerity—that the advice which he might take the liberty of tendering to the House ought to be received with some considerable deduction as compared with what the House had already heard. The hon. Member for Truro (Mr. A. Smith) had told them that he had read every authority upon the subject from the period when the Roman law prevailed down to the present time. Nay, the hon. Member was not only conversant with the books that spoke of the subject, but he had even examined those that did not speak of it, so that he was able to instruct the House with equal confidence and satisfaction—satisfaction, that was, to himself—both as to what the books contained, and as to what they omitted. He could not claim, for his own part, to have done any such thing, nor could he even pretend, like the hon. and gallant Member for Harwich, to have convinced himself that one might search in vain for any instance of the exercise of this right by the Crown from the time of the Restoration down to the year 1830. All he could do was to state to the House the views which had prevailed among the best and most erudite authorities during the last twenty or thirty years, and which, probably on account of the profound depth of their ignorance, were still current among the lawyers in Westminster Hall. Before proceeding further, however, he must express, he would not say his satisfaction, but his admiration of the resolution and pertinacity with which the hon. Member for Truro had returned to this subject. There had been three Sessions of annual incubation. Unfortunately, when the eggs were supposed to be ripe for hatching the House was counted out, and the hon. Gentleman was left alone with his Motion. But now, with renewed strength and courage, redoubled by defeat, he rises like Antæus from the earth and proposes to do what he had not before ventured to suggest. On former occasions he had merely modestly suggested that an inquiry should be made into the conduct of the Commissioners, but now he asked the House to inquire into, not only the title of the Crown to this property, but that of the public and even of private individuals. With great humility he ventured to say that no proposition could be more revolutionary or extravagant than that which the hon. Member had submitted to the House. What was the theory of real property in this country as accepted in all the tribunals from every Court in Westminster Hall to the highest Court of all—the House of Lords. That the whole of it was to be considered as held by grant from the Crown. The Crown was the fountain and source from which all title was derived, and to which all landed property reverted on cession of the grant. There was some property which from its very nature was presumed to have been unappropriated by the Crown. Of this character were the foreshores, the ownership of the beds of all navigable rivers, creeks, bays, and harbours. It was perfectly clear this property must be vested somewhere, in order to answer the exigencies of the public, and that there might be some one to protect the rights of the public. The law gave that property to the Crown, which was the representative and protector of the public. The Crown was denominated the trustee of this property, in a metaphorical sense, whenever the interests of the public were concerned. But, consistently with the rights of the public, there were a great number of uses to which the seashore was applicable, which redounded to profit and benefit. These the law gave to the Crown; the profit and benefit might be the subject of grant from the Crown; or the right might be held as part of the revenue of the Crown. The question, therefore had always been in these cases whether the individual who contested the rights of the Crown could show that he was in the position of a beneficial grantee from the Crown. The hereditary property of the Crown were transferred by a species of compact with the Crown to the Commissioners of Woods and Forests, as trustees for the benefit of the public in return for the Civil List settled on the Crown and it was their duty to make the best use of it. In case of encroachment it was the bounden duty of the Commissioners to make inquiry into the subject, and claim the property for the public. How had this duty been performed? What had been the result of the proceedings of the Commissioners? He would inform the House, and he thought that they would be of opinion that the Commissioners had no cause to be ashamed of their conduct. In regard to the foreshores of the whole United Kingdom there had been thirty-two suits in a period of thirty years. Of these twenty-five had ended most successfully for the Crown, rescuing from usurpation considerable valuable property for the public; three suits had been withdrawn at the instance of the law advisers of the Crown, and two were decided against the Crown. Why did the hon. Gentleman expend all his anger on the Commissioners? The Commissioners took the advice of the law officers; upon that advice they acted, and therefore it was the law officers who were responsible for the Commissioners' proceedings. And they had acted rightly in vindicating the rights of the Crown for the benefit of the country. The hon. Member had referred to cases where acknowledgment of the right of the Crown was required, which he thought was a great grievance. But in requiring that acknowledgment the Commissioners only acted according to their bounden duty, and it was because of the neglect of those precautions in former times that private individuals now laid claim to a large extent of foreshore, to the injury of the public at large. It was quite true that the Commissioners required the War Department to pay £10 a year for using the sands at Shoeburyness, but the owner of an adjoining portion of the foreshore exacted £250 a year as rent. He (the Attorney General) had been at a loss to understand why the hon. Member, himself a grantee from the Crown, should return to this subject, and seek to destroy his own rights. The hon. Gentleman now told them that it had fallen to his lot to detect a fearful conspiracy against the liberties of the country, the Commissioners seeking to render the Crown independent of Parliament and completely self-supporting, the accumulating revenues of the Crown from these foreshores, sufficing to maintain the army and navy without the necessity of appealing to that House. It was scarcely necessary to say there was no foundation for such an idea. It was an extravagant notion—a delusion into which by long meditation upon the subject the hon. Member had fallen, and had at last come to regard the creature of his imagination as a real fact. The hon. Member had complained of the Commissioners' proceedings in relation to measures taken to protect land adjoining the shore, but the Commissioners were only doing their duty. One part of their duty had been to prevent the removal from the shore those large boulders from the seaside, which were necessary for the protection of the shore. It was true that they would not allow a private proprietor to put up a groin without acknowledgment, and rightly so, because if such a thing were allowed to be done without acknowledgment, in the course of a few years it would be converted into evidence of a private right. The object of the Committee for which the hon. Member asked, was to discover, if possible, that the rights of the Crown to foreshores were merely fictionary. If such a ridiculous proposition could be supposed for a moment to prevail, the result would be that all corporations and individuals holding grants from the Crown would lose their rights, and even the foreshore of the hon. Members's own estate in the Scilly Islands would fall to the public. It would become merged under the general head of public property. He could only caution the hon. Gentleman that persons who read works of law without, in the first instance, obtaining a clear apprehension of the meaning of the words were apt to be led away by their own crude conceptions from the true nature of the propositions laid down in such volumes. The proposition that the Crown was owner of this property as a trustee, was true to a certain extent, but to a certain extent only. He trusted the House would not for one moment think of entertaining a notion that went to the extent of utterly shaking the foundation of all property. The Motion laid down the proposition that the House of Commons might at any time inquire into the foundation and settled rule of property; and for what purpose should the House so inquire, except, possibly, to alter it? Were they to entertain the proposition that the House could alter the principle of English law, that all property is held of the Crown? If they were not prepared to affirm that proposition—what remained of the present Motion? Nothing but complaints of the conduct of a public office; but it had only asserted certain rights, and would not have done its duty if it had not asserted them. All that it had done had been under the authority of the law. The estimate of the total value of the property it had recovered was no less than £370,000; the costs incurred were £16,000, of which the greater part was incurred before the Act of Parliament was passed by which the Crown was placed in the position of an ordinary party with respect to costs. There was nothing to complain of in the conduct of the Commissioners, except from some disappointed persons, who thought they might make great gains from the foreshores if the Crown did not vindicate its rights. He hoped the House would reject an unexampled and mischievous Motion.

Question put.

The House *divided*:—Ayes 67; Noes 176: Majority 109.

NAVY (REVISED) ESTIMATES.

RESOLUTION.

Sir FREDERIC SMITH said, he rose, pursuant to notice, to call the attention of the House to the Report of the Commissioners appointed to inquire into the control and management of Her Majesty's Naval Yards; and to move, That a revised Estimate for Vote 10 for the Naval Service be substituted for the Estimate already submitted, adopting in such revised Estimate the principle of showing the amount proposed to be expended in the current year on each Ship to be built and converted in the Government Yards. The Report of the Committee recently made on the subject of the management of the dockyards, was one of the most important ever laid on the table of the House. It declared the system pursued in the dockyards to be inefficient, especially in organization, in the arrangement of the subordinate departments, and as to the means of effectively checking expenditure and examining the accounts. It also attributed the defective state of the dockyard establishment in some degree to the present constitution of the Board of Admiralty; but as a Committee was now sitting on that subject he would not further refer to that point. He confessed that he had risen from the perusal of the Report to which he had referred with feelings of great dissatisfaction; but there was one source of gratification, and that was that it was universally admitted that the work performed in the dockyards was of the very best description, and that there was nothing discreditable to the dockyard officers in the manner in which the accounts had been kept, or the application of the money by those who had the control of the monetary transactions. The fault lay with those who established and sanctioned a defective course of action. The great defect was that there was a want of organization in the departments which had the control of the dockyards; that fact was in evidence, and it was a serious defect. There was also a want of system in the subordinate departments; there was no harmony of action between two of the most important departments—the comptroller's department and the storekeeper's department—and it appeared that the storekeeper general was ignorant of the wants of the dockyards, while the controller was equally ignorant of the amount of stores suitable for shipbuilding in charge of the storekeeper general. He had read the evidence given by the noble Lord, the Secretary to the Admiralty, with much satisfaction, and the House owed him their thanks for bringing the subject before it and the country. His noble Friend had, however, made a mistake in his figures; but he (Sir Frederic Smith) did not wonder at that, considering the confused state of the accounts. He believed the accounts to be substantially correct, although it would appear that five millions of money had not been accounted for as business men were in the habit of accounting; he did not charge any disreputable conduct on any one, but regarded the fact as owing to a blundering confusion. It appeared to him that it was advisable and easy to introduce a system by which the cost of each ship could be estimated and known. He believed that there existed in the dockyards a difference of opinion as to the construction of ships, and their cost?

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter before Eight o'clock.

* * *

HOUSE OF COMMONS,

Wednesday, April 17, 1861.

MINUTES.] NEW MEMBER SWORN.—For Tiverton Right hon. Viscount Palmerston.

PUBLIC BILLS.—1° Window Cleaning, &c.; Railway Companies Mortgage Transfer (Scotland); Queensland Government.

2° Common Law Procedure Act (1854) Extension.

3° Admiralty Court Jurisdiction; Smoke Nuisance (Scotland) Act Amendment.

THE MONUMENT AT WESTMINSTER.

QUESTION.

COLONEL FRENCH said, he rose to ask the Chief Commissioner of Works, If his attention has been directed to the Monument now in progress of erection at the entrance to Westminster School, and to inquire if he has any power to prevent such erection?

MR. COWPER: Sir, the answer to the question of my hon and gallant Friend depends on the construction of an Act of Parliament. It appears that it was assumed that this work of art, being called a monument, did not come within the provision of that Act, which declares that no public statue shall be erected in a public place without the written assent of the First Commissioner of Her Majesty's Works. I presume the subscribers to this monument had grounds for that assumption, though it might be urged on the other side that, as the monument consists of the statues of public personages, namely, four Sovereigns who especially favoured the school of Westminster, and St. George and the Dragon, it is not exempted from the operation of the Act. But, however that may be, supposing the promoters were incorrect in their construction of the Act, I think it would be a harsh step on the part of the Commissioners of Works to remove the monument on that account. At the same time, I must say that if my assent had been asked to this monument I should have hesitated to sanction the extraordinary incongruity of placing statues in the mediæval style on a classical column. The incongruity has arisen from the struggle which prevails in this House and elsewhere between the advocates of the Gothic and the advocates of the classical style, and I presume they came to a compromise, which like other compromises, has been less successful than a frank adoption of either alternative.

TRUSTEES OF CHARITIES BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. SELWYN said, he rose to move as an Amendment, that the Bill be committed on that day six months. The Bill appeared to him so objectionable in principle, so dangerous and unjust, that he felt it his duty to oppose it at every stage. He would not repeat the objections he had urged to the measure on the second reading, though, if he might say so without presumption, he thought that those objections had not been met by any sufficient and valid answer. He wished to call attention to two circumstances which had occurred since the debate on the second reading. One was the general expression of a wish made on several occasions and in different quarters of the House that on questions likely to involve the elements of religious controversy, an attempt should at least be made to carry into effect a policy of compromise and conciliation. Now he thought that those hon. Members who were in favour of such a policy should, considering the large measure of compromise and conciliation already passed in reference to endowed schools, show by their votes that they regarded that measure as at least worthy of a fair trial. But if it was to be treated, as it had been on a previous occasion, as an argument for further aggression, there would then be no encouragement for proceeding in a course of further concession. The second circumstance, to which he had alluded, was of a still more satisfactory nature, and proved the correctness of his assertion, that the present Bill, when properly understood, would be found to be as dangerous to the rights of the Dissenting communities, and as distasteful to them as to the members of the Church of England. More striking evidence of that could not be afforded than by the fact that the Wesleyan Conference, representing more than one-third of the whole body of Dissenters, had by the unanimous vote of their committee resolved on petitioning against the further progress of the present Bill; he could not doubt that a petition from such a body would be received with the respect which was due, not merely to their numbers, but to the exertions which they had made to relieve spiritual destitution at home, and to their numerous and successful missionary enterprises abroad; and the circumstance that their petition had been presented by him as one of the Members for the University of Cambridge was quite sufficient to show that he was right when he had stated that there were parts of the present measure which would rally upon one side all friends of religious education to whatever church, sect, or denomination they might belong. Upon the other side there were the political Dissenters and their fitting organ, the Liberation Society. But he could not, with such allies and with such opponents, feel any doubt of the result, and he was confident that the small majority of seven for the second reading would be converted into a large majority against the Bill.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon this day six months, resolve itself into the said Committee,'" instead thereof.

MR. BEECROFT rose to second the Motion. As the Bill before the House would in its operation be felt by several foundations in the borough which he had the honour to represent (Leeds), he had been desired by his constituents to oppose it. It might not, perhaps, be considered quite irrelevant to the important question now before the House if he ventured to allude in a very few words to two free schools in the neighbourhood of Leeds which would be seriously affected by this Bill. The first school to which he would refer was the free school at Bingley, in the West Riding. In 1838 was brought forward the question of the admissibility of Dissenters on the trust on the occasion of the trust having to be filled up. The question was brought before the Court, not on the ground of any doubt on the part of the Churchmen, but to satisfy the Dissenters by an authoritative declaration of the Court that they were not admissible. And what was the decree (after argument) of the Vice Chancellor? With the permission of the House he would read it from the Act which he held in his hand—

"And it was also declared that the trustees so to be elected, and all future trustees, of the said charity estates, ought to be members of the Church of England as by law established."

The other school to which he begged to refer was the free school at Wortley, in the borough of Leeds. It was decided in November last by the Vice Chancellor that none but Churchmen were eligible as trustees of that school. Now, it so happened both these schools were founded by one who fought, and perhaps bled, for the cause of the King and Church, against the predecessors of those very persons to whom it was the object of the Bill to give control over his endowments. Might he ask the supporters of the Bill if such a person, could he now speak among us, could look with anything but disgust at such a perversion (as he would think it) of his charitable bequest? Nor were these solitary instances where this Bill would go against the clear intention of the founder. Would any one acquainted with the history and feelings of the times for a moment suppose that the foundations of Edward VI. or of Elizabeth had any view but one with regard to religious education? Would the proud noble of Henry VIII., the brilliant courtier of Elizabeth, or the loyal cavalier of the First Charles, look upon such a Bill as this as anything but a downright spoliation? He need not argue from such expressions in the founder's bequests, as "fear of God," "Godly manner," "Godly and discreet persons." There never had been more than one opinion as to their meaning. Surely it would be but honest and fair to leave to our courts of law, conducted as they are on the strictest principles of equity, impartiality, and justice, to decide on the *animus* of the founder, and not by a rapacious and tyrannical act try and injure the Church even at all sacrifice of truth and justice. That could alone be the object (no matter how mistaken) of the Bill, and while he upheld the principles of religious toleration he was convinced that he should not aid that religious liberty which hon. Gentlemen opposite spoke much of, were he to support the Bill. He thought it his duty to oppose the measure, because he thought it was violently overturning the clear and expressed wishes of the founders in the reigns of Edward VI. and Elizabeth. He thought it most contemptuously reversed and set aside all known legal decisions for hundreds of years back. He thought it opposed to every known law of evidence, and he thought it in the majority of instances clearly subversive of everything short of a decisive negative on the part of the founder. But, more than all, he opposed it because of what he believed would be the miserable consequences which would result if it were made law. For he could see but two results. There would be introduced confusion worse confounded by the stirring up of jarring and discord, of jealousy and strife, in hundreds of foundations where hitherto there had been, if not entire unanimity, yet at any rate harmony and good feeling. But its ultimate result would be still worse; it would, if he mistook not, bring about an overthrow of all religious education, and would assimilate our schools to the common schools of America, which had been found to be full of evil, the reports of which, as they reach us, showing the truth of the saying of that great man, the Duke of Wellington, "Dissever religion from education, and you make men clever devils." This he (Mr. Beecroft), was sure would never be the wish of the Parliament of a Christian country, and, therefore, as long as this House wished to support the cause of religious education, it would refuse to receive the Bill before them.

MR. MELLOR said, he could not but express his astonishment at the tone of the observations made on the other side of the House. His hon. and learned Friend the Member for the University and his Seconder appeared to suppose that they and their supporters monopolized all the religion and all the respectability of the House. He (Mr. Mellor) hoped that he was influenced by feelings of attachment to religion as sincere as either of those Gentlemen in the support which he gave to this measure. The object of the Bill was simply to make eligible persons who might be chosen trustees on account of their fitness, notwithstanding their religious opinions, but it did not force Dissenters into the management of the schools. A trustee so elected would be as much under the control of the Court of Chancery, even though he should be a Dissenter, as his colleagues who happened to be Churchmen, while the constant litigation which, under the present law, prevailed—litigation, owing to which £3,000 or £4,000 out of the funds in question had, in many instances been expended, would be avoided. The Bill arose altogether out of the Ilminster School case, of which Lord Chelmsford himself, in pronouncing judgment, said that he regretted that the friendly feelings which had so long existed should be disturbed, and that the Court should have been called upon to put a legal construction upon the deed. He certainly was surprised to hear such terms as audacious and tyrannical applied to so simple a measure. He did not suppose that the admirers of Henry VIII. or Charles I. would approve of the Bill, but he thought that was rather a mark of its excellence. Something had been said about toleration. He thought it was rather late in the day to use that word. He believed that now all persons were equal in the sight of the law, whatever might be their religious opinions; and by this Bill that principle was simply applied. Its object was to enable the best men to fill the offices to which they were chosen. What special virtue was there in a Churchman? What was a

Churchman? He had been described as "the best Churchman who subscribed to the most, believing the least." And were they to insist upon the appointment of such a man as that in place of a conscientious Dissenter? The real test of the value of a man was his history and past conduct, and surely men who had a good character in that respect were the men who ought to be made eligible to be chosen to have supervision over schools. Then it had been said that the Bill would interfere with schools which had been Church schools for three centuries. That depended almost entirely upon an artificial presumption. Every school which was founded by a man who did not profess any particular religion, was supposed to be a Church school. This Bill did not really interfere with that presumption. He assured hon. Gentlemen opposite that they need not be alarmed that the Bill was brought forward in the interests of the Liberation Society. That was not the fact. But even if it were, would it not be judicious to put a stop to the scandals and litigation which were caused by the present state of the law? He urged the House to agree to the Bill which indicated no hostility whatever to religion; and, having had some communications with the Wesleyans with regard to it, he could affirm that they objected to the Bill because it did not include certain exceptional provisions on the subject of their Sunday schools and chapels, which he considered that it would be inconsistent with the scope of the Bill to introduce into it in their favour.

Mr. HARDY said, he did not for one moment seek to impute to the hon. Member for Swansea nor to the hon. and learned Gentleman who had just spoken unworthy motives, but when he found them associated in dealing with the question before the House with the great advocates of the voluntary principle he could hardly avoid being reminded of the well-known saying, "*Noscitur a sociis.*" The opponents of the Bill were, he might add, accused of want of toleration, because of the objections which they offered to its enactment, but his own experience went to prove that the only person who had never of late years received toleration in that House was the Churchman. No one on that side had ever insinuated that the religious belief of Dissenters was not a conscientious one; but how different was the language which the upholders of the Bill directed against Members of the Church. They were usually spoken of by some hon. Members as if they could be animated by no sincere faith in the creed which they professed. That the contrary was the case was, however, proved by the fact that religious instruction was the primary object of almost every school founded by them. Nor was this confined to schools founded by Churchmen, but the denominational principle was mainly acted upon throughout England. If that position were a good one it seemed to him to be absolutely essential, in order that the unity and efficient working of those institutions might be duly promoted, that they should be managed by persons holding the same religious tenets as the children for whose education they provided. It was all very well to say that a Dissenter better suited for that management by his general character and the estimation in which he was held by his fellow citizens than a Churchman whose reputation was not so good, might be found, but it should be borne in mind that the religion of the former, if he were really the excellent man he appeared to be, must be presumed to be pervaded by sincerity and earnestness; that he must be supposed conscientiously to condemn the doctrines of the Church from which he dissented, and that his views and objects must be regarded as in entire antagonism to the religious teaching in those schools, with a share in the conduct of which some hon. Members seemed so solicitous that he should be intrusted. It was, of course, true to say that there were Churchmen whose lives were not in conformity with the creed which they professed—few men's lives were—but, then, so long as they were externally in communion with the Church, they must be looked upon as more interested in the maintenance of its doctrines than those who, upon principle, were opposed to their extension. It was rather curious that those who were the loudest in proclaiming the voluntary principle should be ever trying the hardest to get at endowments. It was, indeed, contended that the operation of the Bill could do no harm, Lady Hewley's case was an answer to that; but he should like to know what good it would effect? It was supported, on the one hand, on the ground that it would prevent litigation; while, on the other, it was argued in its favour that the trustees of schools—differing, be it borne in mind, in religious opinions, as in many instances must be the case—would be under the control of the Court of Chancery. Now, whence he should ask arose the necessity for the proposed change in the law? How far was it proposed to carry the doctrine which the Bill embodied? Was it intended to apply it to wills and instruments of that description; thus providing that the real intentions of testators might never be carried out at all? The arguments that had found weight with the Wesleyans ought to find weight with all other Dissenters. What said Mr. Perceval Bunting, in a correspondence with the hon. Member for Leeds on another subject, with respect to this Bill—

> "I have just read a Bill, which if I read it rightly, in a single clause redolent of mischief and injustice, proposes to enact that unless the deeds declaring the trusts of your chapel or of that belonging to my denomination in Brunswick Street have been so carefully drawn as to declare the contrary, the profession of the Roman Catholic religion shall not for the future be a disqualification for the trusteeship of either chapel. Where are we to stop?"

If it was not expressly laid down in the deed relating to any proprietary chapel that the trustees were to be of a particular religion they would be liable, instead of orthodox Evangelical trustees, to have trustees whose religious opinions were ever changing. For his own part, he objected to the Bill very strongly in itself; but he was still more strongly opposed to it viewing it in connection with all those other measures of a similar class, the discussion of which rendered Wednesday the most disagreeable day in the proceedings of that House. He should beg the supporters of such measures to pause in their career, and not to attempt to strip the Church of that which lawfully belonged to it, and which it used for the best purposes. Having given them that advice, he should only add that he should cordially support the Amendment of his hon. and learned Friend the Member for Cambridge.

Mr. DILLWYN deprecated the language which had in the course of the discussion been used by the opponents of the Bill, as not tending to foster that spirit of conciliation which they professed to be anxious to promote. Language almost offensive had been applied to the hon. Gentlemen supporting the Bill, and they were charged in a very broad manner with the most evil designs. No notice had been given to him of the opposition to his Motion for going into Committee on the Bill. The Bill having been fairly argued on the occasion of the second reading, after full notice, the day for it having been, indeed, fixed by arrangement with the opposition leaders, and having been then carried by a majority. He would put it, then, to hon. Gentlemen opposite, whether it was, consistent with the usual practice of the House, or likely to promote harmony amongst Members, practically to impose upon the supporters of the Bill the necessity of carrying the second reading over again, and, as in this case, by attempting to take members by surprise? It was not until the orders of the day had been circulated on the preceeding day that he learned that the Motion for going into Committee was to be opposed, notwithstanding that he had taken every means to ascertain the intentions of his opponents. He had not come down that day prepared to argue the question upon legal grounds, for he had regarded the principle of the Bill as recognised. Still he should have no difficulty in furnishing evidence as to the grievance of the existing law. He, therefore, would express a hope that the House would not sanction the course taken by the hon. and learned Member for Cambridge University, but would at once pass to the consideration of the Bill in Committee. He denied that the Bill was one of spoliation, and asserted that its only object was to do an act of justice to Dissenters. In reply to the appeal which had been made to him to point out the grievances which existed under the law as it now stood, he would refer to two cases which had recently arisen, one in the city of Exeter, and the other in the town of Tenterden, and which showed that the Church had of late years assumed an aggressive attitude towards the rest of the community. In the Exeter case, the rector of the parish in which the foundation existed, although the trust deed expressly declared that the trustees should consist of "the chiefest of the inhabitants of the said parish," had secured the appointment of gentlemen who were not only not among the chiefest of the inhabitants of the parish, but who were actually not inhabitants of the parish at all, and had persuaded the Charity Commissioners to set aside the names of another set of gentlemen, on the ground that some of them were Dissenters, although they were all inhabitants of the parish, and although he had himself in the first instance concurred in their appointment as trustees. In the Tenterden case, although there was some reason for believing that the testator was himself a Dissenter, and although it was quite certain that one of the first set of trustees was a Dissenting minister, the clergyman of the parish had endeavoured to convert the foundation into a Church school, thereby giving rise to a vast deal of disturbance and litigation, and the matter had not yet been finally settled, though he believed a compromise more or less satisfactory was in course of being effected. He denied that he had ever joined in unprovoked attacks upon the Church, or that he had any wish to deprive her of the property which rightfully belonged to her. Since he had been in that House he had mixed himself up pretty constantly in these so-called attacks on the Church. But what were those attacks? The questions of church rates, of the burial of Dissenters in consecrated ground, and of endowed schools, were the three most important questions he could at that moment call to mind. In the case of church rates the attack began on the part of the Church, and the same might be said with respect to the other two subjects. So far as he had seen the Church had ever been the assailing party, and all these measures were those of defence and not aggression. He regretted that the Church had assumed an insolent tone of superiority over the rest of the community, and earnestly desired that she should amend her services, abandon all projects of aggression, and act in future with the humility and charity prescribed by her founders; as by so doing she would best vindicate her own position, and would, as he believed, soon find herself recovering the ground which he was sorry to think she was fast losing in public estimation. He had no reason to be ashamed of his connection with the Liberation of Religion Society, which he had always found to be fair, conciliatory, and trusted that the Church, instead of attributing the worst motives to others, would recognize the necessity of discarding a policy which was as injurious to herself as it was dangerous to the peace of the country.

Lord ROBERT CECIL said, he regretted that the debate had become rather a defence of the hon. Gentleman who had just sat down than a vindication of the Bill before the House. The hon. Member, it appeared, regarded the Liberatian Society as fair, moderate, and conciliatory.

Mr. DILLWYN said, he thought he had not used the word "moderate."

Lord ROBERT CECIL said, he was sorry to say that his recollection differed from that of the hon. Gentleman; but he was glad to know that in his calmer moments the hon. Member acknowledged that the Liberation Society was the reverse of moderate.

Mr. DILLWYN said, he did not acknowledge anything of the sort.

Lord ROBERT CECIL said, he would take the liberty of advising the hon. Member, if he wished to carry either the present or any other Bill, not to give the House the impression that he was less moderate, less conciliatory, or less fair than the Liberation Society. The hon. Member had complained that sufficient notice was not given to him of the opposition to his Motion for going into Committee. Did the hon. Gentleman really suppose that any stage of a Bill which proposed to strip the Church of all her endowed schools, and the second reading of which was carried by a bare majority of seven, would be allowed to pass undisputed? He could not say that the hon. Member had been fortunate or happy in the selection of his cases of grievance under the existing law. In the Tenterden case a clergyman of the Church wanted to do precisely that which the present Bill, if passed, would enable every Dissenting minister in the country to do—namely, to change the character of a trust, and thereby to create no end of confusion and bad feeling. But the accusation which seemed to have given most offence to the hon. Gentleman was that of rapacity and irreligiousness in education. How far was that charge justified by facts? Dissenters constantly asserted that they would not take advantage of their position as trustees to propagate their faith; but he might ask whether that character of Dissenters was borne out by what was seen of them even in that House. He had no hesitation in saying that the Dissenting Members, as a rule, were restrained by no ordinary scruples, and left no stone unturned when they wished to effect a purpose, and that they never neglected an opportunity to assail the Church, to shorten her privileges, and to seize her property, and, directly or indirectly, to propagate their own tenets. That which the hon. Member for Sheffield (Mr. Hadfield) was ready to do in his place every Dissenting Minister in every part of the country would do whenever an occasion presented itself. Such a course, no doubt, would be honestly taken as being in accord with their principles, but still it was a course which would be detrimental to the Church. What, then, would be the consequence when

Dissenters became trustees of schools? Why that if Dissenters were admitted they could no longer exclude Roman Catholics from the trusteeship of those schools. And yet those who knew the ardour with which, in and out of season, Roman Catholics propagated their faith would agree with him that no sincere and earnest Roman Catholic could be the trustee of a school without trying to colour with his peculiar doctrines the teaching of that school. Other Dissenters would do the same, because they were honest men, dissenting from the Church, not merely to spite their neighbours, or because it was an amusement to dissent, but because they believed there was some error or falsehood in the Church which they were bound to rectify if they could. What, again, would be the effect upon the designs and intentions of testators? Where the trust deed had left the matter in doubt—when nobody could say with absolute certainty what the testator meant, and still less what he would have meant if he had lived at the present day—it might be taken for granted that one object which the testator could not have had in view was the teaching of a divided, mutilated, emasculated religion, such as would follow the introduction of Dissenters into trusteeships. Dissenting trustees, by cutting off a little here and paring away a little there, would convert the religion now taught in endowed schools into a sort of negative faith, presenting nothing plain to the eye or solid to the grasp, which to children would not be much better than no religion at all. He regarded the present Bill, therefore, as one of spoliation, not merely because it affected the property of the Church, but likewise because it applied endowments to purposes which the testators would have least desired—to the teaching of a kind of vague philosophy, most hostile to a definite faith, and most certainly ruinous to the interests of true religion. It had been said, indeed, that few changes would follow the proposed alteration of the law, but those who knew the practical character of the hon. Member for Swansea would admit that he would not push forward his Bill with so much earnestness and zeal if he believed it would have no result. The Bill would operate extensively, not only because Dissenters were honest men and anxious to propagate their faith, but also because there existed a society whose duty it would be to take care that it should not remain a dead letter. The Liberation Society took advantage of every loophole. Only a fortnight ago it put an advertisement in *The Times* exhorting every parish throughout the kingdom to oppose the imposition of churchrates to the utmost extent of its power. He was not going, of course, to discuss the churchrate question; but the fact he had mentioned proved the utter recklessness of the Liberation Society in the means which it used and the passions to which it appealed. It did not care how much harmony it might destroy, how much wholesome Christian worth it might interrupt, how much confusion and ill-feeling it might create, if it could only advance one inch nearer the attainment of its own political designs. What it had done in the case of churchrates it would do in the case of endowed schools. Let the House pass the present Bill legalizing the election of Dissenters to trusteeships, and it would throw a firebrand into every parish where there was an endowed school to be contested. The Liberation Society would issue its mandates, its professional agitators would be set in motion, no money would be spared, and every conceivable legal quirk and quibble would be employed in order to give the keenest possible edge to the weapon which Parliament was now asked to provide; and the result—the inevitable result—would be the destruction of pure religious teaching in every endowed school throughout the country.

MR. HADFIELD said, he wished to ask where the attempt had been made by Dissenters to touch property not belonging to them? What was the rapacity alleged against them? In his opinion the question was far less one of property than of prestige. The Dissenters did not seek to lord it over Churchmen, as Churchmen lorded over Dissenters, but they did claim to enjoy the same rights. Why not abolish the profane Declaration Test Act and get another put on the Statute Book, requiring every Dissenter to take off his hat in the presence of a Church of England man? This would be better than profaning the name of the most High as was now done—and then they would know what to do. The supposition seemed to exist that Dissenters were a very peculiar people. The noble Lord (Lord Robert Cecil) evidently thought that the term "Churchman" implied a honester and a better man than a Dissenter — that he was a superior and more moral man. A clergyman so stated before a Committee of the House of Lords, but he admitted, it might be, he was prejudiced. It was true that they wanted the church rates abolished. Was there any rapacity in that? Had there been no rapacity on the other side? Had distress warrants never been levied in the houses of Dissenters, and their furniture and even a sick man's Bible, sold to pay these rates? Had no rapacity been exhibited there? Did any one hear of Dissenters oppressing any class of Her Majesty's subjects in their religious worship? The noble Lord was very much displeased that Dissenters should be nominated trustees of a grammar school. Why, the Court of Chancery had nominated Dissenters. In the case of the Manchester Grammar School which had been founded by a Roman Catholic Bishop a complaint had been made of the bad management of the school by the trustees who were Churchmen, and a decree was obtained against them, and they were removed, and the Court appointed six Churchmen and six Dissenters as trustees—and the school was conducted in a business-like manner, and better than it had been before. He reminded the House that Dissenters had existed in England ever since Protestantism had existed, and they had always relied on their own efforts to maintain their institutions. They neither cared for nor wanted any endowments. It was a fact worthy of consideration that out of the 25,000 places of worship that Dissenters had in Great Britain, only 100 or 200, and those were of old standing, had received an endowment, and even these were from private benevolence. In more modern times the Dissenters did not endow their places of worship, but trusted to the voluntary principle.

Mr. ADDERLEY said, he must deny that there had been any understanding that no objections should be made to the Bill in its present stage. The hon. Member had introduced a Bill upon the same subject in 1859, when there was something like a real grievance to be dealt with; but that Bill, upon being referred to a Select Committee, was so changed—all the clauses and lastly the preamble being recast—that the hon. Member declined to proceed with it. In 1860 the hon. Member introduced another Bill, but failed to carry it; and, in the same Session, a Bill was passed by Lord Cranworth which removed the real grievance that did exist, and permitted the children of Dissenting parents to receive the benefits of endowed church schools withdrawing their children if they pleased from the religious instruction. But upon that very concession the hon. Member based his demand upon the present occasion, contending that, as the children of Dissenters were now to be admitted to the schools, Dissenting trustees should be admitted to look after their interests. The adoption of such a principle would not fail to eliminate all religious instruction from the schools. Upon a former occasion the hon. Member, when asked what was to be done when there was a difference among the heterogenous trustees as to the nature of the religious teaching to be imparted, had replied, "Let it be put to the vote." But was it intended that the religious doctrines taught should be ever varying—fluctuating according as the majority of trustees adopted one set of views or another? It was said that the foundations were in many cases originally Roman Catholic, and had been transferred to the Church of England; but that was no reason why the schools should be opened to every species of Dissenters. The religion of the country was at that time Roman Catholic, and when it ceased to be so the schools as Church of England schools ceased to be so also, just as they would to-morrow become Roman Catholic schools again if the national religion became again Roman Catholic. There was a more important principle involved in the Bill bearing on law rather than religion, and he appealed to the Government, and to the law officers of the Crown, to say what the effect of it would be. Is a whole class of questions in litigation to be deprived of the ordinary rules of evidence which are still to be used in all other cases? A petition, unanimously adopted by the Wesleyan Conference, had that morning been presented against the Bill, which that body had declared would endanger their own institutions. The right hon. Member for Calne (Mr. Lowe), who was not then present, was the only member of the Government who had spoken upon the subject, and upon a former occasion that right hon. Gentleman had said that the Court of Chancery ought to be allowed to exercise a discretion as to the eligibility of trustees, and that, as the children of Dissenters were admitted to the schools, Dissenters should be allowed to become trustees. With such views he (Mr. Adderley) could not regard the right hon. Member as a safe Minister of Education, nor as one who ought to be charged as he was as the Parliamentary Charitable Trust Commissioners with the interests of all charitable trusts. The Bill itself was short, consisting only of one clause; but of all Bills one-clause Bills were the most suspicious. They have, however, the advantage of immediate contrast between the preamble and the Bill; and in this case the preamble referred to certain imaginary doubts for which the Bill enacted a certain legal violence. The hon. Member for Swansea had repudiated all connection with the Liberation Society; but he had unconsciously, perhaps, acted and spoken distinctly as their agent. To that society Churchmen were more indebted, than to any other body in the kingdom. It had rendered the abolition of church rates impossible, and caused every subject which it had taken up to be regarded with disgust by the country, as nothing was so hateful to the Englishman in general and to this House in particular as a body, in a large and central town, seeking by noise, money, and agitation to represent itself as the organ of public opinion.

Mr. BALL said, his speech would probably be thought to tell one way, while his vote would be the other; but for that anomaly, if it existed, he could quote many precedents in that House. He must say he had been very much influenced by the representations of the Wesleyans—a very numerous and respectable body, always prominent in forwarding the religious welfare of the country. When that body intrusted their petition to the hon. Gentleman behind him it evinced a trust in him, notwithstanding the religious differences between them, which did them and him honour; and the statement of the Wesleyan body must have great weight in forming any opinion upon the subject, when they said that the measure was highly objectionable, and might admit trustees into their schools who were quite of a different persuasion to those who founded the endowment. He would not join in any disparaging remarks on the Dissenters. His impression was that if it had not been for the Dissenters the Church would not have been in anything like its present state of efficiency. He thought, however, that the Bill having been read a second time, and a division having been taken, the hon. Member for Swansea was justified in asking the House to go into Committee, and he should support that Motion, though at the same time he admitted that he had some doubts as to the wisdom and propriety of the measure, because he was afraid that a hostile feeling might be created among trustees of charities, which he feared might drive many of those charities into the Court of Chancery.

Mr. HENLEY said, the hon. Member who had just spoken had offered a signal example of a speech going one way and the vote another. A speech more condemnatory of the measure he had never heard. What had been stated quite justified the Amendment moved by the hon. and learned Member for the University of Cambridge. When an hon. Member said that between the second reading and the present stage of the Bill circumstances had come to his knowledge that induced him wholly to change his opinion of the measure, the same reasons might have acted on other hon. Members also. It was, therefore, quite legitimate to give those hon. Gentlemen an opportunity of expressing their changed opinions by their votes. The hon. Member for Swansea (Mr. Dillwyn) had informed the House that he had received many communications since the Bill had passed its second reading, and he had referred to the case of the charities, one at Exeter, and the other in the county of Kent. The first case which the hon. Member had quoted did not bear much upon the Bill; but he (Mr. Henley) wished to refer to the one that had occurred in Kent. There a school had been built, partly by the aid of the National Society, but when it was completed, it was found that it was built upon land belonging to the Dissenters. Application was made to the Master of the Rolls, and his decision very properly was that the school could not be held to be a Church school. At the last meeting of the National Society, at which he (Mr. Henley) was present, the case was brought forward, and they concurred in thinking that the Master of the Rolls had acted rightly. Why then, he would ask, should the attempt be made to deprive the Court of Chancery of the power of dispensing justice? He thought the better way was to scotch evil at the head. He did not like to hear these cases argued in the interests of the Church or of dissent. He thought that such questions ought to be left to the ordinary Courts of Law for decision; they would interpret justly the documents laid before them. The House should not attempt to meet special cases by a partial Bill. There should be no special exemptions from the law. He was very glad the hon. and learned Member for Cambridge had given them another opportunity of voting on the Bill. The whole difficulty arose from the House having, by the "conscience clauses" of the Bill of last year, admitted the children of Dissenters to endowed schools. Now, Dissenting trustees were demanded for the endowments. That was a warning how they took the first steps in questions of this kind. He felt the difficulty, because the governing body of schools ought to be of the same religious principles that were to be taught in them. It was a modern fashion to proclaim that young people were to have no principles; but he hoped that theory would not spread. If children did not acquire religious principles when they were young they would never get them at all. He had no faith in the principles acquired in after life. The governing body of a school ought to be sound; if they mixed up principles as opposite as oil and vinegar the result would be the children would have no religious education at all. He should heartily support the Motion of his hon. and learned Friend against going into Committee on the Bill.

Mr. BUXTON said, that he had intended to support the Bill, but the discussion had had the effect of compelling him to oppose it. He did not think the advocates of the measure had made out any case. The greater part of the endowments were left to the Established Church, and Dissenters had no right to control them. It appeared to him that it would be a great evil to have the question of religious instruction in the schools decided by a majority of trustees. The only grievances of the Dissenters had been removed by the Bill of last year; they had nothing to complain of that made a sufficient ground for establishing a claim on these Church endowments.

Mr. WHITESIDE said, he hoped that the example of the hon. Member who had just spoken would weigh with other Members who had acted upon mistaken views on this question. He rose, however, to complain that the Government had not afforded the House the assistance of the advice of the law officers of the Crown on a measure that affected the institutions of the country and revolutionized the law of evidence. Suppose the hon. Member for Sheffield (Mr. Hadfield) wished to found a charity based on his hostility to the Church of England, but had not expressed his opinions in his will, when he was removed from the scene of his labours, what would he think if the Court of Chancery, in construing that will, did not in order to ascertain his intent take into account evidence of the hon. Member's opinions, life, and conduct? Why, it would be enough to make his ghost rise to rebuke it. If the language of an endowment was ambiguous, the courts of law interpreted it by reference to the usages of the time and the opinions of the testator. Now it was proposed that whenever nothing was distinctly said in the will or deed these rules of evidence should be overthrown, and principles of interpretation introduced that were contrary to reason and justice. He hoped the House would negative the Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 171; Noes 200: Majority 29

List of the Ayes.

Adair, H. E.
Agar-Ellis, hn. L. G. F.
Alcock, T.
Antrobus, E.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Ball, E.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beaumont, S. A.
Bellew, R. M.
Biggs, J.
Black, A.
Blake, J.
Bouverie, rt. hn. E. P.
Brady, J.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buller, J. W.
Buller, Sir A. W.
Burke, Sir T. J.
Butler, C. S.
Caird, J.
Carnegie, hon. C.
Cavendish, hon. W.
Cavendish, Lord G.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clive, G.
Cogan, W. H. F.
Coke, hon. Col.
Coningham, W.
Craufurd, E. H. J.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Col. F.
Denman, hon. G.
Dent, J. G.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duff, Maj. L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Dundas, F.
Dundas, rt. hn. Sir D.
Dunkellin, Lord
Dunlop, A. M.
Dunne, M.
Enfield, Visct.
Ennis, J.
Evans, Sir De L.
Evans, T. W.
Ewart, J. C.
Fenwick, H.
Fermoy, Lord
Finlay, A. S.
Fitzwilliam, hn. C.W.W.
Foley, H. W.
Foljambe, F. J. S.
Forster, W. E.
Fortescue, hon. F. D.
Fox, W. J.
Freeland, H. W.
French, Col.
Gard, R. S.
Gavin, Major
Gilpin, C.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Greene, J.
Gregory, W. H.
Gregson, S.
Hadfield, G.
Hanbury, R.
Hankey, T.

Hardcastle, J. A.
Headlam, rt. hn. T. E.
Henley, Lord
Hodgson, K. D.
Holland, E.
Jackson, W.
Jervoise, Sir J. C.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Knatchbull - Hugessen, E.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Locke, J.
Lysley, W. J.
M'Cann, J.
MacEvoy, E.
Mackie, J.
M'Mahon, P.
Maguire, J. F.
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
Onslow, G.
Owen, Sir H. O.
Padmore, R.
Paget, C.
Paxton, Sir J.
Pease, H.
Peto, Sir S. M.
Pigott, Serjeant
Pilkington, J.

Pollard-Urquhart, W.
Ponsonby, hon. A.
Powell, W. T. R.
Pryse, E. L.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, O.
Robertson, D.
Roupell, W.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Seymour, Sir M.
Shelley, Sir J. V.
Smith, J. B.
Stacpoole, W.
Stansfeld, J.
Steel, J.
Sykes, Col. W. H.
Talbot, C. R. M.
Thornhill, W. P.
Tollemache, hon. F. J.
Villiers, rt. hn. C. P.
Vivian, H. H.
Vyner, R. A.
Waldron, L.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'Ghie
Williams, W.
Wrightson, W. B.
Wyvill, M.

TELLERS
Dillwyn, Mr.
Mellor, Mr.

List of the NOES.

Adderley, rt. hn. C. B.
Ashley, Lord
Astell, J. H.
Baillie, H. J.
Baring, A. H.
Barrow, W. H.
Barttelot, Major
Bathurst, A. A.
Bathurst, F. H.
Beach, W. W. B.
Bentinck, G. W. P.
Bentinck, G. C.
Beresford, rt. hon. W.
Bernard, T. T.
Bond, J. W.
Botfield, B.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Buckley, Gen.
Bunbury, Capt. W. B.
Buxton, C.
Cartwright, Col.
Cave, S.
Cayley, E. S.

Cecil, Lord R.
Clive, hon. G. W.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Collins, T.
Copeland, Mr. Ald.
Corry, rt. hon. H. L.
Cubitt, G.
Curzon, Visct.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Du Pre, C. G.
Dutton, hn. R. H.
East, Sir J. B.
Edwards, Major
Egerton Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.

Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
FitzGerald, W. R. S.
Forde, Col.
Forester, rt. hon. Col.
George, J.
Getty, S. G.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, J. R. O.
Gore, W. R. O.
Greenall, G.
Gray, Captain
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Major
Hamilton, Visct.
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hennessy, J. P.
Hervey, Lord A.
Heygate, Sir F. W.
Heygate, W. U.
Hill, Lord E.
Holford, R. S.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Johnstone, hon. H. B.
Jolliffe, rt. hn. Sir W. G. H.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
Knatchbull, W. F.
Lacon, Sir E.
Leader, N. P.
Leeke, Sir H.
Legh, Major C.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. G.
Leslie, W.
Liddell, hon. H. G.
Long, R. P.
Longfield, R.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Macaulay, K.
M'Cormick, W.
Macdonogh, F.
Mainwaring, T.
Malcolm, J. W.

Manners, rt. hn. Lord J.
Miles, Sir W.
Miller, T. J.
Mills, A.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Naas, Lord
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Parker, Major W.
Patten, Col. W.
Pevensey, Visct.
Philipps, J. H.
Phillips, G. L.
Pritchard, J.
Puller, C. W. G.
Quinn, P.
Ridley, Sir M. W.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Sclater-Booth, G.
Seymer, H. K.
Shirley, E. P.
Sidney, T.
Smith, M.
Smith, A.
Smith, S. G.
Smyth, Col.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stirling, W.
Stuart, Lieut. Col. W.
Stracey, Sir H.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Tottenham, C.
Trefusis, H. C. H. R.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walter, J.
Watlington, J. W. P.
Whiteside, rt. hon. J.
Whitmore, H.
Woodd, B. T.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Col.

	TELLERS.
Wynn, Sir W. W.	Selwyn, Mr.
Yorke, hon. E. T.	Beecroft, Mr.

Words *added.*

Main Question, as amended, put, and *agreed to,*

Committee *put off* for six n ths.

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. MONCKTON MILNES moved the second reading of the Marriage Law Amendment Bill.

Motion made, and Question proposed,—"That the Bill be now read a Second Time."

MR. HUNT said, he rose to move the following Amendment to the Motion:—

> "That, in the opinion of this House, any measure that would have the effect of placing the Law of Marriage, with regard to the prohibited Degrees, on a different footing in different parts of the United Kingdom, would be highly inconvenient."

He took leave to say that his Amendment was addressed to those hon. Members who, agreeing with the principle of the Bill, might yet be induced to think that it ought not to be carried out in its present shape until the common opinion of the United Kingdom agreed with them; and he ventured to urge that the clause which provided that the Bill should not extend to Scotland or Ireland, would create such an anomaly that they had no right, for the purpose of carrying out their views, to disregard it. He did not intend to confine his remarks to the particular ground of objection pointed out by his Amendment, but in arguing the question generally it must be understood that he had to presume the arguments which would be used in favour of the Bill, as the House had not been favoured with them during the present Session. It might be said that his Amendment was a question to be considered in Committee. But was that so? The Bill proposed an important alteration of the law of marriage, to be confined in its operation to one part of the United Kingdom. And why? Because its promoters well knew that their only chance of carrying it was by confining its application to one part of the United Kingdom, and, having so far succeeded, to extend its operation to the other parts. Without the limiting clause they would have no chance of success, for if they struck it out they would have to encounter a fierce opposition from Scotland and Ireland. If the Bill passed in its present shape, it would be possible for a man by marrying his deceased wife's sister to have a lawful wife in England and another in Scotland; for in Scotland the English wife, in such a case, would be no more than a concubine. That he stated on the authority of Vice Chancellor Sir Page Wood. He appealed to the Scotch and Irish Members. He warned Scotch and Irish Members that if they allowed the Bill to pass it might be extended to their own countries, and he hoped they would help him to throw it out. He did not intend to enter into the Scriptural arguments in regard to the Bill, as such a discussion might be inconvenient in that House. He said that marriage with a deceased wife's sister was prohibited by the laws of this country on the ground that it was contrary to the law of God, and in support of that view he referred to the decision of the Lord Chancellor in the recent case of Brook *v.* Brook. Lord St. Leonards expressed a similar opinion, and it was decided that such marriages were contrary to the law of England. A very large portion of the people of this country were of the conscientious opinion that they were contrary to the law of God. That such was the case was shown by the petitions which had been presented, by the fact that the Lower House of Convocation declared against these marriages with only two dissentients, and that Scotland and Ireland were almost unanimously opposed to the measure. Those persons who did not take that view ought to respect the conscientious opinions of their fellow-subjects, and not force on the country a law which they believed to be unscriptural. If the Legislature passed a law which was opposed to the scriptural and conscientious convictions of a large majority of the people of England, all laws would be weakened and their authority impaired. One great argument which had been used in favour of former Bills was that in hundreds of cases the law had been broken, and, therefore, to prevent the law from being broken it was advisable to alter it, and that a great many persons were now living in concubinage with their deceased wives' sisters. If that argument were to be allowed, Parliament ought to go a great deal further, and marriages within the degrees not only of affinity but of consanguinity, ought to be sanctioned. Then it was said to be a poor man's question, but he distinctly denied it. The cases where poor men had married their deceased wives' sisters were very few. Owing to females in the lower walks of life marrying more frequently at an earlier age than those of the middle-classes, it it was not often that a poor man with a a family married the sister of his deceased wife. He would refer to the Commission appointed in 1847 to inquire into the subject. Professional gentlemen were employed by those who were personally interested in procuring the alteration of the law as proposed by this Bill, and they gave evidence of 1,648 cases that they had ascertained in which the law as they said was a hardship and it was found that out of the 1,648 cases of this kind there were only forty labourers and mechanics who had formed such a connection. The fact was that it was an upper and middle-class question, for a poor man could rarely obtain the services of his deceased wife's sister, and generally employed his own mother or his wife's mother to look after his family. The House should remember that if they gave relief to hundreds by passing such a Bill, they would produce much greater social misery and inconvenience to thousands of the rest of the community. All that familiar and pure intercourse between a man and his sister-in-law, to which at present no censure could attach, would be at an end; and in hundreds and thousands of cases women would be prevented by delicacy from taking charge of the children of their deceased sister. It was said that the sister of a deceased wife was the natural guardian of that sister's children. Was she a worse guardian as their father's sister or their father's wife? And if she became a wife did she not at once become the *injusta noverca*, whose reputation was proverbial? If a man was permitted to marry his deceased wife's sister, why not her mother, her aunt, her neice, or her daughter by another husband? Where was the line to be drawn? And, taking the converse of the case, why should not a woman, then, marry her husband's brother? He challenged the promoters of the Bill to answer that question. He objected to the Bill because he believed it was opposed to the conscientious opinion of a majority of the people of the country, and because he believed the social inconvenience it would cause would be much greater than the advantages it professed to confer; and, lastly, because by the restriction of its operation to England only it would create a most inconvenient anomaly. It was, therefore, a Bill which the House had no business to sanction.

Mr. KER SEYMER seconded the Amendment.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, any measure that would have the effect of placing the Law of Marriage, with regard to the prohibited Degrees, on a different footing, in different parts of the United Kingdom, would be highly inconvenient,'"—instead thereof.

Mr. PEASE said, that, judging from the petitions which had passed through his hands on this subject, he thought the advocates of this change rested it upon moral and social grounds. He would not enter into the theological argument further than to say that, as far as Providence had given him the power to read the plain instructions of the Bible, he could not see the law contained in it which prohibited those marriages. As to the moral part of the question those parties who were in favour of the Bill composed a large portion of the respectability and morality of the country. Their testimony ought to be regarded, and a consideration shown for their social interests. As to the expediency of the Bill, what was founded upon a right interpretation of the Scriptures, and was morally for the benefit of the community, must be expedient, and, therefore, he felt bound to give his support to the Bill. He would refer the hon. Member who introduced the Amendment to some remarks which had been made on the subject by the late President of the Poor Law Board.

Mr. KER SEYMER said, that he had hoped that after the departure from the House of Mr. Stuart Wortley, who used to represent those gentlemen who were anxious to marry the sisters of their wives, they should have heard no more of this painful subject. A society had, however, been formed for the purpose of keeping alive the agitation. Constant advertisements in *The Times* and offices in Parliament Street were expensive luxuries, and proved that the persons who composed that society were at any rate wealthy. These advertisements stated that those marriages might be contracted in Denmark, and would be viewed as legal in this country. Now, that was a mistake; and such statements had already occasioned considerable evils and disappointment. Who proposed this marriage law amendment? The only information afforded on this point was by an advertisement signed by an M.A. and Hon. Secretary. A society had now been formed for preserving the law, and its members at least were not ashamed of their names and of their organization. Their president was the Dean of Westminster; they had on their committee noblemen, gentlemen, and clergymen, and on two occasions they had met in Willis's rooms large assemblages of their countrymen and countrywomen, who had given an unanimous opinion against any alteration of the law. ["Hear, hear!"] He could understand that cheer. True, a few persons had been refused admission, but they were turned back by the detective police; and he did not suppose that hon. Gentlemen opposite would wish that those who differed from them in opinion should have their pockets picked. Certainly the Marriage Law Reform Association had been very fortunate in obtaining the services of able and eloquent men in that House; but, somehow or other, they had not retained those services. Mr. Stuart Wortley, having been unable to get returned for an English constituency was elected for a Scotch county, and thereupon he ceased to advocate the cause of those who wished to marry their deceased wives' sisters. So with the noble Lord the late Member for Norwich (Viscount Bury), who took refuge with a Scotch constituency, and whose name no longer appeared on the back of the Bill. Probably he would not even be found in the division lobby; and if the hon. Member (Mr. Monckton Milnes) should ever be so unfortunate—which God forbid!—as to be rejected at Pontrefract and have to seek a Scotch constituency, he too would abandon this great question of social justice and this poor man's question. He (Mr. Ker Seymer) refrained from entering into the religious arguments, not because they were abandoned, but because the House of Commons was of all assemblies in the world that the least suited for such a discussion. The more the question was considered, however, the more strongly did it appear that these marriages were opposed to the Word of God. He would certainly not go through the chapter of Leviticus, but he could only say that, if these marriages were not forbidden in it, neither were many other marriages of affinity and consanguinity, and the rules there laid down were merely a string of unconnected and arbitrary prohibitions. While he would not deal further with the religious, he might be allowed to say a word or two upon the ecclesiastical question. In his opinion it would be very impolitic to place the law of the land in opposition to the law of the Church. Here was the "Table of Kindred and Affinity, wherein whosoever are related are forbidden in Scripture and our laws to marry together." But if the Bill passed it would be necessary to insert here that such marriages were forbidden by Scripture, but that some of them were allowed by law. For such a step there ought to be a strong necessity. If it were taken many persons would still be of opinion that these unions were opposed to the law of God; and clergymen would look upon parishioners who thus married as living in sin. These were only a few of the inconveniences which would follow a change in the law. He had stated what was the opinion of the Church of England; and the Church of Scotland, in the Scotch Confession of Faith, laid down the law with particular clearness, declaring a man might not marry any of his wife's kindred nearer in blood than his own, nor the woman any of the husband's kindred nearer than her own. It was said, "Oh, but the prohibition is only one of councils, and canons, and Popes, and is not based on the Bible;" but there was no church which cared less about councils, canons, or Popes than the Church of Scotland, which yet declared that in marriage consanguinity and affinity were identical. Again, he had heard it said, "This is a Puseyite objection." Well, if so, the Archbishop of Canterbury and the Earl of Shaftesbury were Puseyites, as well as the whole Scotch nation, which was absurd. With regard to the Roman Catholic Church, these marriages were for many ages considered contrary to the law of God; and the first dispensation in respect to them was granted by the infamous Pope Alexander Borgia. But dispensations were now equally granted to the marriage of an uncle and niece; and, therefore, the Roman Catholic Church on that question was no guide to them, although he believed that the Roman Catholic population of the British Islands were strongly opposed to unions with a deceased wife's sister. It was said that these marriages were made illegal by Lord Lyndhurst's Act, but they had been always illegal, and were before that time not only voidable but actually void. They were blamed for calling such marriages incestuous, but when so pertinacious an attempt was made to procure a repeal of the law, it was necessary to call things by their right names. Nor could he in any way assent to the argument that as the law was not obeyed, therefore it ought to be altered. The fact was that the law had never had a fair chance. As Lord Campbell observed, the people had been taught that these marriages were lawful, and then the breaches of the law thus occasioned were brought forward as a reason for altering the law. The recent decision in the case of "Brook *v.* Brook" had, it was said, made many thousands of children illegitimate. But who made them so? Who sent these unhappy persons abroad by means of a lying advertisement, which declared that marriages with a deceased wife's sister celebrated in Denmark were valid here? Many of the unfortunate women had, he was told, gone to the offices of the society, and complained there of the way in which they had been deceived. He deeply deplored their position, but he could not alter the law of England to please them. The fact that the law was only partially obeyed afforded no good reason for altering it. As to the Commission which had reported, there never was a more one-sided one. A witness examined before it, the hon. Member for Rochdale, said that he never met with a person out of Parliament who approved the existing law. Where could the hon. Gentleman (Mr. Cobden) have lived, if that was his opinion? The hon. Member was now in Algeria, but there could be no impropriety in stating that that gentleman's sister had formed one of these marriages, and that the hon. Member sanctioned and even strongly advised it. That, perhaps, accounted for his views upon this question, for, under such circumstances, no well bred person would be likely to express to him a disapproval of such marriages. Instead of public feeling being in favour of a change in the law there was a stronger opinion against the change outside the House than in it. If they altered the law because it was not obeyed they must sanction polygamy, inasmuch as there was said to be more cases of bigamy in the country than of these marriages. Were they going to sanction polygamy and all intercourse between the sexes which they could not prevent? If so, the whole morality of the country would be entirely destroyed. Had this been only a poor man's question, they should never have heard of it; but clergymen who had made inquires could find no such cases among the poor, and, if in Yorkshire they were of frequent occurrence, Yorkshire must be an exceptional district. Then, it was said that to forbid these marriages was an interference with natural right; but, if Parliament once went into the question of natural right, he did not know where they would be landed. What right had the Legislature to fix time and place and age with regard to marriage? What right had they to say that a person should not marry until twenty-one without the consent of the parents? That was a clear invasion of natural rights imposed by the State for the good of society; and the State for that end had a right to impose such restrictions. Now could they trust to the influence of civilization; for instances had been known of highly civilized communities who had permitted marriage between brothers and sisters of the half-blood, and other practices from which we should shrink with abhorence. It was said that a disconsolate widower turned to his wife's sister as the natural guardian of his children. But disconsolate widowers who married again did not seek guardians for their children, but wives by whom they might have another family. He thought that, instead of the children losing an aunt and finding a stepmother, it was much better for them to retain the aunt. Why, he asked, were the great majority of the people who obeyed the law to have their laws altered in order to meet the views of a comparatively small minority? No one had a right to call on them for such a sacrifice. It was said that to sanction such marriages would not make the least difference as regarded the whole nation; but a letter from a clergyman showed that in the United States this innovation had brought about a change for the worse, had prevented the unreserved communication which formerly took place between a man and his sister-in-law, and, instead, had introduced a painful constraint; and this gentleman added that the public mind had become alarmingly unsettled on the whole question of marriage, owing to the approval given in America to marriages of this sort. Then the example of Protestant Germany was quoted, but foreign Protestants had never furnished us with an example. Were we prepared to treat the Bible as they did, to spend the Sunday as they did, let our Government establish gambling places kept open the whole Sabbath, to give the facilities for divorce which existed in those countries, and to permit the marriage of an uncle and niece by consanguinity? Unless we were prepared to do this the practice of foreign Protestant countries could be no guide to England. We had unhappily much vice and much crime to lament in this country; but there was one thing in which we had no reason to envy foreign countries whether Protestant or Roman Catholic, and that was the relations between husband and wife. The Bill itself was in some respects better and in others worse than former Bills. It did not impose upon the clergy the alternative of disobeying the law of the land or the law of the Church, but it sent the parties to be married before the registrar. But it was worse, inasmuch as legalized *ex post facto* the marriages of those persons who had wilfully broken the law of the land. It would lead to all sorts of complications by excepting from its operation Ireland and Scotland. Some time ago the noble Lord the Foreign Secretary, anticipating what was now the common practice of his colleagues of speaking against a Bill and voting for it, made a speech in which he stated distinctly that if the Bill passed it would be impossible to stop here. If they considered the case of the man they would have soon to consider the case of the woman. That was an irresistable inference, and it was because he believed that this Bill was but the commencement of a downward course of legislation, in which he believed it would be found impossible to stop, that he earnestly entreated the House to say with regard to this Bill, what had been said on another occasion centuries ago, *Nolumus leges Angliæ mutari.*

Sir MORTON PETO said, he was desirous of stating the views of Nonconformists on this question; they were abont half the population, and their opinions were entitled to be heard. They were so far as he could ascertain, generally in favour of the proposed change, and they asserted that there was nothing in religion or morals contrary to such marriages. With regard to the social aspect of the question, he looked at it as principally a poor man's question. He did not know what it was with regard to the higher classes, to whom the hon. Gentleman who last addressed the House referred. He knew that among the people in his own employment the law was constantly violated; and he thought the hon. Gentleman could not have had much intercourse with the poor when he stated a contrary opinion. When a poor man lost his wife, and had five or six children to look after, he naturally turned to the wife's sister as the best guardian to place over them, and out of a feeling of gratitude eventually married her. This was the poor man's view of the question. It was not what the rich might think of it with regard to their own position that the House should so much consider, but what was best for the largest number of the people—and on this account he should warmly support the Bill. The hon. Member for Dorsetshire had referred to a recent unanimous meeting which had been presided over by Vice Chancellor Wood. It was easy enough to have an unanimous meeting when all who were admitted shared the same opinions. He was anxious to attend the meeting, and he presented himself at Willis's Rooms, but he was refused admittance, although he did not think there was anything in his appearance which should arouse the suspicions of the detective police to whom an hon. Member referred. He was asked if he had a ticket? He said, "No;" but he promised not to interfere. The door-keeper said, I am very sorry, sir, but I cannot admit you without a ticket," and pointed out a notice to that effect in the advertisement of the meeting. He added, "Are you in favour of the society? He (Sir Morton Peto) replied that he could not say he was. "Then," replied the man, "I cannot allow you to go upstairs." He (the hon. Baronet) had not the slightest objection to having meetings against the Bill, but let them not be paraded as having any particular bearing on the question as referred to as public meetings. The Dissenters thought with him. They found nothing in the Divine word against these marriages, and nothing had made them in any way inexpedient. On behalf, therefore, of the Nonconformists of England he called on the House to read the Bill a second time.

Mr. LYGON said, that he was able to say of his personal knowledge that tickets had been sent to the secretary of the Marriage Law Association, and it was, therefore, the hon. Gentleman's own fault if he had not provided himself with the ordinary means of admission to a public meeting. Reading over the Report of the Petitions Committee he had come across a curious petition, presented only three years ago to the House, which had not been printed nor noticed at the time in any way. It seemed so germane to the present matter that he would read it to the House. It professed to come from the communicants of a sect of Protestant Dissenters in the Royal burgh of Dundee. It began by setting forth—

> "That the sect whereof your petitioners are members believes that there is Scripture warrant for the continuance of the family institution as it existed in patriarchal and Jewish times—namely, the state in which the head of a family may have one or more wives. That your humble petitioners do not adopt such a principle from any other than the purest and most enlightened motives, and because they believe it to be in accordance with the Word of God; and, further, that your petitioners so long as they are resident in this land, and subjects of the Queen's Most Excellent Majesty, never will attempt contravention of its laws. That your petitioners would, nevertheless, respectfully state to your honourable House that they feel it to be a grievance that they should, by the laws of this well-governed realm, be debarred from exercising their rights of living in conformity to the dictates of their conscience; and that, while not wishing to impose their views on others, they yet think that others should allow them to live in conformity with their own views, and not impose their views on them. That your petitioners would call the attention of your honourable House to the fact that the prayer of this petition is not without precedent in Her Majesty's dominions—that is to say, Her Majesty's colonies, for that the Natives of India and other un-Christian subjects of Her Majesty, are permitted to have more wives than one. That your petitioners regretted to observe that the Bill which your honourable House passed into a law in your last Session for the better regulation of the laws of divorce and matrimonial causes, did not contain any such provision as would meet the peculiar case of your petitioners."

They then went on to pray—

> "Your honourable House to pass a law to remove these wrongs, by providing that if a man, the husband of one wife, shall present himself before a magistrate, and solemnly swear that his conscience believes the lawfulness of the Divine institution of polygamy, and he therefore wishes to marry another wife or other wives, the magistrate shall be empowered to issue a licence for the celebration of such marriage, which shall be a legal marriage, according to the law of this country, and the issue thereof legitimate; your honourable House annexing to the said law such provisions as your honourable House, in your wisdom, shall think fit and necessary to prevent its abuse. That thereby your honourable House will right the wrongs of a considerable number of Her Majesty's subjects, and approach one step nearer to absolute perfection in legislation."

That was exactly the train of reasoning used by the advocates of this Bill. They, in like manner, deny that the permission they seek was forbidden in the Bible; they allege the purity of their motives, and they dwell on the grievance to which they are subjected in not being permitted to act on their own conscientious opinions. If any one had intended to indite a pungent satire on the proceedings of the Marriage Law Association he could not have done it more neatly or concisely. Nothing certainly could exhibit in a clearer right the legitimate consequence of the arguments used in behalf of this measure.

Mr. DENMAN said, he was almost inclined to suspect that the hon. Gentleman, from the gusto with which he had read the petition to which he had referred, must have had some hand in its concoction. But that petition was presented either in earnest or in fun. If it were in earnest it evidently proceeded from the body called Mormonites, and it was hardly worthy of the serious matter in hand to impute to those who were in favour of the Bill that they were as wrong and erratic in their notions as the Mormonites. If it were in fun it was still less a subject for introduction on the occasion of the discussion of so serious a matter. Having given long and anxious consideration to the subject, he had come to the conclusion that the present law was inexpedient, and that it ought to be altered. The religious ground had almost entirely been given up by the opponents of the measure. Even Vice Chancellor Wood, in his recent pamphlet, did not lay much stress upon it, and all he would say upon it, therefore, was that he did not believe there was anything in Scripture to condemn them. It was not simply calling these marriages by the ugly name of incestuous which would make them so. By incestuous he had always understood that against which the feelings of the great majority of men revolted, or which was clearly forbidden by Scripture—but these marriages did not come within either of those categories. To say that the law had not had a fair chance was simply to affirm that it had not recommended itself to the feelings of the people, and, therefore, they had attempted to get rid of it. Had the corn laws a fair chance? For forty years we had kept up that great grievance, and it might equally in that case be said that the law had never a fair chance. The hon. Member for Dorsetshire (Mr. Ker Seymer) said if they altered the law in this respect they might as well have a Bill to allow bigamy; and the hon. Member who last addressed the House said they might as well introduce a Bill to legalize polygamy. But was it so? There were a million names to petitions in favour of marriage with a deceased wife's sister, whereas there had been but one petition in favour of polygamy, and not one in favour of bigamy. It was, therefore, an insult to the people of England to say that those who were in favour of these marriages were also in favour of bigamy and polygamy. He freely admitted that in this country there had been many cases where it had been a great blessing to a man on being deprived of his wife to be able to have her sister in his house to occupy her place, to take care of his children without any scandal, and he further admitted that this freedom would be impaired by the passing of this Bill—but he had taken pains to ascertain what was the feeling and practice in foreign countries where these marriages prevailed, particularly in Norway, and he found that there a sister-in-law could take the place of the mother with as little scandal as in this country. But if in making the proposed change they would lose something, society would also gain something. They would get rid of the concubinage which now existed to a great extent. The pamphlet of Vice Chancellor Wood, issued by the Marriage Defence Association, admitted the fact. It stated that among 40,000 people in the parish of St. Margaret and St. John, Westminster, there were three couples who acknowledged they had contracted these marriages. He thought this was no criterion for judging of the actual number, as there might be many living in that state who would not like to disclose the fact to a Vice Chancellor, or any other gentleman making the inquiry. But, taking it as the basis for a calculation, three marriages among a population of 40,000 would give them 1,500 for the whole country; so that they had 3,000 people who married in this way, or lived together unmarried contrary to the law. It might be said that people who violated the law were not entitled to sympathy; but was no sympathy to be felt for their children, who were in no way to blame. Surely they had a right to some consideration. The less they bastardised children the better, and, therefore, he should give his cordial support to the Bill, and hoped it would pass into law.

Mr. WHITESIDE said, that no one knew better than the hon. and learned Gentleman who had just sat down that the highest legal authorities had pronounced a strong judgment against the principle of this measure. At the time of the Reformation the marriages in question were declared to be null and void. Afterwards an opinion grew up that they were only voidable; and that state of things remained down to 1835, when Lord Lyndhurst's Bill, while confirming past marriages, declared that thenceforth such marriages should be void; in other words, re-enacted the ancient law of Henry VIII. After that law had passed persons went abroad to get married in countries where these marriages were legal; but the House of Lords had recently decided in the case of Brook *v.* Brook that persons thus temporarily changing their domicile did not get rid of the incidence of the English law. He could not bring himself to believe that the House would pass the Bill. Though we were supposed to live in an united emipre, and the law of marriage was the foundation of our social existence, Ireland or Scotland were excepted from the Bill. There was to be one law of marriage for England, and a totally different law for Ireland and Scotland. A man was to be married in England, and unmarried in Ireland or Scotland; and a child legitimate in one country was to be illegitimate in the other two. He was sorry the law officers were not here, they were sometimes present when there was no need of them and absent when their presence would have been desirable. The Government generally seemed to have abdicated its functions on Wednesdays and let the House of Commons do what it liked on those days with the laws and institutions of the country. Certainly there were many questions—the one before them among others—which were in much safer keeping in the hands of the House of Commons than with the Government. But surely on a question of that sort the great legal officers ought to be present to inform the House what would be the effect of the Bill on the laws of inheritance. A great legal authority had said it was necessary, in order to perfect the union of marriage, that the husband should take the wife's relations in the same degree to be the same as his own; and the wife *vice versa*. If they were to be the same persons as were intended by the law of God they could have no difference in relations; and, by consequence, the prohibition touching affinity must be carried as far as the prohibition touching consanguinity; and when they considered who were prohibited from marrying by the Levitical law, they must not only consider the mere words of the law, but the fair and just inference that might be drawn from them. Chapter XVIII. of Leviticus must, therefore, be expounded in the same way as in the table of de grees of the Reformed Church with regard to incest. Blackstone said the canonical disabilities were either grounded on the express words of the Divine law, or consequences plainly deducible from them. It was for those, therefore, who sought to set aside the law to adduce adequate reason; and that he thought had not been done. The great argument advanced in favour of the Bill was that it was habitually broken, but he could not accept that as a reason for a change in the law. That men disobeyed a law which was clearly expressed was only a proof that they would disobey any law, and not that the law should be repealed. The hon. and learned Gentleman had told them of a Norwegian friend who did not understand the usages and customs of this country. Did he ever find any gentleman abroad who did? He had himself tried to explain to a foreigner our system of trial by jury, but when he mentioned the sheriff and the jurymen the foreign gentleman exclaimed, "God be thanked we have no such thing here. We have no sheriff to summon jurymen, and no jurymen fit to try a cause." When he heard that other countries did not agree with us, it was proof to him that they were in the wrong and that we were in the right. It did not satisfy him that our ancient laws were founded on mistake, but that foreigners should study our laws and imitate them. But how had the Chamber of Turin settled the law of marriage? He quoted from the *Quarterly Review*—

> "It is well worthy of remark that this law appears to rest on the same basis as our own. Its prohibition limits to the ascending and descending degree. It makes no difference between the two sexes. It treats affinity as consanguinity, spurious as legitimate relationship, and forbids dispensations."

Therefore, if they looked to a country which had achieved freedom, and would, he hoped, preserve it by its moderation and wisdom, they found that it had adopted our law, and thus shown its own good sense and the good sense of the law itself. An argument was founded upon the number of petitions which had been presented in favour of the Bill. But a letter had been printed in the *Clerical Journal*, and never been contradicted, quoting from a circular signed J. Stanbury, who begged to be informed whether the gentleman to whom the circular was addressed would give his aid, and offered £2 2*s*. for 400 signatures, the society finding the forms, papers, &c. Petitions of that kind would not induce Parliament to allogate a law of vast consequence to the country, unless the objection to it were founded in reason and Christianity. It was said that the opponents of the Bill had abandoned the religious part of the question It was not so, but in deference to the feelings of the House they had not entered into those arguments. A few words briefly conveyed the opinion of a Bishop remarkable for his moderation—the Bishop of St. Asaph, who said he had formerly some doubts upon the matter, but after most anxious consideration his opinion was that these marriages were forbidden by the law of God. In the edition of the Scriptures by Low, Whitby, and others chiefly read by the masses, it was laid down for their edification and instruction that these marriages were forbidden, because persons who were wont to live together would be sorely tempted to lewdness one with another if their marrying together were not severely forbidden. In Scott's edition of the Bible the note showed fully and clearly that these marriages were forbidden by the principles of Christianity. If, with these warnings, people would form these marriages against the law of the land, his answer to the argument of the hon. and learned Gentleman was that they must take the consequences. They were appealed to on behalf of the children; but, because in some countries illegitimate children were made legitimate by the subsequent marriage of their parents, would the hon. and learned Gentleman have them alter the ancient law of inheritance in England? Upon the social question he would ask the advocates of this change what was the opinion of the women of England, Scotland, and Ireland. He hesitated not to say that they were in the mass opposed to that mischievous Bill, and in giving that opposition they furnished the strongest of all arguments against its adoption. As the Bill would make one law for England and another for Ireland upon a vital question, and as it had not been shown how property would be effected, he submitted that it was unsafe, that it was not justified by expediency, that it was contrary to the principles of Christianity, that it was clearly contrary to the law of the land, and, therefore, that it ought not to be adopted by that House.

MR. MONCKTON MILNES said, he was astonished that the right hon. and learned Gentleman, fresh from his recent experience and his recent triumph, should insist on parity of law between England

and Ireland. When Ireland had a register of marriages and the law was in conformity with that of England, the argument that the Bill did not apply to Ireland might have some bearing upon the question. He asserted that public opinion in favour of the Bill was increasing, and he believed that petitions would accumulate until even the right hon. and learned Gentleman was convinced that such an opinion did generally prevail, because this was a country in which they were not in the habit of putting restrictions on the intimacy of private life. There was nothing in the habits, the life, or the religion of the English people why there should be imposed on them a penal statute totally different from that which was imposed upon all other Protestants in every part of the world. The austere Puritans of America did not impose such a restriction, and an American citizen of eminence said the Protestants of England were inflicting a deep injury and insult by presuming as they did by this restriction that they alone could interpret Scripture. When hon. Members talked of incestuous unions, they should remember that they were talking of the union of the people with whom they had daily intercourse and whose society they were glad to enjoy. They might postpone the change, but their children would be as much astonished at such a prohibition as they were at the celibacy of the Catholic clergy or any other restriction which the advancement of civilization had declared to be unnecessary.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 172; Noes 177: Majority 5.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Resolved,

"That, in the opinion of this House, any measure that would have the effect of placing the Law of Marriage, with regard to the prohibited Degrees, on a different footing in different parts of the United Kingdom, would be highly inconvenient."

List of the AYES.

Adair, H. E.
Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Antrobus, E.
Archdall, Capt. M.
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bailey, C.
Baines, E.
Ball, E.
Baring, T.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beamish, F. B.
Beaumont, W. B.
Beamount, S. A.
Biggs, J.
Black, A.
Bonham-Carter, J.
Botfield, B.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Browne, Lord J. T.
Bruce, H. A.
Buckley, Gen.
Butler, C. S.
Butt, I.
Calthorpe, hn. F. H. W. G.
Carnegie, hon. C.
Childers, H. C. E.
Cholmeley, Sir M. J.
Clay, J.
Clifford, Col.
Clive, G.
Coke, hon. Col.
Coningham, W.
Crossley, F.
Davey, R.
Davie, Col. F.
Denman, hon. G.
Dillwyn, L. L.
Douglas, Sir C.
Duke, Sir J.
Egerton, E. C.
Ellice, rt. hon. E.
Elphinstone, Sir J. D.
Enfield, Visct.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fenwick, H.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freeland, H. W.
Gard, R. S.
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Greene, J.
Grenfell, C. P.
Gurdon, B.
Gurney, J. H.
Hadfield, G.
Hanbury, R.
Hankey, T.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Heneage, G. F.
Herbert, rt. hon. H. A.
Holland, E.
Jackson, W.
Jervis, Capt.
Jervoise, Sir J. C.
Johnstone, Sir J.
Jolliffe, rt. hn. Sir W. G. H.
Kelly, Sir F.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Knatchbull-Hugessen E.
Langton, W. H. G.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Locke, J.
Lysley, W. J.
Mackinnon, W. A.
Malins, R.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Mellor, J.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Monson, hon. W. J.
Morgan, hon. Major
Morris, D.
Noel, hon. G. J.
Norris, J. T.
Onslow, G.
Owen, Sir H. O.
Padmore, R.
Paget C.
Paxton, Sir J.
Peacock, G. M. W.
Pease, H.
Peto, Sir S. M.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Pryse, E. L.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, O.
Roupell, W.
Russell, A.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Shelley, Sir J. V.
Sheridan, H. B.
Sidney, T.
Smith, J. B.
Smith, M. T.
Smyth, Col.
Somerset, Col.
Spooner, R.
Stacpoole, W.
Stansfeld, J.
Talbot, C. R. M.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Tollemache, J.

Turner, J. A.
Villiers rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Watkins, Col. L.
Westhead, J. P. B.
Whalley, G. H.
White, J.

Willcox, B. M‘G.
Williams, W.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Milnes, Mr. M.
Buxton, Mr.

List of the NOES.

Adderley, rt. hon. C. B.
Astell, J. H.
Baillie, H. J.
Baring, H. B.
Barrow, W. H.
Barttelot, Major
Bathurst, F. H.
Beach, W. W. B.
Bentinck, G. W. P.
Bernard, T. T.
Blake, J.
Bond, J. W. M‘G.
Bovill, W.
Brady, J.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bunbury, Capt. W. B.
Burghley, Lord
Burrell, Sir C. M.
Caird, J.
Cairns, Sir H. M‘C.
Cartwright, Col.
Cave, S.
Cavendish, hon. W.
Cavendish, Lord G.
Cayley, E. S.
Cecil, Lord R.
Clive, hon. G. W.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Cochrane, A.D.R.W.B.
Cogan, W. H. F.
Cole, hon. H.
Collins, T.
Cubitt, G.
Curzon, Visct.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Du Cane, C.
Dunbar, Sir W.
Duncombe, hon. A.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunlop, A. M.
Dunne, Col.
Dunne, M.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Estcourt,rt.hon.T.H.S.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
FitzGerald, W. R. S.
Forester, rt. hon. Col.
Gallwey, Sir W. P.

Garnett, W. J.
George, J.
Getty, S. G.
Gordon, C. W.
Gore, J. R. O.
Graham, Lord W.
Greenall, G.
Greville, Col. F.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Major
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hennessy, J. P.
Hervey, Lord A.
Heygate, Sir F. W.
Hodgkinson, G.
Hodgson, K. D.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. C.
Hopwood, J. T.
Hotham, Lord
Howes, E.
Jermyn, Earl
Johnstone, hon. H. B.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Lennox, Lord G. G.
Leslie, W.
Lindsay, hon. Gen.
Longfield, R.
Lyall, G.
Lygon, hon. F.
M‘Cormick, W.
MacEvoy, E.
Mackie, J.
Maguire, J. F.
Mainwaring, T.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Miles, Sir W.
Miller, W.
Mills, A.
Mitford, W. T.
Monsell, rt. hon. W.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Naas, Lord

Newport, Visct.
Nicol, W.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakenham, Col.
Parker, Major W.
Patten, Col. W.
Paull, H.
Pevensey, Visct.
Phillips, G. L.
Puller, C. W. G.
Quinn, P.
Ridley, Sir M. W.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Sclater-Booth, G.
Scully, V.
Selwyn, C. J.
Seymer, H. K.
Seymour, Sir M.
Shirley, E. P.
Sibthorp, Major
Smith, A.
Smith, S. G.
Somes, J.
Stanhope, J. B.
Stuart, Lt.-Col. W.

Talbot, hon. W. C.
Thynne, Lord E.
Thynne, Lord H.
Torrens, R.
Tottenham, C.
Traill, G.
Trefusis, hon. C. H. R.
Upton, hon. Gen.
Valletort, Visct.
Verner, Sir W.
Walcott, Adm.
Waldron, L.
Walker, J. R.
Walpole, rt. hon. S. H.
Walter, J.
Watlington, J. W. P.
Wemyss, J. H. E.
Whiteside, rt. hon. J.
Whitmore, H.
Wickham, H. W.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Col.
Yorke, hon. E. T.

TELLERS.
Hunt, Mr.
Hubbard, Mr.

House adjourned at five minutes before Six o'clock.

* * *

HOUSE OF LORDS,

Thursday, April 18, 1861.

MINUTES.] *Sat First in Parliament.*—The Lord Lauderdale after the Death of his Brother.
PUBLIC BILL.—1^a Smoke Nuisance (Scotland) Act Amendment.
Royal Assent.—Consolidated Fund (£3,000,000); Mutiny; Marine Mutiny; Exchequer Bills.

SUBDIVISION OF DIOCESES BILL.

MOTION FOR SELECT COMMITTEE.

LORD LYTTELTON moved that this Bill be referred to a Select Committee.

THE BISHOP OF CARLISLE: When last this Bill came before your Lordships' House I found myself in the singular position of voting against it, alone of all the Episcopal bench. I by no means repent that vote. But I do not now rise for the purpose of opposing the Motion of the noble Lord. All I desire to do is to impress upon your Lordships the importance of care in selecting the proposed Committee and jealousy in scrutinizing the result of its labours. For, my Lords, there are two parties—if parties they may be called—who desire the extension of the Episcopate. There is one party who think that recent legislation has, on the whole, been successful in its efforts to place the ecclesiastical machinery of our Church in good working order—that, what with the improved moral tone of the clergy and the efficient aid rendered by archdeacons and rural deans, there are but few dioceses which are beyond the powers of a Bishop of average ability and energy. They think, however, that there are still left a few cases of unwieldy dioceses—Durham, Exeter and London have been named—in which a still further adjustment is required in order to complete which has been so well begun. Now, had the noble Lord's Bill merely proposed to carry out the views of this party, I should have heartily voted in its favour—knowing that there will be a limit to its operations and a limit to its duration. But there is another party, of which I wish to speak with all respect. It appears to think that the panacea for all the moral and social ills of our country is to be found, not in the extension, but in the multiplication of the Episcopate. Of that party the most recent manifesto is to be found in a pamphlet which was sent to me and was probably sent to many of our Lordship's before the first reading of the noble Lord's Bill. It is written by a learned and excellent clergyman, Dr. Wordsworth, Canon of Westminster. To what an extent that pamphlet proposes to multiply Bishops your Lordships may see by referring to a single instance. Differing as I do from the right rev. Prelate in many important points I have notwithstanding been in the habit of looking at the diocese of Oxford as one which was well governed. The requirements of Dr. Wordsworth's pamphlet would necessitate its subdivision into four dioceses at least. Now, my Lords, is it for the good of the Church and of the country that such a multiplication of the Episcopate should take place? One argument against that multiplication will be found in the altered status of the Bishops. That argument is one better urged by a lay Member of the House than by one of the Episcopal bench. It was well handled by the Earl of Derby in the last debate. Still I will say thus much, that I am sure that there is not a member of that Bench who would not gladly descend from the social position in which the Constitution of the country has placed the Bishops if it were really for the good of the Church and nation. The question is whether it is for the good of he Church and nation that it should be so? Look at the matter in another point of view—as it affects the status of the clergy. In proportion as you multiply Bishops, in the same proportion do you withdraw them from the censorship of public opinion. In the same proportion do you increase the need of that censorship, for you increase their opportunities of intermeddling with the clergy. The views I entertain on this point have been so well expressed by a right rev. Prelate whom I regret not to see in his place to-night that I will venture to read his remarks made in relation to the proposed separation of the now united dioceses of Gloucester and Bristol.

> "If the sphere of a Bishops labours be lessened to such an exent as to enable him with ease to watch in minute detail the ministrations of each individual pastor, there will be, I think, great danger lest the activity and energy of the Bishop degenerated into injudicious and mischievous meddling; and lest the zeal and decision of character of the clergy manifest themselves in many instances in a defiance of Episcopal authority. For whilst many of less vigorous mind would become mere echoes of their Bishop's opinions, those of more independent thought and action would resent with indignation any attempt to control them. I cannot but deem it a great blessing, in the present state of theological opinion in the Church of England, that a bishop's diocese is large enough to give full scope to his energy, while there is no danger lest his activity should interfere with the usefulness of others, and that he is enabled, without any compromise, to prove himself a friend, a councellor, and a zealous encourager of all those who are engaged with him in extending the Redeemer's kingdom."

Such, then, are the plans of the party to which I refer, and such will be the effect of their being carried into execution. I do not hesitate to connect the Bill now before your Lordships with that pamphlet, for the noble Lord quoted it by name on moving the second reading of that Bill, and drew many, if not most of his arguments from its pages. Be this, however, as it may, thus much is certain, that the noble Lords' Bill creates a machinery exactly fitted for the carrying out of purposes similar to those advocated in the pamphlet, and where I see adaptation, there I conclude that there has been design. But then it is said you are an alarmist. The Bill will be inoperative, no money will be forthcoming. Is it expedient, my Lords, to pass a Bill with the hope that it will be a dead letter? But a dead letter it will not be. No limits as to endowment are proposed. Even if there were we should ere long be requested to relax the rule. Recently an excellent friend of mine has gone out to Brisbane as a Colonial Bishop with a stipend of £150 per annum. Was this contemplated when first the extension of the Colonial Episcopate was projected? Another reply is that the public will never tolerate such an exorbitant increase of the Episcopal body. My Lords, I have no wish to pronounce an opinion as to the expediency or not of the resuscitation of Convocation. But I am old enough to remember the day when it was said that the country would never tolerate the revival of a body in which the clergy are so inadequately represented, and in which the laity have no voice at all. How stands the case now? The Convocation of the Province of Canterbury has recently received the Royal licence to alter the 29th Canon, while even the Convocation of the Province of York has begun to exhibit signs of life. Such has been the success of an organized, an energetic, and a discreet minority—for a minority I firmly believe it to be—acting upon a pliant ministry. For these reasons, my Lords, I once more entreat you to be careful in the selection of your Committee, jealous in scrutinizing the result of its labours. Those labours will, I trust, issue in the Bill which now represents the views of those who would multiply the Episcopate almost indefinitely—becoming a Bill which shall embody the views of those who simply desire its limited extension—a Bill which will necessarily expire by the achievement of its defined purpose, instead of a Bill which will never cease to unsettle and to subdivide the dioceses of England.

Earl GRANVILLE said, that he felt some difficulty as to the course which he should take with respect to the Motion before their Lordships. He was very unwilling to do anything that might be supposed to be in opposition to any ecclesiastical arrangements that it was desirable to have made; but on the second reading of the noble Lord's (Lyttleton) Bill everybody found fault with it, and a noble Earl who was not now present (the Earl of Derby) was among the Peers who pointed out objections to it, and, as he understood, recommended that it should be withdrawn and another Bill prepared. He hoped that the noble Lord who had charge of the Bill would enter into some details with respect to his own views as to Amendments before he asked their Lordships to consent to the Select Committee.

Lord LYTTELTON said, his object in moving that the Bill be referred to a Select Committee was simply to obtain a full consideration of the suggestions urged for the Amendment of the Bill before it came to be considered in Committee of the whole House. He was willing, if there were a general desire expressed upon the matter, to specify in the Bill the increase of new dioceses, and to declare that the incomes or status of existing dioceses should not be interfered with. He wished, however, to deny that the noble Earl (the Earl of Derby) had made any appeal to him to withdraw the Bill. Such a suggestion might have been made by other noble Lords, but certainly not by the noble Earl alluded to. The noble Earl advised many alterations in the measure, but never recommended the withdrawal of the Bill. He trusted the Government were not about to oppose the Motion for referring the Bill to a Select Committee.

Lord CHELMSFORD said, he certainly had never understood his noble Friend to suggest the withdrawal of the Bill. The noble Earl limited his observations to a commentary upon certain features of the measure, which he recommended should be altered.

Earl GRANVILLE said, he did not hear the observations of the noble Earl to whom he referred, but concluded that the noble Earl had made the suggestion from the report he had read in one of the newspapers.

The LORD CHANCELLOR said, he did not remember any Bill having been referred to a Select Committee which was so generally disapproved on the second reading as that now before their Lordships. The course of referring a whole subject to a Select Committee, and laying before that Committee any Bill which might have been proposed in relation to that subject, was not an unusual one. Perhaps the noble Lord (Lord Lyttelton) would not object to it in the present case?

Lord EBURY complained of the indirect opposition that was given to this Bill. While the necessity for legislation on this subject was generally admitted all sorts of cold water had been thrown upon the measure. He trusted that the noble Earl at the head of the Government in that House would not oppose the Motion for referring the Bill to a Select Committee. He (Lord Ebury) had taken great pains to investigate this subject, and thought that some such measure as that proposed was much wanted. If there were any substantial objections to particular clauses, surely the best mode of considering them would be by referring the Bill to a Select Committee. He thought it was high time that they should at all events attempt some legislation on the subject.

LORD REDESDALE said, that the proposition to refer the whole subject to a Select Committee was tantamount to proposing to get rid of the Bill. The noble and learned Lord said he did not know a case in which a Bill so generally disapproved of had been referred to a Select Committee. But if the House absolutely disapproved the measure it would not have read it a second time; and he thought the understanding with which the second reading of the Bill had been agreed to was tantamount to a declaration on the part of the House that it should be sent before a Select Committee. It would not be fair to the noble Lord, who had taken so much pains in the preparation of the Bill, to deny him the opportunity of going before a Select Committee, where, after a discussion of its merits, the Bill could ultimately be put into the shape in which it was deemed most desirable to request for it the sanction of the House.

THE DUKE OF MARLBOROUGH said, he trusted the noble Lord would persist in his Motion, and expressed his regret that the right rev. Prelate should have introduced the question of religious parties into a matter of this kind. To say that the Bill had emanated from a particular party in the Church was to cast a stigma upon it; but such was not the fact. The Bill proceeded from no one party. He took some part in the consultations previous to the preparation of the measure, and he knew that in those consultations different shades of opinion were represented. He had also the honour of presenting a memorial to the noble Lord at the head of the Government, showing the necessity which existed for the subdivision of dioceses, and it was signed by many Members of both Houses of Parliament, as well as by many other persons not connected with the Legislature, representing all shades of opinion. The Bill did not, therefore, proceed from any particular party, but was founded on a deep-rooted conviction that the episcopate was inadequate to the necessities of the present day, and that if the Church wished to keep pace with the rapidly-growing wants of the country, the episcopate must be moderately, but properly and adequately increased.

THE BISHOP OF LONDON thought what had fallen from his right rev. Brother had been somewhat misunderstood. His meaning as he apprehended it, was, not that any religious party was specially answerable for this Bill, but that there were two views, according to one of which it was necessary rapidly to multiply the number of bishops, while, in the minds of others, a moderate addition was all that was necessary. He believed it to have been far from his right rev. Brother's intention to throw on the movers and supporters of the Bill any allegation of being actuated by party feeling in a religious sense. The difficulty which he felt in going into Committee on this Bill they was to know precisely with what object were about to do so. Was the object of the Bill to increase the episcopate? If not he was more in the dark than ever.

LORD LYTTELTON said, the only object of the Bill was to provide the machinery whereby to regulate the action of the Church.

THE BISHOP OF LONDON: The noble Lord himself had made various concessions to meet the objections raised against the Bill. He was quite ready to give up that part of it which delegated power to the Ecclesiastical Commissioners, the power of dividing the revenues of existing sees, as well as other parts of his Bill to which attention had been called. It was a pity, therefore, that these should have been introduced into the Bill, and he thought that any new Bill brought before them ought to have these alterations. As their Lordships had pledged themselves that the matter was worth considering, he should not oppose the Motion for a Select Committee, but the Bill must be materially altered before it could have the slightest chance of being adopted by their Lordships.

THE BISHOP OF CARLISLE said, he had not the slightest intention in the world to make the imputation which it was supposed that his language conveyed. He had only used the word "party" from the want of another term at the moment, and perhaps from his inexperience in debate.

EARL GREY thought the best course would be to withdraw the present Bill and to introduce a new one. As it stood the measure was most objectionable, and was calculated to alter the entire nature of the episcopate. He believed it would be much better to deal with individual cases as they arose, and Parliament, he was convinced, would not refuse its assent to any proper application sanctioned by the Ecclesiastical Commissioners and supported by Her Majesty's Government. But the controlling power ought never to be parted with, as was proposed by this Bill.

THE BISHOP OF OXFORD said, that having on the second reading pressed the noble Lord to withdraw this Bill, and introduce a new measure embodying certain alterations, he was anxious to say a single word upon the position in which the matter now was. He was prepared to support his noble Friend in sending this Bill to a Select Committee upon the ground that the House, in passing the second reading, had admitted that it was desirable to consider in Committee the principle of the Bill, which was that it was desirable to increase the English episcopate without fighting every separate increase of that kind through the two Houses of Parliament. He agreed in deprecating any sudden increase of the English episcopate, but he could not agree with the noble Earl (Earl Grey) that it would be easy for any Government at any time to carry through separately Bills for the division of dioceses. There would be great difficulty in doing so, constituted as the other House of Parliament was, and having in it a great number of persons who were conscientiously opposed to the Established Church. He, therefore, thought that the principle of the Bill, which would enable Her Majesty's advisers from time to time to make a moderate increase in the episcopate, would be good and useful; but he thought that there should be some check—such, for instance, as requiring an Address from Parliament to the Crown. He believed that there were other and very considerable alterations required, and he should support the Motion for a Select Committee.

EARL GRANVILLE said, that after the general expression of feeling on the part of their Lordships he would not oppose the reference of the Bill to a Select Committee.

After a few words from Lord LYTTELTON in reply,

Motion *agreed to.*

Bill *referred* to a Select Committee accordingly.

And on the *Monday* next, the Lords following were named of the Committee:—

L. Abp. Canterbury
L. Abp. York
D. Marlborough
D. Newcastle
E. Derby
E. Shaftesbury

E. Carnarvon
E. Powis
E. Grey
E. de Grey
E. Ducies
V. Eversley

Earl Grey

L. Bp. London
L. Bp. Durham
L. Bp. Winchester
L. Bp. Oxford
L. Bp. Carlisle
L. Herbert, Un. Pr. Sec.

L. Lyttelton
L. Redesdale
L. Stanley of Alderley
L. Overstone
L. Ebury
L. Chelmsford

METROPOLITAN RAILWAYS—DISPLACEMENT OF LABOURING CLASSES.

PETITION.

THE EARL OF SHAFTESBURY *presented* a Petition from the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled, praying that all Railway Companies whose railways now enter or shall in future enter the City of London should be required to run cheap trains daily, Sundays excepted. The noble Earl said that the object of the provision which was sought for by this petition was to diminish the injury which would be caused to the working classes by the destruction of houses suitable for their residence, in consequence of the extension of railways into the heart of the Metropolis. He was not sure that the running of cheap trains would altogether solve the difficulty; but it would, at all events, considerably mitigate the great evil which would otherwise result from these railway extensions.

EARL GRANVILLE was understood to ask whether the noble Earl proposed to draw up a clause which should by a standing order be inserted in all these Bills; or whether he desired that the Committee upon each Bill should prepare clauses, by which the object sought by the petitioners might be attained?

THE EARL OF SHAFTESBURY thought that there might be an Instruction to each Committee to insert clauses.

LORD REDESDALE said that, in consequence of the alteration which had been made in the Standing Orders referring to the destruction of the houses of the working classes, upon the Motion of the noble Earl (the Earl of Shaftesbury), clauses to the effect desired by the petitioners had been inserted in Bills which were now before their Lordships' House. Those clauses would serve as guides for the future.

Petition *ordered* to lie on the Table.

House adjourned at a quarter-past
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 18, 1861.

MINUTES.] PUBLIC BILL.—3° Charitable Uses.

MILITIA (IRELAND).—QUESTION.

In reply to a question from Colonel FRENCH,

MR. CARDWELL said, he had had a correspondence with the Lord Lieutenant of Ireland as to which regiments of Militia should be called out this year. The Lord Lieutenant recommended that the recruits of the western regiments should be called out on the 22nd of May, and the remainder of the regiments fourteen days afterwards.

IRISH FISHERIES.—QUESTION.

MR. DAWSON said, he rose to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to introduce during the present Session any measure for the better regulation of Irish Fisheries?

MR. CARDWELL said, that he had, at the commencement of last year, introduced a consolidated measure on the subject of fisheries, with the view of having it printed and circulated; but he had since been in correspondence with the Commissioners of Fisheries, and that they had informed him that a large number of suggestions had been made to them, some of which appeared to them worthy of consideration. Mr. Fennell, who had acted on the Commission which had just presented so valuable a Report with regard to the fisheries in this country, was, he might add, of opinion that the Bill which he was preparing for England had better be brought under the notice of the House before a Consolidating Bill for Ireland was introduced. Under these circumstances, he could not say that he should be enabled to bring in a Bill for Ireland during the present Session.

AFFAIRS OF ST. DOMINGO.—QUESTION.

MR. GREGORY said, he would beg to ask the Secretary of State for Foreign Affairs, If he has received any information of the occupation of any portion of the Island of St. Domingo by the Spaniards, and if he has received any Copies of any proclamations by Spanish officers relative thereto; and, if so, whether he will lay them upon the Table of the House?

LORD JOHN RUSSELL said, the Government had received no account of the occupation of St. Domingo by Spaniards. That which they had received was a proclamation by General Saldanha, issued in consequence of a meeting which took place, in which he declared that the Republic was at an end, and that the Sovereignty of the island should henceforth be annexed to that of Spain, and ordering the Spanish flag should be immediately hoisted. The Government had also received intelligence that a vessel of war had sailed with troops from Cuba to St. Domingo, but no account of its arrival there had reached them. Intelligence had also arrived from Madrid to the effect that the Spanish Government would probably not accept the transfer of the Sovereignty of St. Domingo; but nothing official had been declared on that head. He might add that the Spanish Government had declared that they had received no official information on the subject, and he had simply to say, in conclusion, that he did not think it would be convenient for the public service that the papers to which the hon. Gentleman referred should be laid on the Table of the House.

INTERPRETERS FOR CHINA AND JAPAN. QUESTION.

MR. HENNESSY said, he would beg to ask the Secretary of State for Foreign Affairs, If his letter to the Chancellors of the English Universities, with respect to the appointment of student interpreters in China and Japan, is confined to those Universities, or if Dublin University and the Queen's University in Ireland will be allowed to partake of the same advantage?

LORD JOHN RUSSELL said, that his letter to the Chancellors of the English Universities had reference simply to those institutions, but it was intended to enlarge the number of students, and when that had been done communications would be addressed to Ireland and Scotland with respect to the nomination of candidates.

THE CHINESE INDEMNITY. QUESTION.

MR. SEYMOUR FITZGERALD said, he rose to ask Her Majesty's Government, Whether they can inform the House of the amount claimed by the British Mercantile community at Canton as indemnity for property destroyed; and whether it proposed that the indemnity of two millions of taels fixed by the Treaty of Pekin shall be paid out of the money first received from the Chinese Government?

Lord JOHN RUSSELL said, the amount of the indemnity for property destroyed amounted to something over £450,000. Upwards of £650,000 had been already received and recovered from the Chinese. With respect to the mode of distribution, there was nothing in the Treaty of Pekin with reference to that demand; but instructions had been given to Mr. Bruce that if he should decide to pay rateably according to the instalments received, Her Majesty's Government would approve of that arrangement; but if he should have made any other arrangement they would not decide on the case until they were in possession of the reasons for the course he might pursue.

Sir STAFFORD NORTHCOTE:—650,000 taels, or £650,000?

Lord JOHN RUSSELL: £666,000 received. It is two millions of taels.

RETIREMENT FROM THE ARMY.
QUESTION.

Mr. MACEVOY said, he wished to ask Under Secretary of State for War, Whether it is intended this year to take any steps to improve the position, with regard to the retirement, of those combatant Officers in the Army who were promoted from the ranks, so as to enable them to count their services in the ranks in the same manner as is now permitted to Quartermasters and Paymasters?

Mr. T. G. BARING said, that a Warrant had been prepared and approved by the Queen making the following alterations with respect to the number of years' service to be counted by Officers promoted from the ranks:—For retired full pay they might count fifteen years' service in the ranks added to fifteen years' service as Commissioned Officers; for half-pay on reduction from full pay one year's service on full pay as Commissioned Officers would be required, together with at least five years previous service as Non-commissioned Officers; and for permanent half-pay fifteen years' service previous to promotion, and ten years' service as Commissioned Officers.

THE BERWICK ELECTION.—QUESTION.

Mr. MELLOR said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to the following paragraph in the Report of the Commissioners appointed to inquire into the existence of corrupt practises at the last Election for the Borough of Berwick-upon-Tweed?

> "From all the circumstances combined, we are forced to the conclusion that a distinct understanding existed between Mr. Hodgson on the one hand, and Waite and M'Gall on the other, that they should use any influence, however corrupt, on his behalf at the Election, and that the money spent by M'Gall in bribery was actually furnished by Mr. Hodgson with a corrupt intent."

And whether it is his intention to take any steps in the matter?

Mr. CLIVE stated that the Report of the Commissioners was submitted by the Home Secretary to the Law Officers of the Crown about the end of February last. He had since seen those gentlemen, and they had informed him that, owing to the complicated and voluminous nature of the evidence, they were not yet quite ready with their Report, which, however, they expected would be completed in two or three days.

THE GARIBALDIAN VOLUNTEERS.
QUESTION.

Mr. DARBY GRIFFITH said, he rose to ask the Secretary of State for Foreign Affairs, Whether any circular or other Despatch has been received from the Italian Government, or whether information has reached him from any other source, stating that Agents of the Austrian Government are seeking to obtain, by purchase or otherwise, Congés, or other documents of identification of Garibaldian or other Volunteers leaving the Italian Service; and, if so, whether any and what communication has been made by the Government to the Austrian Government?

Lord JOHN RUSSELL stated that no despatch had been received from the Italian Government; but at the same time he had been informed from Turin that such means as those to which the hon. Gentleman referred were to be resorted to by the Austrian commanders or officers. He had not made any formal representation on the subject; but he had mentioned the matter casually to the Austrian Ambassador, who told him that he had never heard the report in question, which he believed to be entirely without foundation.

VOTE OF CREDIT (CHINA).
QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask Mr. Chancellor of the

Exchequer, What proportion of the Vote of Credit (£3,800,000) taken for the expense of the China War has been actually expended and paid out of the Exchequer? What proportion is estimated to be still payable out of the balances in the Exchequer in respect of expenditure chargeable to that Vote? Whether it is intended to surrender the right of drawing from the Exchequer any, and, if any, what portion of the sum so voted before applying to Parliament for a further Vote of Credit? And whether he can explain to the House why a further Vote of Credit, to the amount of £1,000,000, is likely to be required, when there is an unexpended surplus approaching £800,000 on the Vote taken last year?

The CHANCELLOR of the EXCHEQUER—Sir, I am afraid that it will be very difficult for me to give a full answer, to the last part especially, of the question of my hon. Friend, without entering into a discussion upon the whole nature of Votes of Credit, but I will endeavour at the same time, without perhaps taxing the patience of the House to that extent, to give an answer that bears, as far as I understand it, on the purpose he may probably have in view. Beginning at the commencement of the Question, what "proportion of the Vote of Credit taken for the expense of the Chinese war has been actually expended and paid out of the Exchequer?" The information on that point was settled by me generally on Monday, and is stated precisely in the balance-sheet of income and expenditure which was laid on the table this morning. So far, therefore, I need not trouble the House with any explanation. "What proportion is estimated to be still payable out of the balances in the Exchequer in respect of expenditure chargeable to that Vote?" The whole remaining portion of that Vote is still payable out of the balances in the Exchequer. There might have arisen here a very nice legal question. The language used by the Legislature in respect to Votes of Credit in the Appropriation Act has not been uniform. In the Act relating to Votes of Credit for the Russian war the language was obviously large enough to carry on any Vote of Credit once given by the House from year to year until the whole sum had been exhausted, quite irrespective as to what particular charge might have been incurred. Under the Act of last year there may perhaps be a doubt as to the effect of the language, but I think the Vote of Credit that was given by the House last year was not applicable in respect of any charge except a charge incurred during the last year. However, the distinction is immaterial, inasmuch, as there can be no doubt whatever that the charge incurred during the last year, although not a charge payable out of the Exchequer during the last year, will run even somewhat beyond the total amount of the Vote of Credit taken last year. Therefore no legal point arises, and I have no hesitation in answering that the entire balance of the Vote of Credit is not yet exhausted, and is payable out of the Exchequer in respect of the expenditure strictly chargeable to that Vote. The next part of the question, I think, falls to the ground, because that could only assume a particular character in case it was found that the whole of the Vote of last year was not applicable under the terms of the law. Then I come to the last part of the question, "why a further Vote of Credit to the amount of £1,000,000 is likely to be required, when there is an unexpended surplus, approaching £800,000, on the Vote taken last year?" As I said, I will endeavour to give a practical answer without entering at large into the subject. The view in which I think it most desirable that the House should consider the million of money which, so to speak, I have charged in the financial statement against the revenue of the year is this, that it is—as nearly as can be judged at the Treasury—about the amount which is likely to be required out of the Revenue of the year and, therefore, within the year, to meet the charge on account of the Chinese war. I may also say that that same million of money, together with the three-quarters of a million, in round numbers, still remaining available out of the Vote of last year, are likely, as far as we can form what I may call a conjecture rather than a judgment, about to cover the whole liability of the country in respect to what may be called the China war, together with future liability that is indirectly incidental to the China war, and that is, I am sorry to say, very heavy, an extraordinary charge that arises from the necessity of providing for the Indian pay and allowances to the British force in the occupation of China. So long as any portion of the Indian force is engaged in China the British force serving with them will be entitled to Indian pay and allowances, and the estimated expenses of that scale—that is to say the expense of the British portion of the forces—are extra ordinary expenses arising out of the necessities of the year just commenced, in addition to the ordinary pay, and the charge is, I believe, over £400,000. These expenses may possibly be checked or brought to a close before the year expires. I think after what I have said, my hon. Friend may naturally say to me, and the question would arise out of what I stated, "Why, if you only expect to be called upon to pay a million of money between this time and the 31st of March, 1862—why request from us an authority, which you do on your own showing, which will enable you to pay a million and three quarters?" My answer to that would be, I am not sure that it is absolutely necessary for us to have the authority to pay a million and three-quarters. The nature of a Vote of Credit is very peculiar, and one of its incidents is that it will generally come to a final settlement in a year, subsequent to that in which it is granted; because by the terms in which the House of Commons votes any sum of money as a Vote of Credit it is not appropriated to any particular service, and perhaps the House will be surprised, and perhaps even my hon. Friend will be surprised, when I state that no expenditure has yet taken place, no final expenditure has taken place, under the China Vote of Credit of last year, unless, perhaps, £450,000, which was a settlement of a previous account with the Indian Government. Of all the grants for the China war no part is as yet finally settled. Large sums have been paid, but they have been paid on account, and the Vote of Credit cannot be finally settled, and no expenditure on account can be finally allowed, excepting in making up the army and navy accounts for the year. The accounts for the year are not made up until eight months after, or something within eight months after, the expiration of the year for the navy and twelve months for the army. It is only on the final making up of that account that you can ascertain how far the expenditure, including the China war, may have been in excess, and that excess is the measure of the degree in which we are authorized by law finally to apply and allot the Vote of Credit in aid of the regular and ordinary branches of Ways and Means. Therefore the sum, as I have said, which I have put in the statement which I submitted to the House, has been not so primary and mainly an estimate of the amount which the Revenue will be called upon to meet on account of the China war within the financial year now commenced. It is also an estimate, as near as we can form an estimate, of what we believe and presume the ultimate liability of the country for expenditure incurred during the China war, the return of the troops home, together with the allowances for one year, and of extra charge for pay to the troops now serving in China. Having said thus much, I must not sit down without reminding the House that all Votes of Credit are from their nature most elastic—which I am afraid is only another way of saying, of a most uncertain character; and it is on the practical judgment of your officers that you can really rely in presenting any figures to the House with respect to them. I am bound to say that I have such confidence in the practical judgment and experience of your officers that I think the Vote of Credit of last year, and the Vote of Credit this year, will probably prove to be, within some short limit, well adapted for the purposes for which they were given; but they must not be taken as if they were estimates of an ordinary kind, being, on the contrary, according to the first intention of them, Votes taken with a margin, under extraordinary circumstances, and, therefore, not capable of being estimated beforehand with the same degree of precision.

SUPPLY.—ARMY ESTIMATES.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir **FREDERIC SMITH** asked the Under Secretary of State for War, Whether any steps had been taken towards forming a central depôt for the War Department stores; and, if so, whether any manufacturing operations were to be carried on there? He trusted that the project which they had heard so much of last year of forming a depôt in the centre of the country would not be carried into effect. If there was to be a new depôt at all it ought to be somewhere on the coast, where it would be easy of access for shipping. He also wished to know whether the invaliding establishments and medical school were to be removed from Chatham to Netley. The latter place, he understood, was in a state of forwardness, and fit to receive the invalids. He likewise wanted some information as to the state of progress of the fortifications authorized to be undertaken in consequence of the recommendations of the Defence Commissioners, and for which Parliament granted in August last the sum of £1,650,000; whether it had been determined not to proceed with some of the works then stated to be necessary; and if so, which of them were to be postponed or abandoned? He also wished to know whether it was the intention to lay on the table of the House a detailed estimate, according to the usual practice, of the probable cost of each work intended to be constructed; and, whether the projects and plans for these works, or any and which of them, had been definitely settled and approved; and what contracts, if any, had been entered into for their execution? His reason for asking those questions was that the House might fairly and deliberately consider whether they should expend £10,000,000 or £12,000,000 in this way on works many of which he believed would be useless or worse than useless. He trusted the works on Portsdown Hill would not be carried out according to the plan of last year, for if they were, and those on Hilsea were carried out also, the one or the other would be quite superfluous. Two lines of defence, both of such power and extent, could not be necessary within two miles of each other. The Portsdown lines, as proposed, would extend to seven miles, and how could they defend seven miles of works? The whole available troops they would have would not be sufficient for the defence of the entire circuit of works now proposed for the security of Portsmouth and which would be of almost equal extent with the lines of Torres Vedras. The proposition was perfectly monstrous. He had no objection to a small sum of money for sea defences; but fresh views had arisen with regard to sea defences, for if it should turn out that iron-cased vessels were invulnerable, how could we prevent a fleet from occupying the Solent and thence destroying Portsmouth Dockyard? But we were going on with our defensive works and ship-building in total ignorance of what shot-proof really is. Nothing could be more remarkble than the various qualities of iron. The resisting power of some iron was so much greater than that of inferior qualities, that by using the superior quality nearly one-fourth of the thickness might be dispensed with; if that were true, ships would probably be enabled to carry their armour; but if it were necessary to have the iron six or seven inches thick, they would not be able to do so without seriously diminishing their sea-going qualities. Were they prepared to say that the iron put on these ships should be four inches and a half thick, and that they would be shot-proof? If that was not so, the money expended in their construction would be thrown away. The first question they had to decide was, what would give the proper resistance? When they had ascertained that, they would be in a position to make contracts. They had known for five years that ships of this kind would have to be constructed, and some one was to blame for being so long inactive in this matter. It was said that the works on Portsdown Hill were to protect Portsmouth against an enemy who might otherwise erect batteries for bombardment at the distance of 8,000 yards, and at the same time we were told of artillery that would have a range of 12,000 yards. Should the longer range be obtained the construction of a costly chain of works, which give security only against the shorter range, was a manifest absurdity and waste of money. He entreated the Government not to proceed with the works in the meantime. There was time enough. He also hoped the commercial harbours would not be neglected. They were of more importance than they were apparently considered at the War Office. He should be obliged if his hon. Friend would be kind enough to answer the questions he had put to him.

Colonel DICKSON rose to move, as an Amendment to the Motion that the House do now go into Committee of Supply, that the Army Estimates be deferred with a view to their revision. He repudiated all idea of casting blame on Her Majesty's Government; but the more minutely he inspected the Army Estimates and pondered over the discrepancies he discovered in them, the more impossible it appeared to come to any real reductions without submitting them to a thorough revision. He did not wish to reduce the effective strength of the army by a single man, or in any way to weaken that watchfulness which they were bound to exercise over the safety of the country; but when he found that the Military Estimates had increased within the last seven years at the rate of £1,000,000 per annum—when he found that the expenditure which seven years ago was only £9,000,000, with the number of troops at 119,000, was this year £14,000,000, with 146,000 troops—when he found that the average expense per man, which at the former period was £75, had been increased to £100 per man, without any material improvement in the condition of the working portion of the army—when he found, in short, that the Estimates were not £14,000,000, but, as he should show, nearly £16,000,000—he thought it was time to consider in what position they stood. In order to discover how this augmentation had arisen he would look at some of the items apart. For the Medical Staff alone there was an increase of nearly £10,000 over last year's estimate. In Ceylon, where we had only one regiment of infantry, and a small battalion of artillery, there was a deputy inspector of hospitals with four staff surgeons, eight assistant surgeons, one dispenser, one purveyor with his staff, at an expense of £3,500 a year. The medical establishment on the west coast of Africa cost £5,000; in Australia, £3,000; in Bermuda, £6,000; Canada, £3,500; Cape of Good Hope, though a very healthy climate, £9,000; Malta, £3,500, and so on at other places, the whole amount being £63,500 for the Medical Staff alone. At this moment we were keeping up in our colonies a force of 48,500 men, forming thirty-four battalions of infantry, with artillery, and this was exclusive of such corps as the West Indian contingent. The presence of our troops in all those places was not necessary, and it was not desirable to keep them in such unhealthy climates. The amount charged for pay alone to the troops in the colonies was £240,000. He would especially notice the enormous increase in the staff of the War Office and of the Horse Guards. The expense of clerks employed in the War Office alone now amounted to no less than £117,000; whereas in the year 1853-4, when we were just about commencing the Russian war, the cost of the War Office and Ordnance for clerks and bookkeepers was £37,361. At the Horse Guards, in three offices, that of the Adjutant General, the Quartermaster General, and another, the expense had increased from £9,000 to £16,000. In 1853-4 the expense of the clerks in the War Office and the Ordnance Office was £30,261, while this year the cost of the War Office clerks alone was £117,845. Yet in some branches of the effective service there had been a reduction of strength; we had not the same number of men in the cavalry or in the Horse Artillery as we formerly had, and the same might be said of the Military Train, which he did not much esteem. Then, again, with respect to barracks, buildings, and fortifications, there were, he thought, great opportunities for reduction. There were many barracks which were not occupied—as, for instance, at Newport and Brecon—and one of the main arguments in favour of what he must call an absurd scheme of fortifications, for which the House voted £12,000,000, was that those fortifications would afford great accommodation for troops. Without travelling through all the items, he would impress upon the House that if they desired to effect savings they must commence by making reductions in small items which had been recently added, and which were constantly increasing in amount, without contributing proportionately to the advantage of the country. The proposed staff for the depôt battalions was out of all proportion. Upon the Vote for depôt battalions he found credit taken for 14 lieutenant-colonels, 20 majors, 16 adjutants, 16 paymasters, 3 surgeon-majors, 13 surgeons, and 28 assistant-surgeons. He thought the number of surgeons was out of proportion to the lieutenant-colonels; nor could he understand why, if a major was fit to command a depôt in one place, a lieutenant-colonel should be necessary in another. Then, again, he found there was a General officer commanding the brigade of Guards, which caused an expense of £1,300 a year. He did not at all question the claim of Lord Rokeby to any distinction or favour that the Crown could bestow, nor did he quarrel with the privileges of the Guards, but he could not understand why a major-general was necessary for them when he was not needed for a like number of regiments of the Line. There was also a new appointment of *précis* writer to the War Office, with a salary of £1,000 a year, and also an additional inspector of fortifications. Altogether, the expenses of the War Office and of the Commander-in-Chief exceeded £200,000—an enormous increase upon last year's amount. There was also an item of £108,000 for fortifications, which he could not understand after the Vote of £12,000,000 last year. He thought the increase from £12,000 to £20,000 for experiments was too much. The charge for forage was put down at £502,000—a large sum, which made it surprising that an act of justice should have been refused to cavalry officers on account of tenderness for the British ratepayer. The charge for building barracks needed explanation, as the cost varied greatly in the cases of Portsmouth, Gosport, and Dover. The expense of maintaining the camp at Aldershot was very large, and he must take the opportunity of observing that he did not recognize the advantage of keeping a permanent camp; but he was sure that it was a hardship upon men who had spent many years in the colonies to be required to pass a large portion of the time they were allowed to remain in England in a large camp, away from all the comforts and conveniences which they expected to enjoy at home. At all events, if the camp was to be maintained, he thought the Staff should be changed yearly, so that all officers might learn the art of handling large masses of troops. He found the cost of Netley Hospital was to be £400,000 for about 1,000 patients, and he thought it was well worthy of consideration whether the same accommodation could not be obtained for a much less expense. The increase for hospital diet was £45,000 upon the sum taken last year, which was itself an increase of £50,000 upon the preceding year. There was a charge of £3,000 for religious books, the same amount as last year. He should wish to add to the comfort, physical, moral, and spiritual, of the soldier; but he believed some limit might be found to the sums expended on these items. The whole of the library establishment would bear some reduction of expense. These points were well worth the consideration of the House. He did not impute any blame to the Government; the Estimates were, perhaps, not more extravagant than it had, unfortunately, been the custom of the House of Commons to grant: but he thought they ought to have a larger force for the amount they at present paid; and that force ought to be as well or better clothed, better fed, and better taken care of for the amount of money spent. But he did not suppose they could at that moment go largely into a discussion of the items on which he thought a reduction might be made; that was rather a matter for the Committee. But, whatever was the fate of his Motion, it would have given hon. Members an opportunity of discussing the whole subject. He did not presume to lecture the House, and he had not gone into those criticisms which some Members had not thought it unworthy of them to make before their constituents and the country; but he hoped the House would consider the subject seriously, for the country looked to them for a diminution of that expenditure of which it was sick and weary. He contended that the Estimates were not prepared with due economy, for they were periodically tainted with meddlesome parsimony or profuse extravagance, and he trusted that the House would agree with him that these Estimates should be amply and fully revised.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Consideration of the Army Estimates be deferred, with a view to their revision,'"—instead thereof.

MR. T. G. BARING thought the hon. and gallant Member had not stated sufficient grounds for postponing the Estimates. On the contrary, he had shown that every point he had mooted might be discussed—and better discussed—in Committee. The gallant Officer stated that these Estimates, instead of amounting to £14,000,000, were really £16,000,000. But he did not clearly show on what he founded this statement. The gallant Officer had alluded to many points into which he hoped the House would excuse him from entering, for the reason he had stated. He had alluded to the colonial military expenditure; at the present moment a Committee of the House was engaged in inquiring into that subject, and that inquiry could not but be of great advantage to the Government. With respect to the expenditure upon the medical staff and Hospitals, it was certainly increased; but the House should recollect it was occasioned by the improvements that had been effected in them. It was the same with respect to the expenditure on barracks. It was in order to give better accommodation to the soldiers, and to provide quarters for those who were married. With regard to the expense of fortifications, he would recall to the recollection of the gallant Officer that the House had not sanctioned an expenditure of £12,000,000, as he seemed to believe. The total estimate of the new works for the construction of which the Government had the power to raise a loan was £5,000,000; and the reason why a sum for fortifications appeared in the present Estimates was, that the Government was strictly bound to spend the money to be raised only on the places specified in schedule A of the Act. The gallant Officer himself anticipated that the House would go into Committee on the

Estimates, and in Committee he should be happy to give any further explanation when the particular Votes came under consideration.

Colonel DUNNE believed that the hon. Gentleman (Mr. Baring), like most officials, preferred going into Committee to giving an answer to the objections that had been made to these Estimates. But the objections did not proceed from the "peace-at-any-price" party, or from any one who had the slightest hostility to the establishments of the country; they were made by professional men and men who had been connected with the War Department itself. All that they desired was to see that the money granted was spent with economy, and to have it shown that it was spent as it ought to be—for the efficiency of the service. In order to know and to judge that it was so, the House must get information, and the hon. Gentleman did not seem disposed to afford information. On a former evening, when he (Colonel Dunne) moved for a specified Return of the expenditure on arms and accoutrements, the hon. Gentleman's reply was that the Return if given would have been so voluminous and contain such numerous details as not to be able to pass through the door of the House. Such Returns were not unprecedented, and all the information he asked had been frequently given in different Returns, and it was but a short time before that the hon. Member for Manchester (Mr. Turner) moved for a Return of the prices paid for all articles provided to the War Department under contracts, and it was granted by the noble Lord (Lord Herbert) the Secretary at War. That Return was much more voluminous than the one he had asked for; it contained 12,000 or 14,000 items. His Return would not have required a thirtieth or fortieth part of that number. The answer of the hon. Gentleman, therefore, was no sufficient excuse for not granting it. From the want of information, hon. Members were not prepared to consider the Estimates, because the hon. Gentleman did not choose to give the Returns the House was bound to have. Since the Ordnance Department had been united to the War Office, the House had less information than before; less was communicated in the present united Estimate than had been given in those presented separately from each, and yet complaints were even made that they were not sufficiently explanatory. In the Return of arms obtained since 1852-3, what he asked for was a Return of the contracts for arms, of the prices paid to contractors and the quantity supplied by them, of the quantities made in our manufactories, of what each kind of arms cost, what was the entire quantity of arms obtained, and to what services they were issued, what quantity remained in store, in fact how they were disposed of? Every one knew that the catalogue of the arms of the British forces was a small one; and, considering the immense sums that had been voted for them in a short period, the House had a right to know what had become of them. The amount expended on small arms—if any hon. Member looked into the Estimates—would be found to be since 1856 nearly £3,000,000; and taking the expenditure on the Enfield establishment and other expenditure into account, the sum spent on arms since the two departments were amalgamated was between £4,000,000 and £5,000,000. Reckoning the cost of a rifle at £3 10*s*., or even £4, we ought with this outlay to have had 1,000,000 stand of arms, and the House had a right to know where these arms were or what had been done with the money. Then, the detailed Returns furnished with regard to clothing rendered it impossible at this moment to make out what a soldier's dress cost the country, or to judge whether our army was now clothed at the cheapest rate. There was every reason to believe it was not so, in fact he knew that it had been said that it cost the country 40 per cent more than formerly, and allowing it to have been improved this was too much; and the clothing branch of the War Department always evaded giving information if even it possessed it. Then with regard to the cavalry horses, the Vote of £57,466 asked for seemed most extravagant; a cavalry horse, according to the evidence given before the Military Committee, ought to last with care eight to ten years. The number of cavalry was 13,642, and they had been voting money year after year for the purchase of horses to such an amount as would give them 20,000, which was more than they possessed of cavalry by about five thousand. Last year the estimate for horses for the service of the country was £105,030; and this sum, supposing each horse to cost, on an average £40, which was much more than it did, would supply 26,215 horses; in the year 1859-60, the estimate was £75,830, and the present is £59,466.

The hon. Gentleman should inform the House what had become of all these horses or at least how the sum voted for them was applied. He believed that the fast drill of the cavalry had been carried to an absurdity, and had been the cause of using up the horses very quickly. And so with regard to the movements of troops, the same extravagance was perceptible, for while we had been concentrating our forces by building new barracks and by the establishment at Aldershot, on which much more than £1,000,000 had been spent, as well as at the Curragh, the cost of moving the troops had gone on largely increasing. In 1856 it was £36,000, and this year it was £110,000. The expenditure on shot and shell was also enormously increased. This could, to a large extent, be accounted for by the introduction of new and improved projectiles, and by the expenditure in the Chinese war. The expenditure also of these stores in experiments were also increased; but at the same time the hon. Gentleman was bound to show the House what shot and shell, and other projectiles had been obtained for the large sums voted, what amount had been expended in the services of the country and what remained for the future. Altogether, he hoped the House would not agree to the Estimates until the Under Secretary for War promised Returns, which could be easily furnished, and which would enable the House to judge whether the money voted by it was applied with advantage to the public service.

MR. BERNAL OSBORNE said, he was glad that the subject of the Army Estimates had been taken up by his hon. and gallant Friend, for, with his experience, anything coming from him would be worthy of the consideration of the House. It was a pity that he was not in the House at the time the great Aldershot job was perpetrated. The country ought to be warned that the money of the country had been wasted there for a purpose of very doubtful utility. Aldershot was nothing but an indifferent preparatory school for forming indifferent generals. Every man connected with the army knew that it was a most demoralizing place for the troops. ["Hear."] His hon. Friend who cheered had been there and would probably give them his experience of this most demoralizing school. Was the system to be continued? Upwards of £1,500,000 had been flung away on the cavalry barracks, the riding schools, the stables, and a kind of palace at Aldershot. If any good came of it one would not so much complain, but every commanding officer he had seen held up his hands and said, "So long as the House of Commons can be induced to vote these sums so long will these monstrous jobs be perpetrated." Now, "job" was an awkward word, but he could apply no other term to an expenditure so enormous, incurred with the problematical view of making indifferent brigadiers. With regard to the Motion before the House, he thought his hon. and gallant Friend would act wisely in not pressing it, because if a case for reduction could be made out, he believed that the present temper of the House was such that the Vote might be revised in Committee. But the attention of the Under Secretary for War should be directed to another point. Last year the House, in one of the panics which he deplored, was hurried into a Vote of £11,000,000 for the defences of the country, and they were told it was of such moment that they were hardly allowed time to debate it. From that day to this, however, no satisfactory account had been given of the mode in which this money was to be spent. It was reported, however, that many of the works at first proposed were not to be built, and other plans were being altered. On Portsmouth alone £2,800,000 was to be spent, and they were told that the lines of Portsdown Hill were to be made like those of Torres Vedras. But the lines of Torres Vedras were formed on rock, which it was impossible to mine under, while Portsdown Hill was of chalk. Now, he supposed those fortifications were to be constructed with a view to the possibility that an enemy might sit down before them; but no subsoil was so favourable to mining operations as chalk, since no galleries and no supports were necessary. That point was overlooked, however, in planning these fortifications. It was proposed that there should be nine distinct forts, exclusive of the lines flanking them at each end, and that 226 guns should be mounted there, requiring 2,260 artillerymen to man them. On all these points the hon. Gentleman was bound to give some explicit and detailed statement as to what the Government were doing. Upon the authority of many engineering officers he believed them to be unnecessary. At a recent meeting of the Naval Architect's Society, at which the right hon. Gentleman the Member for Droitwich (Sir John Pakington) presided, it came out that the building the four forts at the entrance was not considered sufficient unless they were plated with iron. That was stated on the authority of Admiral Elliot, and his statement had not been since controverted. Moreover, a most able pamphlet had been written on this subject by a gallant officer to prove that these forts were of no use at all, and would only serve as beacons for an enemy coming in. He had heard with satisfaction the observations of the Chancellor of the Exchequer the other evening about the increasing expenditure of the country, and in the face of that lecture he did entreat the House to pause about this gigantic scheme, involving such a gigantic expense. Let Aldershot be a warning before their eyes; let them not go and plunge into this enormous expense for erecting nine distinct forts on Portsdown Hill; and he implored the Government not to hurry the House into voting these sums, probably to be raised in the most objectionable manner—by a loan; for it was only because it was thought that the burden could be shuffled off on posterity that the House had consented to do what had already been done. These were times when it behoved the Chancellor of the Exchequer not merely to lecture the House on excess of expenditure, but to rise in his place, when these particular votes were proposed, and declare his opinion of them. There was very good reason to suppose that both the Chancellor of the Exchequer and the President of the Board of Trade were altogether opposed to the Fortification Vote, but when the little band of some twenty-five voted against it the Chancellor of the Exchequer absented himself. He hoped when the Under Secretary for War rose to reply to this Motion he would go into details as to how this large sum was to be expended at Portsdown Hill. He (Mr. Bernal Osborne) believed we ought not to go on with these forts at all—they were entirely in the hands of one man, who was not at the head of his profession. He knew that engineers differed most materially on this point, and the House ought to pause before they agreed to these most objectionable fortifications. He hoped, however, that the hon. and gallant Member would not now press his Motion, but urge his objections as particular Votes came on.

Colonel NORTH observed that much had been said in disparagement of Aldershot, but it was notorious that the army had been much benefited by the encampment at Chobham previous to the Russian war. He certainly could not understand why Aldershot should only produce indifferent brigadier officers, for he thought that officers of that class in the British Army had done their duty as well as the General Officers in any other army.

General LINDSAY maintained that no military man could be at Aldershot watching the operations or taking part in them without adding to his stock of professional information. He did not think it fair for the hon. Member to say that Aldershot produced only indifferent brigadiers. The gallant officer who formerly commanded the camp, and with whom he had served upon six different occasions, was a man of the greatest ability, and the brigadiers who served under him understood their work well. He did not think it fair to mix up with the officers at the head of the camp the jobbery which the hon. Member represented to have taken place at a former period. He did not mean to say that the camp had been formed with foresight; and, no doubt, large sums which had been spent might have been distributed with greater economy, and secured the same results at a cheaper rate; but he could not hear, without contradicting the assertion, that Aldershot was of no use to the army.

Colonel GILPIN said, that before the camp at Aldershot was formed the Government were urged night after night to get some place where large bodies of troops might be massed together, and at Aldershot they had a large quantity of ground very varied in character; indeed, if they had searched England through he did not think they could have acquired a better position. He could speak with reference to the new barracks, for he had occupied them. Whether or not they were built on the most economical principles he could not say, but they were admirably constructed; the barracks for the men were better than those for the officers, and the health of the troops there would compare favourably with the sanitary state of those at other military stations throughout the country. One fault of position was that they had been built at the edge of the Government land, and in consequence fresh land had to be purchased at a high price. He believed the encampment had been most useful to General Officers and others. As to the necessity of fortifying Portsdown Hill, no man could go to the top of it without seeing that with the new system of gunnery it would be easy to send shot from it into the midst of the fortifications of Portsmouth.

MR. MONSELL said, he did not desire to prolong the discussion, but he wished to revert to the question whether consistently with the efficiency of the army it was possible to save any large sum on these Estimates. He would, in passing, remark that the speech of the Chancellor of the Exchequer the other evening was generally cheered, and particularly from these (the Liberal) benches; but now when the question of economy came before them in a practical shape some Members of the party absented themselves from the House. In these long columns of Estimates the difficulty of pointing out whether extravagance existed was considerable, and he, therefore, proposed to quote a few leading items in 1853-54 and compare them with the same items in the present Estimates, taking into account the number of men voted. In 1853-54 the number of men belonging to the army and scientific corps was 119,881; and in the present year the number was 146,045. What was the difference of the expense of the Staff? For the 119,881 men the expense of the Staff was £175,895, and the expense of the Staff now was £326,898. The House would see at once the enormous disproportion between the increase in the number of men and the increase in the expense of the Staff. On that point the House had a right to expect from the Government a full and complete explanation. The next point he would refer to was the article of forage. In 1853-54 the army had 9,450 horses, and in the present year the number was 13,642. In 1853 the expense of forage—oats and hay—was very much the same as in the present year, but the difference in the cost of the forage in the two periods was a follows:—In 1853-54 the cost was £269,165, and in the present year £482,392. He would next refer to the articles of fuel and light. He thought the House had some right to expect a reduction in these items, for they had been told that the introduction of gas and cooking stores would lessen the expense; but in the year 1853-54 the charge for fuel and light had been £116,220, while in the present year it amounted to £241,157. The expenditure for the purchase and repair of barrack and hospital furniture had in the former year been £57,829; this year it was £127,400, and so on with many other articles with which he would not weary the House. That being so, he thought he had clearly demonstrated to every hon. Gentleman who listened to him that a most disproportionate increase had, in the charge under every one of those heads, taken place. Taking next the English and French Estimates, and eliminating from both all those items which related to pay and allowances which, on account of the system of conscription in the latter country, admitted of no fair comparison, he found the state of the case to be as follows:—The English Estimates for maintaining 146,000 men were £14,666,731, from which sum if £7,674,180 for pay and allowances, non-effective services were deducted, £6,992,551 would remain; and taking from that amount £1,200,000, which was devoted to the purpose of providing stores, ammunition, and guns for the navy, and to which there was in France no corresponding charge, a balance would be left of £5,792,551. Now, the French Estimates for maintaining 400,000 men were £14,000,000, and making from that sum a similar deduction as he had made from our Army Estimates for pay and allowances, he found that there remained a balance of only £4,000,000; so that, while for stores, barracks, fortifications, and ammunition of all descriptions, with an army of 400,000, the French spent only that amount, we expend more than five millions and a half for an army of 146,000 men. Now, it was, in his opinion, quite obvious that if we were to go on laying out money at that rate, a reaction against the expenditure would set in in the public mind, and he felt assured that they were speaking the true interests of the army who called attention to the subject in the spirit in which he felt it to be his duty to advert to it.

GENERAL PEEL hoped his hon. and gallant Friend would not divide the House on this Motion. He would have been glad of an opportunity to make some remarks upon the fortifications of the country, but as the charge for them was not included in this Estimate it would not be in the power of the Under Secretary for War to give any explanations about them. His hon. and gallant Friend had calculated that the average cost per man had increased since 1854, from £75 to £100, but his hon. and gallant Friend had reckoned for the whole number of men voted in 1854, whereas nearly 10,000 of those men were never raised at all; and he had also forgotten that at that time the Commissariat was not under the War Department, but under the Treasury. There is also a difference in the amount of stoppage in the daily pay, instead of the stoppage being 6*d.*, it was only 4½*d.* per day, which is a boon to the soldiers of 1½*d.* per day. Hon. Members had pointed out where they thought the Estimates were too large, but it was his (General Peel's) misfortune to have to point out that the Estimates would not be sufficient to cover the expense to be provided for; that, in point of fact, on the 1st of April they had 3,000 men more than it had been proposed to vote money to pay for. The Government had deducted from the pay and allowances £127,000 as the pay and allowances of men who would be wanting to fill up the allowances. He had moved for a Return of the number of men on April 1, and he found the number of effectives on that day was 145,862, while the number to be voted was 146,044, so that only 182 men were wanted to complete the establishment. The number of men to be voted for India was 66,625, and the number of men actually on India establishment was 82,200, so that there was an excess of 15,575 men for India. He must say he did not see how this excess was to be provided for. The Under Secretary for War pointed out that reductions were to take place to the extent of five regiments of infantry and one regiment of cavalry. Was that reduction to take place in the Indian establishment?

Mr. T. G. BARING said, the strength of the regiments in China would be reduced to the peace establishment.

General PEEL said, the establishments of the regiments in India were already in excess of their proper number by 15,000 men, and he wanted to know how the reduction was to take place. He did not see how they were to reduce the number of men in India, and dispose of the men. They must either discharge them, or wait till they were absorbed, which would take some time. If there were any Indian troops in China after April 1 they would entail extra expense on account of receiving Indian pay and allowances. Was that expense to be met out of the additional Vote of Credit asked for by the Chancellor of the Exchequer for the next financial year? He hoped, when they came to the specific Votes, the Under Secretary for War would be ready to afford full explanations.

Viscount PALMERSTON: Sir, the course pursued by hon. Gentlemen of asking questions and making observations, knowing that they can receive neither answer nor refutation, is most inconvenient. The usual course of proceeding upon Army Estimates is founded on good sense, and well adapted for the convenience of the House. You, Sir, are moved out of the chair, the House goes into Committee; and when in Committee every Member may speak as often as he pleases. The Member therefore charged with the conduct of a particular Estimate can answer any number of questions without violating the rules of the House. The matters to be discussed are divided into a number of heads, so that, being taken one after another, the debate upon one may be kept separate and distinct from that which relates to the rest. But upon this occasion Members have got up and discussed the separate details of some twenty-two or twenty-three different Estimates, when the Under Secretary for War, having already spoken, by the rules of the House cannot answer any questions put to him. All the discussions which have taken place must, therefore, as far as answer or explanation or refutation go, be perfectly without any result. I should hope that the hon. Gentleman (Colonel Dickson) will have the goodness to follow the advice given him, and allow us at once to go into Committee, when all these questions may be answered upon the votes to which they belong, and when the most detailed explanations will be given by the Under Secretary for War. I should have confined myself to this request, had it not been for the speech of the hon. Member for Liskeard (Mr. B. Osborne). The hon. Gentleman is fond of sweeping assertions, and he has at his command a most ample vocabulary of strong words. Everything he disapproves of is a "job," and everything he does not like is absurd, ridiculous, foolish, and preposterous. But if we are to judge from the military opinions which he has given this evening, I think we may congratulate the country that its military defences do not depend on his knowledge and his decision. He is pleased to talk of "that extravagant job Aldershot." I deny that it is a job. On the contrary, I assert that there never was a wiser nor a more economical application of public money. It was known to be the great want of the British army that there was no place where a large number of men could be assembled together to learn combined movements. That feeling was so strong, that before Aldershot, Chobham was taken. But Chobham was very expensive; there were large sums to be paid for compensation to those whose common rights were interfered with; and then Aldershot was purchased. It was bought at the rate of about £15 per acre, and nobody will maintain that that was a dear investment in land. If it were no longer needed for public purposes, I will venture to say that it would sell for many times more than that. The hon. Member found fault with the huts. Well, those huts were required suddenly. It might, perhaps, have been better, as it turned out, to build them of brick, instead of wood; but they would have taken much longer to build, and the public service required that the men should immediately be under huts. As for the use of Aldershot in forming your regiments, your officers, and your General Officers, I am quite sure that no military man whose opinion is worth having will agree with my hon. Friend's estimation of it. I hope, therefore, that those light and violent expressions of opinion which my hon. Friend is so fond of throwing right and left at everything in his way will have only their due weight with the House, and that they will prefer to give credence to those who are better judges of the matter than my hon. Friend. He talks about the demoralizing effects of Aldershot—I do not know what he means, but undoubtedly as far as the health of the troops goes they have been healthier there than at any station where an equal number of men have been collected together. Then, again, as to Portsdown Hill, he who has erected himself into a supreme judge of all military matters complains that if he were shut up there he should be undermined by the enemy. Now, mining and undermining imply a long siege; but does he suppose that we are going upon the assumption that a foreign enemy is to be left quiet at Portsdown until he can carry on the long operations of mining? The object of occupying Portsdown Hill is to prevent a force which might suddenly be landed upon the coast from at once taking up a position there which would give them the power of destroying our dockyards. It is nonsense to tell me that an enemy landing at Chichester, or some other such place on the coast, if Portsdown Hill were undefended, could not occupy it and do whatever damage he pleased to our dockyards at Portsmouth. The object of these fortifications is not to stand a regular siege like Coblentz, Mayence, or any of the great fortresses of the Continent, but to prevent the enemy from taking possession of the hill by a *coup de main*, and if they can be maintained so long as to force the enemy to undermine them and blow them up, I shall think that they have fully answered their object.

CAPTAIN JERVIS hoped that the result of this discussion would be that the Estimates would be presented in a more intelligible form next year, for in their present state it was difficult to learn from them what the army really cost us. One result of the perplexing form in which they were now given was to spread abroad an impression that the cost of the army was about £100 per man. He had taken a good deal of pains to go through the Estimates to find out the actual cost, and he found that the 146,000 men which had been voted cost just £7,216,181, or £49 per man. Deducting the force in the colonies, the 97,000 men stationed in this country, with 13,642 horses, cost just £54 11*s*. 8*d*. per man. According to Returns recently laid before the House, the cost of the Berkshire police was £58 per man; of the Kent police and of the metropolitan police £57 per man. So that our army, man for man, actually cost us less than our police. He did not agree with the Under Secretary for War that the Select Committee now sitting upstairs on the subject of Colonial army expenditure could lead to any great saving of expense as regarded our colonies. That question depended entirely on the political exigencies of the times. Malta, for instance, in 1853 cost £359,464; in 1855 it rose to £1,496,046; and in 1857 it fell to £442,722. So the Cape cost us for troops in 1853, £527,514; in 1856 the amount rose to £924,000; but in 1861 it cost us little more than Malta. A Committee which sat some years ago, and which included the late Lord Hardinge, the present Secretary for Foreign Affairs, Lord Derby, and other eminent men, reported that it could not by the offer of suggestions relieve the Executive Government from the duty of providing upon their own responsibility forces sufficient for the security of Her Majesty's possessions abroad, which even in time of peace were liable to variation on account of many contingencies. The only means of checking expenditure was to see clearly what was the cost of troops in the colonies, and what was the cost of the army at home on which they depended to defend the country. He wished to point out that the increase of the Estimates since 1853 was referrible to the supply of materials for the future. Since that time there had been a great revolution in the engines of war, and on that account they must look forward to a large expenditure for several years. The hon. Member for the Queen's County (Col. Dunne) had moved for a Return of the materials in store, because without that knowledge no check on the expenditure could take place. If the House should at any time be of opinion that there was a sufficient stock in store they might refuse to vote more money. He should reserve other observations until the House was in Committee.

Colonel DICKSON said, he would not press his Motion to a division.

Sir HENRY WILLOUGHBY said, they voted money for regiments serving in the colonies, such as the 12th and 40th regiments, which were in Australia. If the colonies paid any portion of the expense he wanted to know how those sums were credited to the State? It was usual up to 1857, in all detailed accounts presented to the House, to give credit for such payments by the colonies; but latterly this did not appear in the accounts.

Mr. CHILDERS said, the mode of accounting for the sums paid by the colonies was now the subject of inquiry before the Committee on Colonial and Military Expenditure. The question would require careful examination, and he hoped the Under Secretary for the War Department would not commit himself to any statement until the Committee had reported.

Colonel NORTH said, the Committee on Military Organization which sat last year had made several suggestions, and he wished to know whether any of these recommendations had been or would be carried into effect?

Mr. T. G. BARING, in reply to the last question, had to state that the Government was engaged in carrying gradually into effect the alterations approved by the Select Committee of last year. He would not shelter himself under the suggestion of the hon. Member for Pontefract (Mr. Childers), but would explain, in answer to the hon. Baronet, the Member for Evesham (Sir Henry Willoughby), that the extra allowances given to the troops in Australia were paid direct to the troops, and, therefore, did not come into our accounts. When there were fixed contributions paid by colonies for military expenditure the amounts were paid into the

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Exchequer and appeared in the statement at the end of the Estimates. It was a proper subject of inquiry whether the allowances should not also be paid to the Exchequer.

With respect to the questions of the hon. and gallant Member for Chatham (Sir Frederic Smith), he would endeavour to answer them *seriatim.* No steps had actually been taken towards the establishment of a central depôt, the ground was being surveyed. The Fortification Loan of last year had been alluded to as a loan of £10,000,000 or £11,000,000; but he must remind the House that £5,345,000 was the extent to which the House committed itself under the Estimates which were laid on the table at the time. The plans for the works sanctioned by Parliament had all been settled and approved, with the following exceptions—and when he used the word "all," he meant those works for which estimates were presented. The exceptions were the batteries on the south-west side of the Isle of Wight, for which the Survey Department had not yet completed the survey of the ground; Maker Heights, at Plymouth, the design for the defences on which was under consideration; the north-east defences of Plymouth, the designs for which had been approved, but it was under consideration whether the line could not be modified so as to occupy land of less value than that required for the works already planned; Pembroke, the plans for the batteries on the coast to the south of which were in progress, but had not been finally approved; and Chatham, the plans for which were under consideration. Contracts, had been entered into for the works at Hurst Castle, Sandown Bay (Isle of Wight), the Needles, for some of the works on Portsdown Hill, and for the works for the defence of the Thames. Tenders were about to be accepted, either to-day or to-morrow, for the sea defences and for Staddon Heights at Plymouth, and also for works on the Isle of Grain for the defence of the Medway. The necessary steps were being taken for obtaining contracts as soon as possible for the remaining works at Portsdown, for the advanced Gosport works, for the works at Scoveston (Pembroke), for the proposed new work at Dover, and for the new defences at Cork. A considerable portion of all the land required had been purchased. A question had arisen with respect to the advisability of constructing the forts in the sea at

Spithead. The matter had been referred to the Commissioners of National Defence, and they had made their Report. The Inspector General of Fortifications, Sir John Burgoyne, had also given his opinion on the subject which was under the consideration of the Government, but no decision had as yet been arrived at with respect to it. As to whether it was the intention to lay on the table of the House detailed estimates of the probable cost of each work, these estimates had already been laid on the table in as great detail as could be done at the time when the House sanctioned the Loan. It was the understanding of the War Department that the House of Commons, in passing the Loan for two millions on account of the fortifications, pledged itself for the total cost of the undertaking, in the same way as when it gave a vote on account for any other works. The total estimate was £5,000,000 for new works, and £345,000 for works already sanctioned by Parliament. The Secretary for War would take care that the House of Commons was not committed to any expenditure in excess of that Estimate. As to the removal of the Invaliding Establishment and Medical School from Chatham to Netley, he had to state that the hospital at the latter place was not yet completed.

Mr. BERNAL OSBORNE: At the risk of disturbing the equanimity of the noble Lord at the head of the Government, who, from the tone of the remarks he addressed to the House, appears to be suffering from indigestion of the dinner at the Mansion House, I must say that the explanation offered by the Under Secretary for War in answer to my gallant Friend opposite is exceedingly evasive and unsatisfactory. We are told that works are in progress, the plans for which have not as yet been finally approved.

Mr. T. G. BARING: I must correct the hon. Gentleman. I said the plans were in progress.

Mr. BERNAL OSBORNE: Then that means, I suppose, that the plans laid before this House and for which the money was voted have been altered. If I had said such a thing, I should have been told that I was "light and violent." I have always remarked that any one who happens to differ from the noble Lord is supposed to have studied in the school of lightness and to be subject to fits of violence. Standing here as an independent Member of Parliament, and not returned through the influence of the noble Lord, I shall take the liberty whenever public money is granted to criticize even his own pet projects and to object to them when they are extravagant. When the noble Lord tells me that I rest on my own simple opinion, I say that I do not presume to form one for myself on such a question. I am fortified by the opinion of the Inspector General of Fortifications, who in his evidence before the Commission pronounced these works unnecessary and extravagant; and also by the opinion of the distinguished Engineer officer opposite (Sir Frederic Smith), which is surely as well entitled to respect as the *ipse dixit* of the noble Lord. We shall be told some day that the £5,000,000 has been all spent, and nothing more. All we can gather is, that the plan which the House was called upon to sanction in a most indecent hurry — I may say, in a "light and violent" way—has been altered, and that we are to have no consideration of the Estimates. We are told that we must go into Committee directly, that it is our business to pass the Votes, but not to consider them. I have been educated in the belief that when we went into Committee of Supply it was for the purpose of considering the Estimates, and I intend to adhere to it. I make every allowance for the irritation of the noble Lord, who is no doubt suffering from the effects of large doses of colchicum; but, whatever tone he may assume towards me, I put it to the House whether the explanation of the Under Secretary was at all satisfactory.

Viscount PALMERSTON: I am very sorry that what I said should have so disturbed the equanimity of my hon. Friend. I am certainly inclined to prescribe for my hon. Friend a dose of that very colchicum to which he has alluded, reminding him at the same time that colchicum is rather sedative than exciting in its operation. The matter to which the hon. Gentleman's observations relate forms no part of what we are going to consider this evening, because the question of the fortifications is entirely separate from the Army Estimates, and the Votes to be passed do not bear on it. When my hon. Friend the Under Secretary stated that the plans had not been finally determined upon, but were still under consideration, he did not mean, as my hon. Friend the Member for Liskeard assumes, that the general plan of the fortifications had been altered, although there may have been some modification in details. It is obvious that when we are going to construct fortifications at a large expense for an important object it is essential that the working plans should be most maturely considered over and over again by the persons most competent to judge, so that no mistake may be made. What my hon. Friend meant to say was that the plans had been carefully examined by competent scientific men, and that while some of them have been finally determined upon, others are not yet sufficiently settled to enable us to make contracts upon them.

General LINDSAY regretted that the Under Secretary had not given a more distinct answer as to military organization. The Committee on that subject had pronounced very strongly in favour of a large infusion of the military element into the War Department, and of having a permanent Under Secretary, not removable on each change of Administration.

Sir FREDERIC SMITH said, the replies of the hon. Gentleman opposite were very courteous, but he agreed with the hon. and gallant Member (General Lindsay) in thinking them very unsatisfactory. When so large a sum of money was about to be spent they ought to know the manner in which, and the matter upon which, it was to be spent, and until satisfactory estimates of the kind asked for were supplied he for one should oppose any further Votes.

Question "That the words proposed to be left out stand part of the Question."

Put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £1,780,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of Pay and Allowances to Her Majesty's Land Forces, at Home and Abroad, exclusive of India, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Lord WILLIAM GRAHAM complained that the charges for colonial military expenditure were so scattered, that it was almost impossible to ascertain the amount spent on any particular colony. A Committee had been appointed to look into our colonial military expenditure, and under these circumstances it was very natural to turn to these Estimates to see what was the amount spent upon each colony—but that was nowhere to be found—they were scattered under all kinds of heads, and in almost every page of the Estimates. He had, however, taken the trouble to ferret out the different items to the best of his ability, and he would just read to the different House the charges for two or three of the colonies, just to show the vast variety of heads under which they lay concealed. The Votes for Nova Scotia were—Foreign Staff, £6,169; store department, £990; prison at Halifax, £761; completion of glacis of citadel, £500; erecting block buildings at Wellington-barracks, &c., £2,766; new works under £1,000, £491; Engineer district, £669; renewing wharf at Halifax, £3,000, making a total of £15,346, to be found under eight different heads. The Votes for Gibraltar were—Foreign Staff, £6,768; store department, £1,250; prison, £690; new works, £3,000; works under £1,000, £800; civil buildings, £251; erection of huts, £6,500; extension of commissariat magazines, £2,700; Engineer districts £400; making a total of £22,359, scattered over nine different pages of the Estimates. The worst case of all was that of Malta. The Votes were—Foreign Staff, £10,326; store department, £1,420; Malta Fencible Artillery, under four heads, £9,282; improving defences, £5,000; altering defences, £2,000; new works under £1,000, £831; civil buildings ditto, £498; increasing barracks and rifle ranges, £3,877; prison, £1,228; Engineer districts, £1,375; construction of canal, £2,000; making a total of £39,837, for which we had to look under fourteen different heads. It was the same with the Votes for the Ionian Islands, the Mauritius, Bermuda, and other colonies. The existing system of making up the Estimates necessarily led to great complexity; and, in nine cases out of every ten, nobody except the Under Secretary for War could be expected to know what was the precise sum required for the colonies. He trusted that the hon. Gentleman would on future occasions give the House a column showing the total amount wanted for each colony.

Mr. W. WILLIAMS complained that the Army Estimates for the present year amounted to the enormous sum of upwards of £14,000,000, and contended that it was impossible in a Committee of the Whole House to do justice to almost any one of the items. All that could be done was by pointing out the items of increase over the same items of the Estimates of last year, of which the hon. Member pointed out several instances.

COLONEL DUNNE requested some explanation relative to the item of £40,000 for recruiting. The expenses of recruiting seemed to have unreasonably increased this year. The Commissioners appointed last year to examine into the subject of recruiting estimated that the number of recruits annually amounted to an average number of 18,000 men. Now, the hon. Gentleman had said that the Government intended to reduce the army by 16,000 men, and he also admits that there are some five thousand men supernumerary both in India and at home, and all these reductions are to be effected by stopping all recruiting; now, if this be the case will the hon. Gentleman state to the House why he asks the sum of £40,000 for levy money for recruiting? There was also an increase this year in the number of supernumeraries in regiments. He found that majors coming home from India were to be left on the strength of the regiment, and this he supposed would account partly for the increase; but why should majors be kept on when lieutenant-colonels were to be put on half-pay? Two lieutenant-colonels, Colonel Tyler and Colonel Anslie had just been placed on half-pay; Colonel Tyler had seen much active service, and was through most of the campaigns in India, and he had been before placed on half-pay as major; for it would seem strange to the House to learn that some time since majors were placed on half-pay, but now it was the order that lieutenant-colonels who were second lieutentant-colonels in regiments should be reduced when those regiments returned from India. He (Colonel Dunne) complained of these anomalies, no officers would trust to orders so capriciously and unjustly changed without any apparent reason. It was a paltry saving to dismiss two lieutenant-colonels; but under the circumstances it was, he thought, specially unjustifiable. Then at the end of the Vote under discussion he found an item "For men wanting to complete establishment." How could this be reconciled with the statement that there was a large supernumerary force? He wished an explanation to be given upon these matters, and he thought it due to the House and the country.

COLONEL DICKSON said, the military expenses of this year were £16,000,000, instead of £14,600,000, as the hon. Member opposite (Mr. Williams) had remarked, because one of the great items of reduction said to have been made was £437,470 on account of fortifications; but that was a Vote of last year, and, therefore, the reduction could not be said to be due to this year; and as beyond that there was but a nominal reduction of £185,795, subtracting this sum from the former left a balance which in reality was an increase in this year's expenditure of £251,675. Then there was an increase of £500,000 for that ill-used force the militia; an increase of £9,000 in the medical staff; and an increase during the last two years—in one year of £50,000, in the other of £40,000, making together nearly £100,000—in the simple item of hospital diet. The latter increase, he thought, certainly required explanation, considering that there were never more on the average than 7 per cent of men in hospital at any one time. There was no use sitting there night after night discussing these Estimates; and unless the items to which he had alluded were satisfactorily explained by the hon. Gentleman he would certainly divide the Committee.

GENERAL LINDSAY said, that his opinion went rather in the direction of the extension than the reduction of the medical provision for the army. The medical staff was considerably increased, but it was understood that there was an intention on the part of the War Department that regiments were to be reduced by one assistant-surgeon. Now, he did not believe that an officer coming from the staff to do duty with a regiment would be at all able to do the duty as well as an assistant-surgeon. He knew, however, that the order for this reduction had in some instances gone out. Dr. Gibson, Director of the Medical Department, stated in his evidence that the medical attendance upon a regiment would unquestionably be better performed by having two assistant-surgeons; and that, regard being had to the contingencies of sickness and the necessity for occasional leave of absence, there was sufficient to do to keep at work the surgeon and two assistant-surgeons. In the Metropolis, since the barracks were permanently divided, there would be only ten medical officers to perform the duties that required eleven in winter and twelve in summer. The consequence was that no medical officer could get leave of absence. This was more felt in London, where the men were permanently in detached quarters. As a commanding officer he did not think it right that 200 or 250 men at any of the London barracks should be left without a medical officer, particularly during the night. In the country, a hospital was attached to every barrack; but in London the hospitals were remote from the barracks it was necessary that an officer should live east of the hospital. The Sanitary Committee had recommended that increased leave of absence should be given to the medical officers of the army, and he trusted that the War Department would carry this recommendation into effect. He wished to direct attention to the subject of lance sergeants and lance corporals, particularly the latter. The Commission on Recruiting the Army had pointed out the desirability of some small addition being made to the pay of lance corporals. The corporals of each regiment not being in sufficient number, a certain selection of the most eligible men was made, who were called lance or acting corporals. They received no pay, but while in certain regiments they got on pretty quickly, in others their promotion was very slow. They had to perform onerous duties, and they ought to receive some small amount of pay. Another important question had reference to the re-enlistment of soldiers. Every officer knew the value of old soldiers to a regiment, and after a soldier had served ten years under limited enlistment, it would be highly desirable to offer him some inducement to remain in the regiment by an increase of, say, *2d.* a day in his pay. At present some of them re-enlisted in other regiments, but very few indeed re-enlisted in their own. Unless the War Office accepted the suggestion of his Royal Highness the Duke of Cambridge, and enlisted for sixteen years, with a small pension at the end of that term, some inducement to old soldiers to re-enlist, in the shape of a small increase of pay, was greatly needed.

Colonel KNOX said, he also deprecated any reduction in the number of the assistant surgeons, and he had been requested by several commanding officers to bring the subject to the attention of the House. It was a question of the most vital importance to the sanitary condition of the army generally, but especially so in London, where the barracks were separated and the men dispersed; and it was always necessary that in the barracks there should be medical men on the spot. The St. John's Wood Barracks, he was sorry to find, were not likely to be got rid of. They were obliged to have 300 men located there, and no man would say that a medical officer ought not to be constantly there. If the proposed reduction of one assistant-surgeon were carried out, not one of the existing army surgeons could obtain, what every other officer of the army had, leave of absence for a limited period every year.

Colonel NORTH did not look with the same horror as some of his friends did on the great expense of the medical department. They had no right to blow hot and cold on the subject. The Sanitary Commission recommended most of these changes, and the thanks of the Committee were due to the Government for the prompt manner in which they had carried out those recommendations. But he must join in the hope expressed by other Members that the number of assistant surgeons in the home battalions should not be reduced.

Captain JERVIS asked when the Report of the Committee on the sanitary condition of the army would be laid upon the table of the House? It was promised last year, and if it had been laid on the table with the Estimates, much of this discussion might have been avoided.

Mr. T. G. BARING said, that a Sanitary Report on the army would be laid on the table in future. With regard to the discrepancy between the money asked for and the number of men voted, referred to by right hon. and gallant Gentleman opposite (General Peel) he had to observe that that could be accounted for in various ways. The number of men, for example, would be reduced by those serving in China coming home, and by a consequent reduction of the strength of the regiments. Besides, regiments on foreign service were found to diminish fast enough; the right hon. and gallant Gentleman might depend upon it that the number of men would be brought down to a level with the money voted. Recruiting had been checked. In 1860 the recruiting averaged 2,300 a month; but in February last the number was only 1,300; in March, 1,000; and in the first half of April, 250. The discrepancy to which reference had been made was not an exceptional case, for he found that it had occurred in previous years, and must necessarily occur when establishments were reduced. In 1859, for instance, the number of men was 5,000 in excess of the money voted. The noble Lord (Lord W. Graham) had called attention to the colonial military expenditure. The subject was now under the consideration of a Committee upstairs, but he could see no objection to a Return as asked for by the noble Lord, showing the amount to be expended in each particular colony being given every year. With respect to the number of men borne on the British establishment, he should explain that when a regiment was expected to return from India in the course of the year the numbers were transferred at once from the Indian to the British establishment in the Estimates; although they did not come on the charge for the whole year, but were only paid out of the British Exchequer when they arrived in this country. The hon. and gallant Gentleman the Member for Wigan (Colonel Lindsay) whose opinion on all subjects connected with the army was of great value, had referred to the medical staff and the reduction of regimental assistant-surgeons; but he thought that subject might safely be left to be dealt with by the noble Lord the Secretary of State for War. No real reduction would at present take place. With respect to the recommendations of the Royal Commission on Recruiting, their Report was a very valuable one, but the subject required great care and consideration. A Vote of £20,000 would be taken on that account.

COLONEL NORTH urged that command-money should be given to officers in command of the artillery and cavalry regiments as well to infantry.

MR. W. WILLIAMS complained of the increase which had taken place in the expense of the staff appointments. The foreign staff cost £193,557, that at home £133,345, making altogether the expense of the staff at home and abroad £326,898. He thought this charge enormously extravagant, and called for reduction. He could not see why they should have a staff at the Ionian Islands. These Islands were an enormous expense to this country. They were anxious to part from us, and he could not see what we could possibly gain by retaining them.

MR. BERNAL OSBORNE asked what was the meaning of the appointment of a new officer styled "Major-General commanding the brigade of Foot Guards?" This might be a very good appointment—he had no doubt it was; but if so, why keep up the offices of these three colonels who used to take this command in turn? He also wished to know what was the use of a Major-General for the Australian Colonies, where there were only a few troops—not more than one or two regiments? At the present moment Australia was entirely denuded of troops. Was the lieutenant-general for Australia to be only temporary, appointed only for the exigencies of the occasion, in consequence of the war in New Zealand, or was he to be in permanence? Then he found also a Major-General of Nova Scotia, and "allowance to ditto in lieu of the government of Annapolis Royal." He wished to know what this meant.

GENERAL UPTON said, the appointment of a Major General to command the brigade of Guards arose from the Adjutant General wishing to be relieved from the trouble of having to deal with courts-martial and other duties connected with the brigade. He (General Upton) was of opinion that, as far as the discipline of the Guards was concerned, that officer was not required. The Guards got on quite as well before the appointment of a Major General as it did now.

MR. CHILDERS thought if no better justification for the appointment could be offered than the explanation of the gallant General the Committee ought not to confirm the appointment. He begged to thank the Under Secretary of State for his promise in future to shape the Estimates so as to show the distinct expenditure in each colony and foreign station, and the sums received from the colonies on account. He also wished to confirm the statement of the hon. Member for Liskeard (Mr. Osborne) as to the absence of any necessity for two General officers in the Australian colonies. Since the commencement of the difficulties in New Zealand all the troops had been removed from the Australian colonies, and the military duties had been entirely performed by Volunteers. He did not think the explanation respecting the medical staff was at all satisfactory. He wished to call the attention of the Committee to the great increase—nearly double—in the number of staff surgeons at the Cape. The troops had been diminished in number about one-third, the medical staff had been increased from seventeen to thirty; and he hoped the Committee would not agree to that increase.

MAJOR STUART KNOX concurred in the opinion that a Major General commanding the Brigade of Guards was not necessary. That officer could have nothing to do but what was done in the Line, by the colonels of regiments.

COLONEL DICKSON referred to the item for Miscellaneous and Contingencies, which amounted to £75,000, out of a total estimate for the Staff of £326,000, and said he thought that was a large amount to vote under such a head. He thought it would have been better to have retained the additional assistant-surgeon than to have made fresh medical staff appointments. He should take the sense of the Committee upon the items for additional staff surgeons, and for the Major General commanding the Brigade of Guards.

Lord ALFRED CHURCHILL condemned the appointment of Major General of the Brigade of Guards. The duties now performed by that officer had been previously performed by the Major of Brigade in waiting, and during the Crimean war Lord Rokeby, who commanded the first division, filled that post. After the war he continued to do the duties as Major General; but, his period of service having expired, a change was about to take place; indeed, it was stated that Major General Crawford was already appointed. The post was a perfect sinecure, and the estimate for it amounted altogether to £1,038. As he entertained a strong opinion upon the point, he hoped the sense of the Committee would be taken upon it.

Colonel DICKSON moved to reduce the Vote by the sum of £9,823, being the amount of increase upon the cost of the medical staff.

Mr. T. G. BARING thought the hon. and gallant Member (Colonel Dickson) would hardly persevere in his Motion to reduce this Vote, when he explained that the effect would be to oblige the War Office at once to place upon half-pay a number of medical officers and so to throw an additional charge on the half-pay Vote. The economy to the public would be very small, and those medical officers would suffer a considerable loss. With regard to the expenses of medical staff establishments in the colonies, that was a subject which might be considered by the Committee upstairs on colonial expenditure. There were at present more staff assistant-surgeons than were wanted, and it was necessary to place a certain number of them on half-pay. But the effect of the Amendment of the hon. and gallant Member would be to disorganize the medical service altogether, for still more staff assistant-surgeons would have to be placed on half-pay, and as by the terms of medical warrant only the juniors of each rank could be reduced, it would involve a considerable expense in bringing home some of these medical officers from distant parts of the world.

Mr. CHILDERS repeated his objection to this item, and said that the Committee sitting upstairs on colonial military expenditure had no power to investigate these items, but only to consider one special subject—what proportion of the military expenses should be borne by the colony and what by the mother country?

Colonel NORTH did not think an increase of the medical staff in unhealthy climates was any injury to the country. It was better to have too many than too few medical officers to attend to the health of the troops.

Major ANSON referred to the increase in the charge for the medical staff in China which was £13,700 last year and was now £14,468 although we had fewer troops in that country.

Mr. T. G. BARING explained that there had been promotions in China, and that it was impossible in so distant a country always to keep the medical staff within the numbers voted by Parliament. He repeated that the Amendment, if carried, would effect an insignificant saving and would entail a good deal of difficulty and trouble.

Colonel DICKSON said, he did not wish to take one medical officer off the staff. There were plenty of means of reducing the expenditure without interfering with the medical officers, and therefore he should take the sense of the Committee on the Vote.

Sir HARRY VERNEY thought it was so important to take every possible means of preserving the health of the soldiers as a mere question of economy that he hoped this Vote would not be hastily reduced.

Mr. BERNAL OSBORNE said, whenever they put their finger on a Vote on which there was a chance of effecting a saving a plea *ad misericordiam* was made on behalf of those who would be touched by it. Now, it was on behalf of the poor surgeons who were put on half-pay. There ought to be some consideration for the poor taxpayers. A case had been made out for the reduction, and he hoped the Amendment would be pressed to a division; it would then be seen who were ready to vote for tangible reforms.

Colonel SYKES said, so far from there being an increase in the number of medical officers in India, there had been a diminution. Several students who had come to England to complete their medical education in order to enter the service had been rejected because they had rather darker skins than Europeans.

MR. BRISCOE thought it was the first duty of the House to provide for the health of the troops; but when they were distinctly told that there were more surgeons in the service than necessary, he was at a loss to conceive how there could be a difference of opinion on the Vote. He should support the reduction.

MR. CARNEGIE did not see how the reduction could be made without adding to the assistant-surgeons of regiments.

MR. T. G. BARING said, that in order to reduce the assistant-surgeons to the number for which the Vote was taken it was necessary to place about thirty on half-pay.

GENERAL LINDSAY: Is it intended to reduce the number of the assistant-surgeons of regiments?

MR. T. G. BARING: No regimental assistant-surgeon would be placed on half-pay; all the assistant-surgeons reduced were then on the staff.

COLONEL DICKSON did not wish to see the number of the regimental medical officers reduced, but he wished to protest against what seemed to him a mere crotchet of the Secretary of War.

SIR JOSEPH PAXTON said, two years ago the House was applauding the Secretary of War for the measures he took to promote and preserve the health of the army. The House of Commons was then unanimous in doing him honour for his efforts; and to-night, when a Vote was required for the same purpose, it was proposed to reduce it. After having urged the Secretary of War to take the steps he had done, it was rather hard on him to blame him now for taking them. He should oppose the reduction.

Motion made, and Question put,

"That the Item of £105,031, for the Medical Staff, be reduced by the sum of £9,823."

The Committee *divided*:—Ayes 46; Noes 66: Majority 20.

Original Question again proposed:—

LORD ALFRED CHURCHILL moved the reduction of the Vote by a sum of £1,038 the pay of the Major General, commanding the Brigade of Foot Guards and of his staff.

GENERAL LINDSAY supported the item, and said that the arrangement of having a Major General commanding the Brigade of Foot Guards was no new one; it was an arrangement of former times revived. By an order dated in June, 1811, a gallant officer was appointed to that post, though with a more extended command. He entirely denied the assertion that this command was made for Lord Rokeby. On the contrary, it was part of a scheme that was carried out in 1856 in every part of the empire to organize the army in divisions and brigades. With respect to the Adjutant General who used to command the Home district, he would remind hon. Members that the business of the War Department had so much increased that that gallant officer had become little more than a clerk in his own office, to which he was now entirely confined, and he had almost ceased to perform the inspectional and military functions attached to the department. Though the portion of the army commanded by the Major General, whose appointment was objected to, was called a brigade, it was a division of seven battalions, and each lieutenant colonel commanding a regiment of Guards was, in point of fact, a brigadier. The regiment which he had lately the honour to command had three battalions, and the other regiments of Guards had two each. Those three battalions were worked almost as one; and such was the uniform system of organization in each regiment of Guards that if it was the pleasure of the Government to order a brigade of 3,400 men to leave for foreign service within twenty-four hours they could be put on board ship within that time without the slightest difficulty. The same could not be done with other troops for this reason: no regiment could start on an expedition without leaving behind the sick, the weakly men, and a depôt to maintain the numbers which reduced the number of effectives, and caused the worst of systems volunteering from one regiment to another. The system of having a Major General commanding the Brigade of Guards had been found to work well, and was a link in the chain of responsibility. The lieutenant-colonels in command of regiments had also very important duties to perform. They conducted the finance, the recruiting, the correspondence, and they worked three battalions as if they were one. No general could do this; an officer in command of a battalion, though senior of his rank, but co-equal with others, could not perform the functions of the lieutenant-colonel who had the moral and physical influence which his superior position afforded him; and he believed that they discharged it with great advantage to the public service.

COLONEL DUNNE did not agree with those who advocated this appointment;

and he thought the general opinion of the Committee was against it. This appointment had originally been made for Lord Rokeby when he returned from the Crimea; and, he need hardly say every one who knew that gallant officer rejoiced at anything that could be conferred upon so gallant a soldier, but he had now got a regiment, and why continue the appointment? He was not, however, disposed to attack individuals appointed to particular appointments. He proposed calling attention to the fact of the great increase in the expense of the staff generally. In 1815 and 1816, when there were 335,000 of the regular troops under arms, the cost of the staff was only £277,866. At present, with a force of only 146,000 men, it was £326,898. We had a staff sufficient for an army of 500,000 men, and far more than was required, but even to the numbers he would less object, were the appointments distributed fairly to the cavalry; the rule preventing an officer serving more than five years on the staff was applied only to those who had no interest but their merit, and evaded for purposes of periodic extension; he, therefore, hoped that not only this useless appointment but many others on the staff would be reduced.

Mr. BERNAL OSBORNE said, the gallant General the Member for Antrim, who had a greater knowledge of the Guards than any officer in that brigade, had told the House that this was an unnecessary appointment. The discipline of the Guards, which they knew had always been remarkable, was carried on—the gallant General declared—to perfection under the old system, by which the colonels took command monthly. The gallant General the Member for Wigan (General Lindsay) on the contrary—who had but lately been made a General—declared, on the authority of a precedent in 1811, that this appointment was no novelty in the Guards, and called on the House to vote £1,038 for its maintenance. He supposed the gallant General had voted in the majority on a late occasion with those Gentlemen who signed the economical address at the beginning of the year, and afterwards gave such excellent reasons to themselves for walking into the opposite lobby. He hoped they would now revert to their first impressions, and march under the gallant General the Member for Antrim into the same lobby in which it was his intention to divide.

Mr. T. G. BARING said, after the clear explanation of the reasons for this appointment which had been given by the gallant General the Member for Wigan (General Lindsay), it would be unnecessary for him to enter on the discussion of a purely military question, in which his opinion could carry no weight. It was evident, however, that the discipline of a body embracing several battalions would be more successfully maintained under the present system than if constant changes took place in the commanding officer, and if anything like uniformity of system were thereby prevented. He was not prepared to admit the justice of the appeal made by the hon. Member for Liskeard to the advocates for economy. No doubt the people of this country required economy to be consulted, but they did not wish to see it enforced unless a clear case of extravagant expenditure were shown. It was a mistake to suppose that this was a new appointment; it was a simple continuation of one which had existed last year and the year before.

Mr. MONSELL said, the only argument which could be employed to justify the Vote was that the discipline of the Guards had for a long time been unsatisfactory, whereas he had always believed those regiments to be in the highest state of efficiency. Unless some step were taken to put a stop to the enormous growth of the Army Estimates, it was impossible to predict to what amount they would swell, and the country in self-defence would be forced to resist some Vote, which perhaps might prove to be absolutely necessary for the defence of the country.

Colonel KNOX said, that having served in the Guards for twenty-five years, he had come to the conclusion that the appointment was in reality unnecessary. At the close of the Crimean war two distinguished officers—Lord Clyde and Lord Rokeby—had to be provided for. The office of Inspector General of Infantry was created for Lord Clyde, and that of Inspector of the Brigade of Guards for Lord Rokeby. The duties of Inspector General of Infantry were necessarily very limited, as he was not allowed to inspect in any district where there was a General commanding. The Inspector of the Brigade of Guards was useful to a certain extent; but he should be in favour of increasing the radius of his command, making him responsible for the safety of the *arrondissement* of the Metropolis. But if the choice lay between retaining this officer in his present position, and doing away with the three colonels of the regiments, he would say — speaking from twenty-five years' experience in the Guards —by all means let the Inspector of the Brigade go, and the Guards would get on as well as they had ever done.

Mr. CONINGHAM knew that Lord Clyde had been appointed Inspector General of Infantry on his return from the Crimea, but denied that the post had been created specially for him; the fact being that he came in under the reorganization of the military system which at that time was being carried out. About the office in connection with the Guards he knew nothing; but it deserved consideration whether these two appointments might not be advantageously combined.

Viscount PALMERSTON said, that the whole question turned really upon what was the best system of military organization. For his part he thought the proposed change would tend to improve the efficiency of the Guards. He did not mean to say that Members who were not military men were not capable of forming an opinion upon a purely military matter, but he thought they ought to give due weight to the opinion of an hon. and gallant Gentleman who was animated by no other wish than the good of the service. According to the best opinion that could be formed in the military Department this was the arrangement best calculated to ensure the efficiency of that valuable nucleus of our military force, the Guards. The question was whether the six battalions of the Guards were to be alternately under the command of the different officers belonging to the regiment or under the permanent command of one Major General. It seemed clear to him that for the sake of unity of system and regularity of arrangement the latter was best. It might be a matter of opinion in the House of Commons what should be the amount of the military force, but everybody agreed that whatever was its amount it ought to be made as efficient as possible; and it was clear that the Guards would be more efficient if their discipline was more uniform and they were placed under the inspection and command of one officer instead of under several officers who were changed from month to month. He submitted that this was a change which was calculated to promote the efficiency of the Guards. At any rate he hoped the Committee would place confidence in the opinion of the military authorities and sanction the proposed arrangement.

Lord ALFRED CHURCHILL pointed out an inconvenience that would result in case any unforeseen contingency rendered it necessary to bring a large number of troops up to London. They would be under a separate command, and the Major General commanding the Guards would have the command over those regiments. He thought that all the troops in a dis-district should be under the command of the officer in the district, and that no single regiment should have a separate commander. Considering the enormous amount of the expenditure, and considering what the Chancellor of the Exchequer had said the other evening, he thought it was their duty to object to every Vote which was not thoroughly proved to be good.

Motion made and Question put,

"That the item of £1,038, for the Major General commanding the Brigade of Guards, and his Staff, be omitted from the proposed Vote."

The Committee *divided:*—Ayes 86; Noes, 89: Majority 3.

Original Question again proposed:—

Mr. BERNAL OSBORNE asked for explanation as to the item of £691 for allowance to a Major General in lieu of the Government of Annapolis Royal, and, in case he should not get a satisfactory reply, proposed the reduction of the Vote by that amount.

Motion made, and Question proposed,

"That the item of £691, for Allowance to a Major General, in lieu of the Government of Annapolis Royal, be omitted from the proposed Vote."

Mr. T. G. BARING explained that the sum of £691 allowance to the Major General, was an allowance made to him on the abolition of the office of Governor of Annapolis Royal in the Bay of Fundy, which appointment was held by the Commander of the Forces in Nova Scotia until that office was abolished.

Captain JERVIS said, that the objection to the Vote might be got rid of if it had been explained that this was table money.

Mr. BERNAL OSBORNE said, that after the explanation of the hon. Gentleman opposite, he should not divide.

Mr. HUNT then proposed the omission of the Vote in page 7 of Miscellaneous and Contingencies, amounting to £75,028, on the ground that there was no explanation of the item.

Mr. T. G. BARING said, that the explanation was to be found in page 29.

Mr. AUGUSTUS SMITH said, that

there was no item in page 29 corresponding with the item of £75,000 in page 7.

Mr. CHILDERS asked, how it was that the number of surgeons at the Cape had been so largely increased? It could hardly be from the sickness prevalent there, for the Cape was among the healthiest of our colonies.

Mr. T. G. BARING could not explain precisely how this increase had been occasioned, but promised that the medical staff at the Cape should be carefully looked to.

Colonel DICKSON complained that no explanation was given of the sum of £75,028 for "Miscellaneous and Contingencies," and, to afford an opportunity for explanation, moved the omission of this item.

Mr. T. G. BARING said, that it was made up of certain small items connected with the Medical Staff and the Commissariat.

Sir FREDERIC SMITH said, the Committee wanted to know what were the Contingencies, and he would suggest that the Vote be deferred.

Sir HENRY WILLOUGHBY said, the Chancellor of the Exchequer had made such a fearful onslaught upon the Members of the House in sanctioning whatever expenditure was proposed, that to set themselves right with the country they ought to insist on examining every item of the Estimates. This particular Vote had increased within the last year or two, and the Committee ought not to be called upon to pass it without knowing something of the causes that had led to that increase.

Lord JOHN RUSSELL said, it was obvious on the face of the Estimate that there was a reduction of £5,000 with regard to this particular item, and he could not see that any sufficient grounds had been urged for postponing this Vote. It was asked why they did not specify all the Contingencies. He doubted very much whether if all these details were to be specified, they would add to the clearness of the Estimates. The details would fill several volumes, and the better plan was, in his opinion, to take a sum in gross, leaving to the Committee to consider whether such a sum was too large for the purposes required.

Motion, by leave, *withdrawn.*

Original Question again proposed:—

Mr. HUNT thought the noble Lord had overlooked the fact that this item was one-fourth of the whole Vote.

Mr. Augustus Smith

General PEEL saw no advantage in having every item detailed. As was said the other night, such details would be too bulky to come in at the doors. They might depend upon it the Secretary for War would have been too happy to reduce the Vote if he could have done so.

Mr. AUGUSTUS SMITH said, they did not want all the details, but details which they could understand. All sorts of items were mixed up together, and he suggested that they should have a clear and comprehensive analysis of what the £75,000 consisted. He hoped the hon. Member would persevere in his Motion for the postponement of the Vote.

Mr. MONSELL said, they did not want the details, but they did want to know how much was for clerks and how much for Contingencies.

Colonel DICKSON thought that a quarter of £326,698 was a large sum for clerks and Contingencies. A majority of the House talked about economy either there or outside, and they were expected to vote this large estimate without any attempt at reduction.

Sir MORTON PETO understood there were 600 clerks in the War Office, but could not conceive how so many could possibly be judiciously or properly employed. There was a sum of £9,000 voted for messengers at the Admiralty. They were too much in the habit of voting sums in the bulk without knowing enough about them. The Vote ought to be postponed or a division made of the two amounts for clerks and contingencies.

Mr. MASSEY said, the Motion must be to omit the item. If the Vote were not withdrawn, it was not competent to move that it be postponed.

Mr. T. G. BARING hoped the Committee would agree to the Vote. There would be no objection to grant a return of the expenditure in any detail required.

Motion made, and Question put,

"That the item of £75,028, for Miscellaneous and Contingencies of the Staff, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 28; Noes 182: Majority 154.

Original Question again proposed:—

Mr. CONINGHAM moved the omission of the item of £10,061 for the annual allowances for the officers of the regiment of the Grenadier Guards. The allowances for the officers of a regiment of the Line were only £408. No doubt the number of men in one regiment was much larger than in the other, but the difference in the allowances was out of all proportion.

Motion made, and Question proposed,

"That the item of £10,061, for the Annual Allowances of the Grenadier Guards, be omitted from the proposed Vote."

Lord DUNKELLIN pointed out that the £408 to which the hon. Gentleman had referred was only for one battalion, while the Grenadier Guards consisted of three battalions.

Mr. CONINGHAM replied that the allowance for three battalions of the Line at the same rate would only be £1,200 and odd. He should like to hear some explanation of the discrepancy from the Under Secretary for War.

Mr. T. G. BARING stated that the allowances to the Grenadiers Guards included payment for recruiting services and hospital expenses.

Mr. H. A. BRUCE observed that the proportion of officers to men in the Grenadiers was excessive compared with other regiments.

General LINDSAY said, that this sum had been voted from year to year, in order to provide for the recruiting service and for hospital expenses, and the accounts were presented every half-year to the Secretary for War, and passed like all other public accounts. Every information upon the whole subject was contained in the Report of the evidence laid before a Committee of the House of Commons in 1850, and in the Appendix to that Report. An investigation took place that year into the general subject of these allowances to the Army, including the Guards, and it was shown that the expenses of the Guards, under these heads, were only a penny a man higher than for the other regiments.

Mr. W. WILLIAMS said, that in the Life Guards there was one officer to every ten men, and a non-commissioned officer to every five, while in the cavalry of the Line there was only one officer to sixteen men, and a non-commissioned officer to nine-and-a-half. He objected to such a waste of money on these Household troops, who, it was well known, had no duties whatever to perform, except occasionally attending Her Majesty. The Foot Guards cost more than the regiments of the Line by at least 30 per cent; and a lieutenant-colonel in the Foot Guards had £1 6*s.* 9*d.* per day, while a lieutenant-colonel in the Line had only 17*s.*; the majors in the Foot Guards had £1 3*s.* per day, while the majors in the regiments of the Line had only 16*s.* per day. He wanted to know what use the Foot Guards had for three attorneys?

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £648,096, be granted to Her Majesty, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Major STUART KNOX condemned depôt battalions as injurious to the service. They were suppressed by the late Duke of Wellington, and revived during the Crimean War, when arrangements were made in a great hurry and without due consideration. Almost every colonel in the army had pronounced strongly against them, as productive of laxity of discipline and a want of *esprit de corps* among the men. If commanding officers of regiments happened to be quartered in places where their own depôts were stationed they had no authority over them. Such a state of things ought not to exist. He moved that the Vote be reduced by the sum of £41,337, the item for depôt battalions.

Colonel NORTH said, he would acknowledge that he was at one time very much prejudiced against these depôt battalions, but he had thought it as well to go down to Chatham and judge for himself. He must say he never saw anything more perfect than the movements of the depôt battalions, under General Eyre's command. The system might be attended with some expense, but he felt sure there was very great advantage in it.

Captain JERVIS observed that there was no objection on the part of the service to depôt battalions for regiments abroad, but the objection felt was to depôts for regiments at home, as it was considered that for the latter the proper depôts for teaching the young soldiers were the regiments themselves.

Colonel DICKSON had been formerly opposed to depôt battalions, but experience had considerably modified his opinion, and he now thought that the system was the very best that could be adopted; but he wished, however, to draw attention to the fact that there seemed to be some discrepancy upon the Estimate in reference to the number of officers.

Colonel DUNNE felt confident that not a single officer of reputation in the service had ever praised these depôts as at present constituted. No doubt the discipline was as good as it could be under the circumstances, but men were taken away from their regiments, and when their commanding officers obtained them, they often had to unlearn much that they had learnt. He hoped sincerely the good sense of the Government would induce them to do away with a system which was so injurious to the British service. But he should be sorry to see the Committee pressed to a vote on a point of discipline of this kind.

Colonel SYKES noticed that the Vote for this item amounted in the present year to £41,337, while last year it was only £35,807, and the Committee had no means of judging in what branch the increase took place.

Mr. CARNEGIE said, he should feel obliged if the Under Secretary for War would give them some idea how many of these depôt battalions were required for regiments at home, and how many for regiments abroad. He should certainly vote for a reduction on the depôt battalions for regiments at home.

Mr. T. G. BARING concurred very much in what had fallen from the hon. and gallant Member for the Queen's County (Colonel Dunne) that a matter, which really related entirely to discipline, namely, whether recruits should be drilled separately or in their regiments, could hardly be discussed with the prospect of coming to a just conclusion in that House. The hon. and gallant Gentleman had stated that no officer of reputation approved the depôt system; but only last year a long discussion arose in "another place," on a Motion of the Earl of Lucan, in the course of which the Commander-in-Chief expressed himself most decidedly in favour of the present system, and distinctly stated that Sir George Wetherall was a warm advocate of it, and that Lieutenant General Love, Inspector General of Infantry, though he had held a different opinion at first, was in the end in favour of the system. It would, perhaps, be satisfactory for the Committee to know that a neighbouring nation, not supposed to be ignorant of the right way of training soldiers, had actually adopted a system of depôt battalions; and he had seen a letter from France stating that the reason of the change was that the depôt battalions in this country were considered very advantageous, because under that system regiments were always fit for active service. With respect to depôts for regiments at home and regiments in the colonies, he must observe that depôts for regiments serving at home and those serving abroad were in the same battalion, with the exception of the depôts for Indian regiments.

Mr. BROWN-WESTHEAD read a letter from an officer at one of the depôts, testifying to the usefulness of these establishments in drilling officers and men.

Sir JOSEPH PAXTON asked whether if the Vote were carried it would be used with other regiments when the depôt battalions were done away with? If so, they would not be supporting economy but interfering with the discipline of the army.

Mr. T. G. BARING said, that if the proposal was affirmed he might have to ask for a supplementary Vote for the half-pay of the officers reduced.

Major STUART KNOX said, that finding the House so little inclined to retrenchment, he would withdraw his Amendment.

Motion made, and Question,

"That the item of £41,337, for the Staff of Depôt Battalions be omitted from the proposed Vote."

Put, and *negatived.*

Original Question again proposed:—

Mr. CHILDERS moved that the item of £11,157, for allowance to the Foot Guards, in lieu of Stock-Purse Fund for recruiting and other expenses, should be struck out, on the ground that it had been already voted under the head of Vote 2.

Motion made, and Question proposed,

"That the item of £11,157, for the Allowance to the Foot Guards in lieu of Stock Purse Fund for Recruiting and Hospital Expenses, be omitted from the proposed Vote."

Mr. T. G. BARING explained that the inference of the hon. Member was incorrect. There had been a Vote taken, but this item had not been voted. The hon. Gentleman referred to an explanatory paper which comprised items from Votes two and three.

Mr. W. WILLIAMS then rose to propose the reduction of the Vote in the case of items previous to that which had just formed the subject of discussion.

Mr. MASSEY informed him that it was not competent for him to do so, inasmuch as he should have made his Motion with regard to those previous items before the hon. Member for Pontefract (Mr.

Childers) had risen to move the omission of a subsequent item.

Mr. W. WILLIAMS said, he had risen at the same time with the hon. Member for Pontefract, and that he thought it was open to him to take the course which he was about to adopt.

Colonel SYKES understood that the Committee had simply rejected the Motion for the omission of the Vote respecting depôt battalions, but that it was still open to any hon. Member to move the reduction of any of the items.

Mr. MASSEY said, the last question decided by the Committee was that the sum of £41,337 should be voted for depôt battalions. It was, therefore, impossible to re-open the discussion upon that Vote. The question now before the Committee was that involved in the Amendment of the hon. Member for Pontefract.

Mr. H. A. BRUCE said, they had been told that this item was explained in paper 10 on Vote No. 2. He was not satisfied with that explanation. They were now on Vote No. 3, and he could not understand how that was explained by any statement having reference to Vote No. 2. He must express his astonishment that the gentlemen of the Guards should wish to retain this Stock Purse, which he thought put them in an invidious position as compared to other regiments.

Mr. CHILDERS had no objection to withdraw his Amendment in the meantime, in order to allow the hon. Member for Lambeth to move the reduction of previous items.

Motion, by leave, *withdrawn.*

Original Question again proposed:—

Mr. W. WILLIAMS said, he objected to several items in the Vote. An increase of £9,000 had taken place in the charge for marching allowance and cost of conveyance of recruits and escorts, while the charge for hospital expenses, medicines, and treatment of the sick had been raised from £148,018 to £188,104. The item for the movement of troops at home had been increased by £37,000, and additions had been made to several other items, making a total increase as compared with last year of £90,748. He moved that the Vote should be reduced to that extent.

Mr. MASSEY informed the hon. Gentleman that he must move the reduction of a particular item. The hon. Member for Pontefract had withdrawn his Amendment on the understanding that the hon. Gentleman intended to call attention to an item in a previous part of the Vote.

Mr. W. WILLIAMS withdrew his Motion, and proposed the reduction of the charge for marching allowance and cost of conveyance of recruits and escorts from £15,000 to £6,000.

Colonel DUNNE agreed with the hon. Member that this item required explanation. If, as the Committee had been told, recruiting was to be stopped altogether, there was no reason why this charge should be increased by £9,000.

Mr. T. G. BARING said, the reason of the increase was that the estimate of last year did not coincide with the expenditure. He had never stated that recruiting was to be stopped altogether for a whole year. He had merely said that recruiting for the depôts of regiments serving in India had been stopped.

Colonel DUNNE: Did the hon. Gentleman propose to pay this year the amount that had been overspent last year?

Mr. T. G. BARING: No money voted this year could be applied towards the expenses of last year.

Colonel NORTH wished to ask whether the order had not gone out to stop recruiting. He knew the fact to be so.

Mr. T. G. BARING said, the item last year had been framed without sufficient reference to the expenditure; while the present Estimate had been framed with reference to the actual expenditure of last year; recruiting could not be stopped altogether. The Limited Service Act would begin to operate in the course of the year upon the Cavalry and Artillery.

Sir FREDERIC SMITH supposed that the cost of marching was pretty much the same every year. It was difficult to understand, therefore, why a Vote which was £6,000 last year should this year reach £15,000. Would the hon. Gentleman tell the House that the real expenditure under this item was £15,000 last year?

Mr. T. G. BARING: Yes, more than £15,000.

Colonel STUART: Then how was it paid?

Mr. T. G. BARING: Excesses on different items are covered by savings on the whole Vote.

Colonel SYKES said, that on account of the reduction of the Indian army a surplus number of 19,000 men would require to be absorbed in the regiments there. The recruiting establishments in England would not, therefore, be subject to the same charges as last year.

Mr. CHILDERS perceived that the levy money was £40,000; did the hon. Under Secretary mean that 40,000 men were to be raised this year?

Sir HENRY WILLOUGHBY said, he found that in 1859 the expenses of recruiting were £4,000; the next year they were £6,000; and now they were £15,000. In 1858 he found that the aggregate increase of actual expenditure over the sums voted for particular purposes was £212,000. It was perfectly absurd to vote amounts for purposes to which, in fact, they were never applied. It was only now that the House knew to what purposes the sums voted in 1858 were actually applied; and in the same way they were now voting sums in perfect ignorance of what would be their application. It was simply a waste of time. He wished the hon. Gentleman the Under Secretary of the War Department would explain the cause of the increase from £4,000 to £15,000.

Mr. DANBY SEYMOUR must insist on some explanation respecting this £40,000, which would provide for the bounty of one-third of the army.

Mr. W. WILLIAMS said, the fact was that the Government had the power of altering the application of any Vote they pleased without the sanction of the Treasury. He thought that a note ought to be appended to the Estimates each year, stating what amounts were required to supply deficiencies in former Votes, and what amounts were to be applied to present or future purposes.

Viscount PALMERSTON said, that no part of the Vote would go to supply the deficiency of last year. There were certain charges that could be calculated with tolerable precision, such as the number of men, the pay, the clothing, &c.; but there were others that could only be conjecturally estimated, such as the movement of troops, the number of recruits, and the charge of moving them from the depôts to their regiments. The best ground for these calculations was the actual expenditure of the preceding year. Last year it was found that the Vote fell short of what was requisite, and it was, therefore, increased this year.

Mr. MONSELL reminded the House that no recruits would be needed for this year, and therefore the smallest sum ever voted would be sufficient for this year. Now the year before last the charge for recruiting was only £4,000, yet here they were with a charge of £15,000 for a year when there was to be no recruiting.

Mr. HENLEY said, the expense of moving recruits must depend to some extent on the number of recruits raised. There was a great demand for recruits last year, and the expense went up 50 per cent. This year it had jumped up 150 per cent. What it would be next year no one could tell. But that was not all—there was to be less recruiting this year, and it was unsatisfactory to find that the expense for recruiting was increasing.

Mr. H. A. BRUCE thought his hon. Friend the Under Secretary had received little encouragement for his having for the first time offered a fair and candid statement of recruiting expenses. It appeared that 20,000 recruits were to be raised, and it did not appear to him that £15,000 was an extravagant sum for conveying them to their depôts.

Lord BURGHLEY called attention to the expense incurred (£500) in sending recruits up to London to be attested, where they might be rejected, and then they had to be sent back to their homes.

Mr. T. G. BARING explained that owing to the number of ten years' service men who were already taking their discharge, and the number of twelve years' men who would this year begin to do so, a greater amount of recruiting would be necessary than at first sight appeared.

General PEEL supported the Vote. In the year 1858, the Estimate was £5,000, but the actual expenditure was £15,000.

Motion made, and Question,

> "That the item of £15,000, for Marching Allowance, and Cost of Conveyance of Recruits, Escorts, &c., be reduced by the sum of £9,000."

Put, and *negatived.*

Original Question again proposed:—

Colonel DUNNE complained of the number of horses that was proposed to be bought; 2,000 were to be purchased this year, and 20,000 were purchased last year. He wanted to know what had been done with them.

Mr. T. G. BARING said, the number proposed to be purchased was actually necessary, and the Estimate had been framed from the Returns of strength as compared with establishments.

Sir. FREDERIC SMITH objected to the Vote for the conveyance of troops, which was increased by the amount of £37,000 over that of last year, and moved that it be reduced by that sum.

Motion made, and Question proposed,

"That the item of £110,000, for Movement of Troops at Home, be reduced by the sum of £37,000."

Mr. T. G. BARING said, the item had been increased, principally in consequence of the establishment at Hythe and the inspection of Volunteer movements by officers of the army.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *this day.*

PUBLIC ACCOUNTS.—COMMITTEE.

NOMINATION.

The CHANCELLOR of the EXCHEQUER moved that the following Members be nominated on the Select Committee on Public Accounts:—Sir Francis Baring, Sir Stafford Northcote, Sir James Graham, Sir Henry Willoughby, Mr. Glyn, Mr. Howes, Mr. Cobden, Sir Baldwin Leighton, and Mr. Peel. He said the Government, after a great deal of consideration, had determined on departing in one point from the recommendations of the Committee on Public Monies, to which the appointment of this Select Committee was due. The recommendation had been that this Select Committee should be nominated by the direct authority of the Speaker. These names had been chosen with a view to give satisfaction to both sides of the House, and fairly to represent all parties, while bringing as much talent, knowledge, and experience as possible to discharge these important functions.

Motion made, and Question proposed, "That the Select Committee do consist of Sir Francis Baring."

Mr. HENNESSY objected to the list proposed, because it did not contain a single Irish name; and he referred to a Resolution which was passed at a meeting recently held in the county that he represented, in support of this claim.

Mr. SEYMOUR FITZGERALD observed that no Scotch Member had been placed on the Committee; Scotland was as unrepresented as Ireland; this was a great mistake. He had no fault to find with the names selected, though they included an hon. Member now in Algiers (Mr. Cobden), and it was not certain he would be able to attend. As a mere mark of respect to Ireland and Scotland, two Members from those parts of the kingdom ought to have been placed on the Committee.

Mr. LYGON, in order to meet the objections that would be made on both sides of the House and to allow some arrangements to be made, moved the adjournment of the debate.

The CHANCELLOR of the EXCHEQUER said, he would not have opposed the adjournment if it had been asked for the purpose of more fully discussing the subject as one of much importance; but he could not sanction the notion that on a question of public accounts, which had no imaginable bearing on any separation of interests between one part of the kingdom and another, these national distinctions should be imported into the appointment of a Committee of that House. The Government had sought to ascertain what hon. Members were best qualified to undertake these duties, which were of a dry and repulsive kind, and he believed their choice was correct.

Mr. SEYMOUR FITZGERALD said, he had not raised the question of nationality; quite the contrary. It was the nomination of the Committee that raised it distinctly.

Mr. CHILDERS remarked that if those hon. Gentleman objected because there was no Member from Ireland or Scotland on the list, he might as well say the same for Yorkshire as the largest county in England.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 15; Noes 43: Majority 28

Original Question put, and *agreed to.*

The Committee was then nominated.

Select Committee *nominated*:—

Sir Francis Baring, Sir Stafford Northcote, Sir James Graham, Sir Henry Willoughby, Mr. Glyn, Mr. Howes, Mr. Cobden, Sir Baldwin Leighton, and Mr. Peel:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter before One o'clock.

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HOUSE OF LORDS,

Friday, April 19, 1861.

THE POPE AND THE KINGDOM OF ITALY.—QUESTION.

The Earl of ELLENBOROUGH:—My Lords, I rise in pursuance of the notice I have given to inquire, Whether Her Majesty's Government is engaged in any Correspondence with the Object of reconciling the Spiritual Independence of the See of Rome with the Exercise of Temporal Sovereignty within the Roman territory by the King of Italy? and I trust your Lordships, with your usual indulgence, will permit me to offer to you some observations on the subject to which the question refers.

I shall not, my Lords, occupy your time by any retrospect. I shall not censure the Governments which have been swept away, nor praise that which has succeeded. I shall not triumph over the Sovereigns who have been exiled; as much, perhaps, for the errors of their predecessors as for their own. I accept the situation of things as I find it. I look to the present and to the future not to the past. Her Majesty has been advised to acknowledge Victor Emmanuel as King of Italy, and I do not think there has been one audible whisper of disapproval of the course which Her Majesty has been advised to take. It seems to me that all we have to do now is to consider in what manner the work already commenced can best be completed, and how the new Power which has been introduced into Europe can best be applied to the general benefit.

I know not with what mind your Lordships may contemplate this great and sudden revolution in the affairs of Italy—a revolution which has in two years united the people of that country under one sceptre, and placed among the great States of Europe a perfectly new Power, not formed by the destruction of any State that had for centuries been of the smallest use to Europe or to civilization, but formed out of the ruins of States which had existed for no apparent good purpose, a Power equal already in population to Prussia, and greatly superior to her in position and in natural wealth. I must confess that when I see the events which have led to this great revolution—how two great Emperors, at the head of vast armies, were completely baffled in their designs—how when they reserved the rights of princes whom they intended and desired to replace, the population of the territories belonging to those princes rose for the purpose of vindicating the rights reserved to them by Nature and of placing on the throne the Sovereign they preferred—when I see a man with no advantage but that he derived from his own character, his own sword, his own enthusiasm, his own extraordinary power of leading men to victory, landing with a thousand men on the extreme coast of Sicily, and marching from victory to victory, any one of which would have made the reputation of an ordinary general, till he was at last, almost alone, carried on the shoulders of the people of Naples into the King's palace, while the forts of the city of Naples were still occupied by the royal troops—when I see further the shortcomings and the mistakes of that man so full of natural greatness, nobility, and generosity, leading indirectly to the invasion of Umbria and the Marches, the capture of Gaeta, and of Messina, and to the completion of the Italian Kingdom—when I see elements so discordant, things so contradictory, all brought to bear for the accomplishment of one great purpose, I cannot attribute the result to chance or to the ordinary operations of the work of man. I see in it the hand of Providence, and I accept its work.

But great as is this State, extending from the Alps to Cape Passaro, combining every advantage of soil, of climate, and of position, it still wants a capital, and without that capital the key-stone is wanting to the arch. I agree altogether with the Chambers of the new Italian Parliament in desiring that Rome should be the capital of the State. There is no other city in Italy worthy of that honour, or which would effect the objects to be derived from the occupation of Rome. Rome is as necessary to Italy for its capital as London is to England and Paris to France. Florence may be better situated; but neither Florence nor any other city can ever possess that prestige, that power over the minds of men, which Rome has acquired, which has been illustrious for more than 2,000 years. The Parliament sitting in any other city would still be considered in other parts of Italy as almost a foreign Parliament, and not identified with the national interests. The jealous feelings of cities which have been the residence of Sovereigns would naturally be aroused. But give them Rome as their capital and there will be no more jealousies. There will no longer be Lombards, or Tuscans, or Neapolitans. One general feeling will unite the whole people of Italy, and they will indeed become a nation.

In the midst of this great country there is one small territory now occupied by the troops of France. It is so small that I believe the whole of it, or nearly the whole of it, may be seen from the summit of St. Peter's; and yet the want of that territory prevents the completion of the great work, which, when completed will, I believe so greatly tend to consolidate the peace of Europe. In the midst of that small territory stands Rome, and that illustrious city is occupied by French troops.

If I desired permanently to deprive France of the use of an army of 20,000 men—if I desired to make her become from day to day more and more the object of hatred to the Italian people, now so much disposed to view the French with gratitude—if I desired to perpetuate the hostility of the French clergy to the French Government—I could not desire anything better than that French troops should still remain at Rome. But, my Lords, I have higher objects. I think the greatest which it is possible at this moment to entertain is that of consolidating the strength of the new Kingdom of Italy. The French went to Rome for the purpose of giving the hand to the Pope, and of obstructing the progress of democracy. They remain at Rome now, not intentionally—that I believe—but practically with the effect of giving the hand to democracy and of degrading the Pope. I say with the effect of giving the hand to democracy, because until Italy is settled and consolidated under a constitutional Government, democracy, always at work, will work with more advantage and greater means for the purpose of establishing itself instead of the constitutional Government, which it is the desire of the people and the desire of the Chambers to establish. It is altogether a a false position. There is no man who has shown that he understands the inconvenience of a false position better than the Emperor of the French; and whenever he has discovered that he has got into a false position he has generally hitherto extricated himself from it with great boldness and dexterity. In this false position he has remained too long. His policy now is a half-measure, and no half-measure ever succeeds. It is inconsistent utterly with the character of a great and powerful State like France to entertain half-measures. They are suited only to weak and timid States. There is but one nation in the world which from the first period of its existence avoided half-measures, and that was the Roman Republic; and in consequence of avoiding half-measures it conquered the world. France might, in the first instance, have insisted upon declaring that the whole of the Roman States should be preserved under the dominion of the Pope; but that would have been an extreme measure. The French Emperor did not adopt it in the first instance, because to do so would have been altogether inconsistent with the principle on which the French Empire is founded. The French Emperor is in a very different position from Louis XIV. He may do things Louis XIV. could not; but Louis XIV. might have done things the French Emperor cannot, their power having been derived from different sources. Louis XIV. derived his from his long hereditary succession and divine right: that of the Emperor is drawn from popular election. He cannot contradict himself—he cannot act in contravention of the principles on which his own Government is founded. He cannot in Italy contend against principles which in France have made him what he is. There are certain moral limits to the action of all monarchs. They cannot safely act in contravention of the principles by which they rule. The French Emperor, therefore, could not adopt the extreme course of declaring that all the territories of the Roman States should remain under the dominion of the Pope.

My Lords, the clergy of France have expressed their sympathy with the Pope. It has been expressed also by large bodies of persons in other countries. I say nothing whatever against the feeling which has been manifested by those persons. On the contrary, I respect their feelings. I think it natural and just to feel sympathy with the misfortunes of a great Sovereign in the position in which the Pope now stands; it is not merely a feeling of sympathy with misfortune, but a feeling of sympathy hallowed by religion. But I think that the course that has been adopted by the French clergy and by many other Roman Catholics rests on views altogether erroneous. What the French clergy desires, and what many of the Roman Catholics in other parts of Europe desire, is, not that the Pope should continue in the state in which he is now, but that he should be restored to all his dominions. That is impossible. The question, therefore, now is, is it desirable for France and the rest of Europe that things should remain as they now are?

No one understands better than the Emperor of the French the disadvantages of his position; it has disadvantages of a political as well as of a military nature. If all the people of Rome were in favour of this occupation, and if the Pope were satisfied with the whole policy upon which it rests no doubt it would contribute to the prestige of the French Emperor to occupy Rome.

But when the French occupy Rome against the feelings of the population and in furtherance of a policy not satisfactory to the Pope, that occupation can only strengthen the hands of democracy, and all the weight of Rome is against France, not for her. Rome is the very last position which any Power ought to wish to occupy for military purposes. It is in the midst of an unproductive unhealthy district — at a distance of many marches from any valuable country. It intercepts no doubt the direct road from Tuscany to Naples, but it leaves free the communication between Northern Italy and the South by the other side of the Apennines. No one would select Rome as a base of operations either for or against Italy; and so hostile is the population that if the French were to move out in strength in three days their quarters and their magazines would be captured by a people in insurrection. I cannot, therefore, but express my hope that France will reconsider the position in which she stands, and come to some conclusion of more advantage to the general peace of Europe than that which must be the necessary consequence of things remaining as they are.

But, my Lords, what is the position of the Pope? He has no means of support from the country remaining under his nominal government, but is obliged to derive his income from the casual charity of the faithful in different parts of Europe, or from an allowance doled out by the French. He has a nominal but no real power. Such is the weight of the temporal considerations which oppress him that he cannot give his mind to the general government of the Church of which he is the head. He cannot perform the duties of his spritual rule, and his temporal rule is taken altogether out of his hands. In point of fact, my Lords, the Pope is in a position in which no clergy in France—no clergy anywhere—no Roman Catholic anywhere could desire the head of their Church to remain. It must be the desire of all the great Catholic States, and also of all States which contain a large Roman Catholic population, that the Pope should be permanently established in a state of entire spiritual independence. We have often heard here the expression of a fear of foreign influence in ecclesiastical matters. The true way of destroying foreign influence is to separate the Pope's temporal authority from his spiritual rule over the Roman Catholic populations, leaving him no other duties to perform than those which appertain to the Church of which he is the head.

I think, my Lords, before the French leave Rome it is most proper that every arrangement should be made for securing the Pope's dignity and his independence in the exercise of his authority over the Roman Church and that these arrangements should be placed under the guarantee of the Catholic Powers of Europe. In making these arrangements there should be shown the greatest liberality. The personal expenditure of the Pope is very limited indeed, but he has a very large expenditure connected with the keeping up of churches, palaces, museums, and galleries. He must be surrounded by the old Swiss Guard; he must have an Italian Guard of his own; a considerable sum is necessary to enable him to grant allowances to Italian Cardinals who have not sufficient revenues from their own sees. He must also have the means of maintaining all the great establishments which have existed for centuries with a view to the propagation and maintenance of the Roman Catholic faith. All these arrangements for the future are arrangements that could be made without any great difficulty. But, my Lords, these arrangements being made in a spirit of justice and enlightened liberality, I do think the clergy of France ought to be satisfied, and that the Roman Catholics generally would be satisfied. Let the Emperor show his own clergy and his own people, who now feel so deep an interest in the Pope, that an arrangement of this kind would secure to the Pope for ever advantages which he cannot now possess; and we may hope to see the difficulties which exist under French occupation disappear.

My Lords, so far I have trespassed on your Lordships with respect to Rome. I wish now, with your Lordship's permission, to say a few words with respect to Venetia. I assure your Lordships that I approach this subject with feelings of the deepest respect for Austria. I will add with feelings of gratitude to Austria. I never can forget the services performed by that Power in the great war of the Revolution. To her exertions at that time is mainly owing that present state of financial distress which I fear is at the root of many other difficulties with which she is now beset. We are more especially indebted to her for her advance in 1805, which prevented the invasion of this country; for her advance in

1809, which led to the withdrawal of many troops from Spain, and tended materially to the liberation of the Peninsula; and above all, for her advance in 1813, when, risking her very existence, she threw herself into the very front of the battle, and accompanied the allies to Leipsic and to Paris. I cannot forget these services, and I cannot, therefore, help sympathizing with her in her present condition.

My Lords, Austria has not been fairly treated in considering her conduct with regard to Italy. At the Congress of Vienna Austria gave up the Netherlands, and received Italy in exchange — I say "Italy," because though Austria herself received only a portion of that country, Princes of the Austrian house were established in other portions; and it was perfectly understood that it was the mission of Austria to maintain Italy against France. Genoa was given to Piedmont for the same purpose. The extended Kingdom of Sardinia was understood to be the advanced guard of Austria in Italy against the French. These were the designs of the Congress of Vienna. Whether they were wise or not I will not now stop to inquire; but with that intention Austria was established in Italy, and in endeavouring to maintain and extend her influence in that country, she only performed her original mission and fulfilled the obligations which she contracted at Vienna. That being the case, I regret to be obliged now to offer an opinion which may not be acceptable to her. I think it absolutely necessary to the present safety of Austria that she should reconcile herself to the Italian people. I recollect hearing at the time of the Congress the expression of an Austrian Minister, "Italy is our budget." Now, Italy is her deficit, and is the main source of her financial difficulties. It occupies her army when she wants it elsewhere much more urgently. With respect to her strategical advantages derived from the possession of Venetia let me ask whether, in point of fact, the value of the Quadrilateral fortresses is still what it was? I believe it is not. The great improvements which have been made in artillery of late years have greatly diminished the value of all fortresses; they have diminished the number of days any fortress may be expected to hold out. The great increase in the numerical strength of armies has also diminished the value of fortresses. In the war in Italy under the First Napoleon, when an army consisted of 30,000 or 40,000 men, under the hand of a general in the field, a fortress like that of Mantua was of great value; but when an army consists of 150,000 men, either the soldiers in those garrisons are too few to act upon the communications of an enemy, or they are so numerous as to be of much more value in the field. I will not say that they are not still of some value. So long as its communication are open, no doubt, a fortified position like Verona will form a great obstacle to the advance of an enemy; but the recent changes in Italy have much altered the stragetical position of Austria in that country. In former wars Austria held Ferrara, and all to the southward of it was neutral Papal territory. An attack upon the Austrian position must then have been made in front. Now, Ferrara and all the country behind it being in the hands of the Italians they acquire a new base of operations, and may turn the Mincio and the Adige by passing the Po at Ponte di Lagoscuso. They have already made Bologna a great fortified position. Still, whatever its success in Venetia, no Italian army would venture to advance upon Vienna if the passes of the Alps were in the possession of the Austrians with Germany at their back. But, my Lords, the people of Italy are earnestly desirous to possess Venetia, and until they do I greatly fear that their policy will be completely warped, and instead of acting as they will when formed into a great and independent kingdom, they will look to an alliance with France for the purpose of obtaining Venetia with her assistance. But when she possesses Venetia, Italy will comprise the whole Italian peninsula, and she will have no object to gratify. It is impossible she can desire to occupy one foot of ground beyond the Italian soil. Her policy, then, in conjunction with Switzerland, with which she will be most intimately allied, will be to preserve a permanent armed neutrality, to protect the balance of power in Europe, and to forbid any State, German or French, from passing the Rhine, both banks of which wil then be under the command of her armies acting in strict alliance and co-operation with the Swiss. If Italy be constituted so that she may be able to adopt this, her true line of policy, observe the advantage which it will produce to Austria. Her left flank will be entirely protected in any operations which she may hereafter be required to conduct against

France, and, united with Germany, she would at all times be enabled to protect her dominions.

My Lords, these are the views which I entertain with respect to the Venetian question. I do earnestly hope a time will come when Austria will take a more correct view of her own real ultimate interests than perhaps she can be induced to do at present. But I must say that of all things I do deprecate any attempt on the part of any body of Italians whatever to interfere by arms in the differences which may now exist between Austria and Hungary. Austria in her strength and in her integrity is absolutely necessary to the safety of every State in Europe. It would be impossible to preserve the balance of power if her integrity were assailed; and any man who now entertains a desire of raising commotions and of creating a war against Austria in Hungary would commit a crime against Europe, and be the enemy of every man desiring to be free within its boundaries.

I dare say that my opinions may be represented as expressing a purely English view of the subject. We are supposed to have sympathized with the Italians through some idea that the union of those countries under the rule of King Victor Emmanuel would be specially advantageous to this country. I really do not give the people of this country credit for having thought at all on the subject. They saw a great people struggling for freedom, they looked back to all that people had suffered, they knew that in former days they had been great in arms and commerce, the leaders of the civilization of mankind, and they felt in every part of the country a natural and generous sympathy with that people, and the object for which they were struggling. But other interest in the question we have none, or if any, it is more remote than that of any of the nations of Europe. Our policy seems to have been either largely mistaken, or, what is much more probable, misrepresented. We want nothing on the Continent, nor would we accept anything. We desire nothing but the permanent security of our own islands—we desire that all nations should respect each other's rights. We wish them all to be rich, prosperous, and happy; and, perhaps, we may have an interest in that respect, because we know that the richer and more prosperous they are the greater will be our own wealth and our own prosperity. Beyond this we have no interest whatever. But if we could lay down a line of policy and distribute power in Europe according to our own view—no doubt what would be most desirable would be this—that power should be so divided among the different States of Europe as to enable them to defend their own independence without our intervention. But if the time should ever arise when one great predominant Power should again attempt, as was formerly done, to overcome the liberties of other nations for the purpose of founding its own grandeur on their ruin, then I trust that, as in former times, England will summon the nations of Europe to the field, will place herself in the front of the battle, and, by God's help in so just a cause, will again overwhelm the aggressor by the weight of an armed world.

My Lords, availing myself of the freedom which is attached to the seat I occupy, I have permitted myself fully and frankly to express the opinions which I hold. I certainly do feel very deeply in this matter. I am not an Italian of yesterday. It is now forty-five years since in the House of Commons, in a debate with respect to the Treaty of Paris, I expressed my deep regret that in the Congress the Allies had not availed themselves of what the French had done in the North and Centre of Italy, by breaking down the jealousies which previously existed, by the creation of an army, and by the improvement of the people—that they had not availed themselves of these circumstances to found a great State in the North of Italy. I then expressed an opinion, to which I have ever adhered, in favour of nationality as the best and most secure basis of the independence of States. That was forty-five years ago, and I have never varied in these opinions. There have been occasions, undoubtedly, when I have entertained hopes of seeing realized the change in Italy which I have so long desired. Time after time these have vanished from my view; but now I feel deeply grateful to Providence that I have been permitted to live to this time when, towards the conclusion of a very long political life, I almost hold within my grasp the earliest, the most enduring, and the most cherished visions of my youth.

Lord WODEHOUSE: My Lords, the House has listened with the attention and interest which it deserves to the eloquent speech of the noble Earl who has just resumed his seat. I myself feel at a great disadvantage in following him, not merely on account of that eloquence, but also because, as the noble Earl himself has said, he occupies a seat on the Opposition side of the House, while I occupy a seat on the Ministerial bench. The question into the discussion of which the noble Earl has entered is, undoubtedly, of the highest interest and of the utmost importance; but I am sure he will not expect, and the House, I am certain, will not desire that any one speaking on behalf of Her Majesty's Government should enter freely into the various points into which he has entered. The question which the noble Earl has asked lies comparatively within a very narrow compass; and, as your Lordships, no doubt, expect, the answer to that question is that we have not engaged in any correspondence with the object of reconciling the spiritual independence of the See of Rome with the exercise of temporal sovereignty within the Roman territory by the King of Italy. The reasons, I think, must be obvious why Her Majesty's Government have not engaged in any correspondence on that subject. It is true there are a considerable number of our fellow-subjects who are co-religionists of those who dwell within those territories, and who, as the noble Earl says, must take the greatest interest in this question. But it is also true that this country is preeminently a Protestant country, and the chief Protestant Power in Europe; and it must, I think, be evident that, in dealing with matters which involve not merely the independence of one of the States of Europe, but likewise the position of the spiritual head of the Catholics throughout the world, it cannot be desirable that Her Majesty's Government should take the initiative. Not merely would such a proceeding involve us in discussions which we are not the most capable of conducting, but any proposal that we might make, even though the proposal might be good in itself, would not be likely to be received with favour by the Catholic Powers of Europe. The noble Earl pointed out the possibility, as he thinks, of some arrangement by which the temporal sovereignty of the Pope might be disconnected from his spiritual authority; but the difficulties which would beset the proposition of such an agreement between the Catholic Powers must be apparent to your Lordships; and if, in addition, the question were to be discussed by the Protestant Powers, I am sure no ingenuity of man could bring about a solution of the question. For these reasons, although Her Majesty's Government certainly do not view with satisfaction the continuance of a state of things in which the independence of one of the States of Europe—I mean of those provinces which still remain nominally under the authority of the Pope—is entirely at an end, owing to the occupation of that territory by foreign troops, I must yet decline to follow the noble Earl through the different questions which he has raised. I cannot help observing that for many years the temporal authority of the Pope has altogether ceased to exist. Since the year 1849 the independence of the Pope, as a Sovereign, has not existed for a single hour. His authority, which had been destroyed by the movement in 1848, the full effects of which we are feeling at the present day, was only restored by the armies of France and Austria. As long as those troops remained in his territory, the sovereignty of the Pope was nominally sustained; but on the day on which the Austrian troops left the territory which they occupied, even the nominal authority of the Pope ceased to exist; and it is notorious that on the day on which the French troops shall be withdrawn from Rome the sovereignty of the Pope will altogether cease in every part of his dominions. It is for this reason that the solution of the question immediately depends upon whether the French Government shall or shall not withdraw their troops from Rome; and it is clear that while the reasons which may have induced the Emperor of the French to continue that occupation are reasons which it is not desirable that we should upon this occasion discuss in this House, there are, as the noble Earl has pointed out, many arguments tending to prove that it would be far better policy to withdraw those troops. Her Majesty's Government have not disguised their opinion that it is desirable that those troops should be withdrawn; but it is clear that there are many other considerations which must have weight with Catholic Powers, and that although the mattter has been much discussed, no one has yet pointed out any means by which after the withdrawal of those troops the spiritiual authority of the Pope can be reconciled with his new position. I do not say that that problem may not be solved, but it certainly is not for Her Majesty's Government to devise the means of such a reconciliation. Before I leave this question I cannot help saying that a most erroneous idea seems to prevail in some portions of Her Majesty's dominions, and in other parts of Europe, as to the part which Her Majesty's Government have taken, and are taking in these transactions; because it is stated, and it is believed, I suppose, by some persons, that the chief object and end of the Government, especially of my noble Friend who is at the head of the Foreign Office, has been to put an end to the authority of the Pope. It is supposed that he is the chief enemy of the head of the Catholic Church, and that his aim throughout has been to undermine the authority of the Pope, and to place him in a situation in which that authority can no longer be maintained. All I can say is that Her Majesty's Government have carefully abstained from taking a prominent part in the discussion of those questions which specially affect the Pope. They take a deep interest in everything which relates to the Italian Peninsula, and they have used their moral influence to secure for the Italian people the opportunity of carrying out their own views; but they have all along thought that it was not for a Protestant Power to take a prominent part in the discussion of questions relating to the head of the Catholic Church. As regards the other portions of the noble Earl's speech, I might be excused from entering at all upon the very important and very varied topics which he has discussed, more especially upon that most important question as to the possession of Venetia by the Emperor of Austria. My Lords, all that I can say upon that matter is that Her Majesty's Government are most anxious—as anxious as the noble Earl can be—that peace should be maintained. The advice which they have given to each of the parties is not to be the assailant; and I am confident that he who is the assailant will not only incur a most grave and weighty responsibility, but will not receive the sympathy which the party who is attacked will always command. A great work has been begun and has been carried out in Italy, and I cannot help hoping that those Italian statesmen who now sway the destinies of that peninsula will be wise enough to see that time is required for the consolidation of the fabric which they have constructed, and that if they can present to Europe the spectacle of an united people, peaceably working out their own independence, they will be doing more to promote the solution of those questions as to Rome and Venetia which they so ardently desire than they could accomplish by any attempt to destroy the present territorial arrangements of Europe.

THE EARL OF CLARENDON: My Lords, although I was fully prepared for the answer which my noble Friend the Under Secretary of State for Foreign Affairs has given to the noble Earl opposite, I cannot help expressing the satisfaction I feel at learning that Her Majesty's Government have not been employed in matters where I think their interference would be prejudicial, and my confident hope and expectation that they will adhere to the same prudent policy of leaving the settlement of the Roman question, which is essentially a Catholic question, to the Catholic Powers of Europe. At the same time I must say that I entirely agree with the noble Earl opposite (the Earl of Ellenborough) in the speech which has been listened to with equal admiration on both sides of the House. I think that the Roman question is of vital importance to Italy, and that Rome most certainly ought to be the capital of that country. If it be not, the differences between the various States will stand in the way of the unity of Italy; whereas all the States would agree in choosing for the capital the city of Rome, which combines all the requisites, historical, religious, and local for the capital of a great country; and which, moreover, has none of those municipal recollections which would interfere with the establishment of constitutional Government. But this can be effected only with the consent of France, and in consequence of the convictions of the Catholic Powers of Europe that, Rome being the capital of Italy, the spiritual independence of the Pope can be secured, and that the civil authorities would not interfere with spiritual matters, or with the power and authority of the Church, I say that we could not interfere in such questions as these without prejudicing the results at which we desire to arrive—we could not help to settle either of those questions which must be solved before there is any chance of Rome being constituted the capital of Italy. We may address ourselves to the French Government; we may express our desire, in terms as earnest as those which have been employed by the noble Earl, that the French garrison should be withdrawn from Rome; we may appeal to the principle of non-intervention in the affairs of Italy which was voluntarily adopted by the Emperor himself; we may declare that as long as the Roman question is unsettled

Italy will be unsettled, and that, as the noble Earl has said, the danger of war must be constantly imminent; but, argue as we may, we shall not be able to disguise from ourselves the fact that the question of Rome is a French almost as much as it is an Italian question, and that, with the grave political and religious considerations for France which it involves, the Emperor will claim to be the sole judge of what it is expedient to do in the interests of that country. It is perfectly true, as the noble Earl has said, that the expedition of 1849 was undertaken in order to repress democracy. It was a great error. It has proved a grievous misfortune to the subjects of the Pope, and continues to be a sore embarrassment to France. The French Government were not slow in discovering the error of that expedition, because even while the Pope was still at Gaeta he positively rejected those administrative reforms which were proposed to him, and refused to return to Rome except in the plenitude of the most unrestricted power which had been enjoyed by any of his predecessors. Upon that condition he returned—with that condition he has tolerated no interference; and for the past twelve years the French Army has been the Roman police, the passive spectators of acts which they have reprobated, and the responsible protectors of the worst Government in Europe. I believe that the humiliation of the position of the French Army at Rome has long been felt by the Emperor. I believe that his desire to withdraw that army is perfectly sincere. There is abundant evidence of that in the papers which have been laid before the French Chambers, and in those despatches of M. Thouvenel, which, at the time they were written, were certainly not intended for publication. I believe that the Emperor permitted General Lamoricière to take service with the Pope in the expectation that he would organize a force sufficient to maintain tranquillity, and without foreign aid to secure the personal safety of the Pope, and to repress the just discontent of the Pope's subjects; I believe too that if General Garibaldi's expedition to Sicily had been delayed for another month, the French garrison would have been withdrawn from Rome. But, having reference to the events which have since occurred, particularly considering the feelings and opinions which have recently been manifested in the French Chambers, and the natural impatience of the existing state of things which notoriously exists at Rome, I think that the Emperor of the French may well say that if he were now to withdraw his garrison from Rome, not alone Catholic France but Catholic Europe would hold him personally responsible for any insult or injury which the Pope might sustain. I say, therefore, that we may be sure that the Emperor will not withdraw his forces from Rome one hour sooner than he thinks that it will be safe for himself and expedient for France to do so—unless, indeed, the Pope were spontaneously to consent to Rome becoming the capital of Italy, and to the installation in that city of the Italian Government and Parliament, and were spontaneously to announce that by measures to which he had assented his own independence would be secured, and the privileges and powers of the Church would be preserved undiminished. No one can say that such an event is impossible—no one can deny that it is highly improbable—but I am certain that any interference on our part would render it still more unlikely, if not impossible. I cannot agree with the noble Earl opposite that the occupation of Rome by the French Army is unpopular in France. On the contrary I believe that the more we press for its cessation the more it will be believed that we are actuated by some selfish, political, or Protestant object, and the more difficult will it become for the Emperor to withdraw his troops. Then with respect to Rome:—We must remember that we have no regular diplomatic relations with Rome, and that the Pope would be apt to receive any irregular communication with suspicion. He might not unfairly say that on the political part of the question we are not impartial, because England was almost unanimously in favour of the unity of Italy; and that on the religious part of the question our interest as Protestants must dispose us to regard with favour whatever would weaken his power. But, my Lords, means may and I trust will be discovered for reconciling the spiritual independence of the Holy See with the exercise of the temporal power of the King of Italy in that territory. I believe that those means will be found in the operation of time and in the progress of events—in the good government, order, tranquillity, and increasing prosperity of the countries adjacent to the dominions of the Pope, and, above all, in the growing discontent of the Pope's subjects, in his straitened revenues, and in the impossibility of his continuing to resist the pressure from all sides. I think that the Pope may then negotiate for the fullest and freest exercise of his spiritual Power, and the King of Italy would, indeed, be most unwise if he did not meet any such overtures from the Holy See in a spirit of the widest and most reverential liberality. Our efforts should be confined, as they have hitherto been, and as I am sure they will continue to be, to an endeavour to check the intervention of other Powers in the affairs of Italy. We must never disguise our determination that the moral influence of England will be used to prevent the restoration of Governments which must bring vengeance in their train, and which can never claim the confidence and affection of the people; and must continue our efforts, as it was expressed in the Speech from the Throne, to secure for the Italians liberty to manage their affairs for themselves. As far as they have yet had an opportunity of doing so they have shown themselves fully equal to the task. For years past they have had to endure all the evils that priests and police and foreign bayonets could inflict, and have been reduced to that state which most unfits men for free institutions; but during the last year and a half they have exhibited a patience, moderation, intelligence, and good sense which have exceeded the expectations of their most enthusiastic friends. The last general election has been conducted with so much peace and order, the people have displayed so much sound judgment in resisting the appeals made to their passions and in selecting the men whom they deemed best fitted to promote the national interests, that, though there are many and most formidable difficulties yet to be overcome, I think we cannot feel otherwise than hopeful that better days are in store for Italy, and that she may yet fulfil her destiny as an united nation. I understand and respect the desire of many of our Roman Catholic fellow-subjects, that the supreme head of their Church should exercise, in all its plenitude, his temporal and spiritual power; but I agree with my noble Friend the Under Secretary that they are not justified in saying, either with regard to Her Majesty's Government, or with regard to my noble Friend at the head of the Foreign Department, that the temporal or spiritual authority of the Pope has been interfered with. We have only expressed our wishes that the Pope's subjects should be prosperous and contented, but we are not debarred from looking at the Pope as one of the Sovereigns of Europe, and from seeing what it is impossible we can close our eyes to—that he stands in a position different from any other Sovereign. For he has, in fact, no temporal power at all; he has delegated it to two other Powers, who, the one in his capital and the other in his provinces, have exercised it for him. There cannot be the slightest doubt of what my noble Friend the Under Secretary has said, that the moment that the pressure of foreign forces is withdrawn the nullity of the Pope's power becomes manifest. Nothing can be more certain than that when the French army quits Rome the Pope's subjects will throw off their allegiance as they did in the day that the Austrian army withdrew from the Legations. The reason, it appears to me, why the Pope can never retain his temporal authority is that his subjects can never rely on the establishment of such a Government as shall justly command their obedience and loyalty. For this I do not blame the present Pope or any of his predecessors; because, without destroying the basis on which the Papacy has always rested, and without departing altogether from the system which has prevailed for centuries, I believe it to be impossible for any Pope to grant those reforms which the spirit of the age and the just exigencies of his subjects require. Advice and warnings have for the last forty years been given to the Popes by the Catholic Powers of Europe, and the answer which has been returned has in substance been invariably the same as that which Cardinal Antonelli lately gave to the Marquis de Gramont—*Le Pape ne transigera jamais;* or, in other words, the Pope will not grant those political reforms which he believes to be inconsistent with his spiritual rights. The Papacy is the purest absolutism, and in all those questions which vitally affect the social wellbeing of a people, such as equality of legal rights, education, liberty of conscience, liberty of the press, the Church claims to be the sole and exclusive judge, and never has consented, and never will, to the slightest compromise or division of authority. It is the custom in this country to regard the secularization of the Papal Government as the panacea for all the evils from which the subjects of the Pope are now suffering; but in the immutable and inevitable condition of the Papal Government such a process seems to me impossible. A Cardinal must be Secretary of State, for he is the President of the

Council of Ministers, the pivot, in fact, on which turns the whole machinery of the Papal Government. He must be Minister for Foreign Affairs, for he conducts the correspondence which all relates to ecclesiastical matters with the Pope's agents abroad, all of whom are ecclesiastics. Civil causes must be tried before ecclesiastical tribunals. The Pope is himself at the head of the Inquisition and cannot delegate his power to a layman, and education both at Rome and abroad is considered to be under the special direction of the Church. As the temporal must, in all respects, be subservient to the spiritual authority of a Sovereign, the Pope can grant no substantial reforms; and this alone would be an insurmountable obstacle to the re-establishment of his temporal power by the side of a constitutional government in the rest of Italy—the two could not co-exist together. I think, therefore, that the Pope must already see or will soon become sensible that his lost provinces could only be recovered for him by a foreign army, and could only be retained under his nominal authority by a never-ceasing foreign occupation, and as that is simply impossible, I trust some means will be found of reconciling what has been called "the inexorable logic of events" with the personal independency and spiritual supremacy of the Pope. I think, however, that we Protestants have nothing to do with arrangements so delicate and difficult, which may safely be left to the operation of time and events.

The Earl of DERBY: My Lords, whatever falls from my noble Friend (the Earl of Ellenborough) is well entitled to the attention of your Lordships, and I have listened with much interest to the clear and manly statement which he has made. He has stated in the fullest and frankest manner what are his own views on this important question. In some points I entirely concur in the opinion of my noble Friend, but I am not inclined now to enter into the many important and interesting points to which the noble Earl has adverted—least of all am I inclined to enter upon that most delicate and difficult subject to which my noble Friend directed your attention—the present position of Venetia. My noble Friend has laid down the principle that the rights of Austria over her Venetian territories are as valid as the rights of any Sovereign over any portion of his dominions. I agree with him; and at the same time I concur with him in thinking that the continued possession of that territory by Austria may be a source of constant difficulties and differences between Austria and the Italian kingdom, between whom, I again concur, it is most important, that if it be possible, all causes of difference should be withdrawn, and that those States should be united in the bonds of harmony and peace. I further concur with my noble Friend, and I am sure your Lordships will concur also, in thinking that, whatever may be our personal feelings—whatever we may wish, whatever may be the sentiments of the country—the Power which first resorts to the fearful alternative of war will incur an awful responsibility, and lose altogether the sympathies which, but for the means adopted, she would otherwise command. In the very few observations which I shall make I shall confine myself exclusively to the subject to which my noble Friend's question more immediately referred—the particular difficulty with which not we, but Europe has to deal, namely, the question of the Pope. And I think I may congratulate your Lordships and the country that whatever differences of opinion there may be between us as to the final settlement which is desirable with regard to this Italian question, there is on all sides of the House—I am sure there is on this side, and I rejoice to hear there is on the part of Her Majesty's Government and on the part of those who represent more or less independent opinions, like my noble Friend who has just sat down—one concurrent opinion, that with regard to the internal settlement of the Roman territory Her Majesty's Government is not only justified but required to maintain the principle of the strictest non-interference. I entirely concur in what was stated by the noble Lord the Under Secretary of State for Foreign Affairs, and confirmed by the expression of the opinions of my noble Friend who has just sat down, that if anything were wanted to complicate the difficulties of this question it would be the fact of England—a Protestant country — taking an active part in endeavouring to settle the affairs of the Roman State. So strongly have I always felt upon this question that, at the time when the Government with which I had the honour to be connected were using all their efforts to prevent the war which unfortunately broke out between France and Austria, we were pressing both parties to endeavour to come to some terms of agreement with the very object which the question has in view—namely, of reconciling the spiritual supremacy and authority of the Pope with the general peace and tranquillity of Italy. The formation of a Kingdom of Italy, indeed, was not then contemplated by any one; but in giving our advice to France and Austria, we did not hesitate to say that the Catholic Powers were particularly, and especially those Governments, bound to deal with the Roman question, and that, while we would give every assistance to the ultimate settlement of that question, we felt that to place ourselves in the first line would not only be objectionable in point of principle, but a serious impediment to the practical success of any undertaking or any effort to bring about a settlement. Therefore, I repeat, I cordially assent to the principle laid down by the noble Lord the Under Secretary of State—that this is a question in which it is not expedient for this country to interfere either by diplomacy or by correspondence. We are less likely to do good than to do harm by such interference, and I rejoice to hear from the noble Lord that Her Majesty's Government have not engaged in any such negotiations or any such correspondence. Nevertheless, I must be permitted to say, before I sit down, that I look upon this Roman question as one which as long as it remains unsettled must keep unsettled the prospect of retaining peace. It is a question of the greatest difficulty and of the greatest delicacy. It would be a question of no difficulty whatever were we dealing with only a temporal Sovereign. But it is a question full of difficulty and embarrassment when we are dealing with one who unites in his own person the capacities of a temporal Sovereign and of the spiritual head of another Church. I must also be permitted to say that it is not a matter of indifference to this country, as regards English interests, in what position the Pope should stand. It has ever been the principle of British policy that the head of the Roman Church should be independent. It is a matter of the utmost consequence to this country that he, to whose spiritual authority and power large numbers of our fellow-countrymen, as well as so many millions of our fellow Christians in other parts of the world, give a ready and willing obedience—that he who claims at their hands that obedience and those obligations of duty should be himself in a position independent to act, free from the dictation and control of any Foreign Power; for any Foreign Power which stood in such a position towards him as to obtain a command over him, would have the means of transferring into their own hands a great portion of that authority which properly belongs to him. It is very difficult to define the limits between the spiritual and temporal authority, and any Power standing in such a relation towards him might exercise through him an amount of authority extremely dangerous to the wellbeing and safety of this country. Let no man, then, suppose that it is a matter of indifference to us, whether the Pope is an independent Prince or not. The extent of his temporal power is a matter wholly and entirely distinct from his independence. Indeed, my noble Friend referred to this principle when he adverted to the possible idea that, while wishing to put an end to the present state of things, some Protestant object might be served by some weakening of the spiritual power of the Pope. I confess that, if I were desirous of destroying or injuring that spiritual power, I should think I could do nothing so effectual for the object as to promote a continuance of the present state of things. I cannot conceive a position more embarrassing to Europe, more painful to conscientious Roman Catholics, or more painful to the Pope himself, than the self-contradictory position in which he is at this moment placed. My noble Friend who has just sat down, and also the noble Lord the Under Secretary of State, have pointed out that for many years the Pope has not possessed any temporal power, in the sense in which we speak of it with regard to other Sovereigns. He is maintained in his temporal authority in opposition to the will of the vast majority of the people over whom his rule nominally extends, by the intervention and presence of foreign troops, and the power of foreign bayonets. If this were the case of a temporal Sovereign we should be justly entitled to call on France at once to cease from that intervention, which in the case of a temporal Sovereign would be absolutely indispensable to withdraw her troops and to leave Italy for the Italians and Rome for the Romans. But in the case of the Pope, where the interests of religion are supposed to be at stake, at all events, if he is to be protected from being dependent on popular will, he must be maintained in such Sovereignty and State as not to be under the domination of any Foreign Power. Until some solution can be found for the difficult question raised by my noble Friend it is impossible—

whatever may be the objections felt by Europe, whatever may be the objections felt by France herself, whatever may be the sense of embarrassment—and I have no doubt the Emperor himself labours under a great sense of embarrassment—it is impossible, I say, to urge France to withdraw that protection which she at present affords, and it would be useless and worse than useless—it would be idle and criminal—to urge the Emperor to adopt measures which at the present we know he cannot adopt. Only look at what took place in the Legislative Council the other day. Five deputies only, I believe, supported the withdrawal of the French troops. The whole body of public opinion in France—which I rejoice to see is becoming more freely expressed every day—is that the Pope must be maintained in independence; and so long as he can be maintained by no other Power it is the duty of the eldest son of the Church, as the Emperor is termed, to maintain the Pope in his authority. I will not express so strong an opinion as my noble Friend behind me, or even as my noble Friend opposite, with regard to the absolute necessity of Rome being the capital of the Italian kingdom. I confess I lean to the opinion, which is stated in papers laid before your Lordships as the original view of the Secretary of State for Foreign Affairs, that, desiring the independence of Italy, he thought it would be infinitely better effected by the formation of two separate kingdoms. I maintain that opinion now, and I believe that, although it sounds very well to speak of the unity of Italy, the difficulty of accomplishing that object would have been infinitely less, and the prospect of ultimate success infinitely greater, if the mode adopted had been the formation of a northern and southern kingdom; in which case the Roman question would have been easy of solution, because Rome would have laid between the two, and not been, as at present, the centre of the united kingdom. My Lords, as there is one Italian kingdom, I heartily hope and earnestly desire that the union may not be a formal but a real and practical union. At the same time, notwithstanding the moderation displayed and the self-sacrifices made, I cannot but see the greatest difficulties in the consolidation of this union. I cannot look to the state of Naples at the present moment with satisfaction. I do not believe that if the people of Naples and Sicily had been left to themselves they would have desired to be associated in one kingdom with Northern Italy. I do not say they would have desired a continuance of their then existing monarchy; but, if the former dynasty had been well advised and had acted in time, that Government might have been established on a satisfactory and sound basis, and I believe that the continuance of that monarchy in amity and friendship with the constitutional monarchy of the North of Italy, not interfering with the exceptional jurisdiction of the Pope in whatever remained of the Roman territory, would have been a more probable and a more practical solution of the question, and would have avoided many of the difficulties which must be encountered in the present state of things. Nothing can be more natural, if there is to be an united Italy, than that the Italians should desire to have Rome for their capital. There are a thousand considerations which lead to that. But thev ry fact of that necessity enhances to an infinite degree the difficulty of coming to any solution with regard to the independence of the Pope; because, diminish his territory as you will, if he is to be independent at all, he must exercise absolute authority, and he must have uncontrolled dominion over that territory; he must have a provision made for him sufficient to maintain not only the dignity and splendour, but the practical utility of his office. He may have the guarantee of the Catholic Powers of Europe—and that is an arrangement which I should prefer—but he must obviously within his own limits be uncontrolled master of his own movements; he must be able to act without being subject even to the suspicion of being controlled and overborne by any foreign Power. My noble Friend has almost brought the question of the temporal power of the Pope to a *reductio ad absurdum.* He stated, and stated truly, that without the aid of a foreign Power no Government can be maintained which is not in accordance with the public feeling and public opinion; and that no laws can be maintained which are not in accordance with the spirit of the times and the extension of popular rights; and that the spirit of the times required a large concession of popular rights and liberties; and then he goes on to argue that such extension of popular rights is inconsistent with the temporal power of the Pope. The *reductio* is very obvious — that the maintenance of the temporal power of the Pope as a sovereign — I mean reigning over anything which may be dignified by the title of a territory—in the present state of Europe, is morally impossible. But suppose it to be morally possible, I can truly say that, if I were a conscientious Catholic as I am a conscientious Protestant, I should feel the deepest pain and the deepest mortification at the position in which the head of that Church at the present moment finds himself. If the maintenance of his temporal power is essential to his spiritual authority, and if he finds that the exercise of that temporal authority at every point comes into opposition and collision with the feelings and wishes and desires of his subjects, I can conceive no heavier blow which could be aimed at the spiritual authority than that it should be supported by acts utterly at variance with the feelings of the people. If I were a devoted servant of the See of Rome, I would say, "Bring the See of Rome into harmony with the people of Italy and with the Catholic feelings of the world; away with the temporal sovereignty and the temporal possessions, the cares of which and the responsibilities of which necessarily, according to my noble Friend, bring the Papacy into daily conflict with the feelings and wishes of the people; but let him maintain that independence which it is absolutely necessary the head of the Church should possess, and let that be secured, in such a manner as may seem best, separate from the temporal power—by which I mean reigning as a sovereign over a certain extent of territory." The two might be easily reconciled, and in that manner alone can I conceive it possible to devise an arrangement of this difficult question. How it is to be arrived at I do not pretend to say. It is a difficulty with which, however much we may desire to see it settled, we in this country have no means of dealing. For the solution of it we must look to the feelings of the Catholic Powers of Europe generally, and to the growing conviction which must force itself upon the mind of the Sovereign Pontiff; if, indeed, he has a right sense of the superior importance of the spiritual authority over the maintenance of the temporal power. We can trust to nothing except the conviction on the part of the Catholic Powers and the Papal See that such a solution is the only one by which the spiritual authority can be reconciled with its temporal independence. But I concur that the less this Protestant country interferes, the more it leaves it to the Catholic Powers of Europe, and the more it abstains from interference and intervention, while at the same time it does not close its eyes to the importance of maintaining the real independence of the Sovereign Pontiff, the better is the prospect of arriving at that solution which we all desire, however difficult it may be of attainment.

House adjourned at Seven o'clock,
to Monday next, Eleven
o'clock.

HOUSE OF COMMONS,

Friday, April 19, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Southwark, *v.* John Locke, esquire, Recorder of Brighton.
NEW MEMBER SWORN.—For Marylebone, John Harvey Lewis, esquire.
PUBLIC BILLS.—1° Reformatory Schools (Scotland); Volunteers, Tolls Exemption (No. 2); Courts of Justice Building.
2° Queensland Government.
3° Queen's Prison, &c.

RELIGIOUS PERSECUTION IN SPAIN.

QUESTION.

SIR ROBERT PEEL said, he wished to ask the Secretary of State for Foreign Affairs, Whether he has any objection to state to the House the nature of the Communications which have passed between Sir A. Buchanan and the Spanish Government with reference to the present persecutions in Spain?

LORD JOHN RUSSELL said, that Communications had passed between Her Majesty's Government and that of Spain, but that they more particularly related to the treatment of British subjects in that country. The Minister for Foreign Affairs and the Minister for Justice in Spain had both declared that they desired to do everything in their power to enable British subjects to exercise their just rights within the Spanish dominions. There were, he might add, further communications of rather an unofficial character with respect to those persons in Spain who had been condemned to endure severe punishments for professing and exercising worship in conformity with the Protestant faith; and, with respect to those persons, the Spanish Government said that, whatever they might be disposed to do—and they were, he believed, inclined to recommend a pardon—they were, however, very much embarrassed in their action in the matter by the fact that the discovery had been made that secret societies existed in Spain which were in their nature of a socialist and republican tendency, and whose object was supposed to be to promote revolution. It appeared, moreover, that the Spanish bishops and clergy had in consequence expressed great alarm, and that the Government felt bound to do nothing at the present moment which would be likely to foster the spirit by which that alarm was occasioned.

MARYBOROUGH LUNATIC ASYLUM.

QUESTION.

Mr. DUNNE said, he would beg to ask the Chief Secretary for Ireland, When the decision of the Lord Lieutenant with regard to the Manager of the Maryborough District Lunatic Asylum will be carried into effect, and whether the Manager, when removed, will be appointed to any other Asylum?

Mr. CARDWELL replied that the result of the inquiry which had been issued under the Statute proved that the relations which subsisted btween the resident and the visiting physician in the Institution in question were such as to render it desirable that the former should be removed to some other establishment. He would take an early opportunity of doing so, and it was, he might add, the intention of the Government that the promise made in the matter should be carried into effect.

AFFAIRS OF POLAND.

QUESTION.

Mr. BAILLIE COCHRANE said, he wished to ask, Whether the Government have any objection to lay on the Table of the House any communications which they may have received from the Consul General in Warsaw?

Lord JOHN RUSSELL said, those papers could not be produced without injury to the public service. None of them, however, were of a very recent date.

Motion, that the House at its rising do adjourn till Monday next,

REFORM OF CONVICTS.

QUESTION.

Mr. W. EWART said, he would beg to inquire of the Secretary of State for the Home Department, Whether the system introduced by Captain Crofton into Ireland for the discipline and reform of Convicts will be taken into the consideration of the Government? He (Mr. Ewart) was not a partizan of any system, but he believed the result of that adopted by Captain Crofton in Ireland was that only 20 per cent of the liberated convicts were recommitted to gaol. The advantage of the system was that the prisoners were broken up into small parties, and were thus more easily reformed. They were individualized, as it were. The gang system must have a tendency to contamination. Captain Crofton's system inculcated a feeling of self-reliance, and had been most successful in amending the character of the convicts. If that were true, as he believed it to be, the system was certainly one well worthy of adoption.

Mr. CLIVE said, he had no hesitation in stating, that anything done by Captain Crofton in connection with the subject of convicts, would gladly be taken into consideration by his right hon. Friend the Secretary for the Home Department. His attention had not, however, as yet been closely directed to the matter, but it would, no doubt, be duly inquired into.

INDIGO PLANTING IN BENGAL.

QUESTION.

Mr. LAYARD said, he rose, pursuant to notice to ask the Secretary of State for India

> "Whether, notwithstanding the Minute of the Lieutenant Governor of Bengal upon the Report of the Indigo Commission dated 17th December last, a Bill has been introduced into the Legislative Council of India to enforce contracts for the delivery of agricultural produce; and, if so, whether such measure has been introduced with the sanction of the Government of India?
>
> "And, Whether he will lay upon the Table of the House Copies of that Report and Minute, and of the Act XI. of 1860 of the Indian Legislature, together with the Correspondence thereon between the Governor General of India, the Lieutenant Governor of Bengal, and the Indigo Planters' Association, and other Documents and Papers relating to the cultivation of Indigo in Bengal?"

He was glad to see the right hon. Gentleman again present in the House, and, therefore, in asking the question of which he had given notice last week, he would accompany it by a statement. He was well aware of the inconvenience of making these statements upon occasions like the present, and he had to apologize for intruding one upon the House that evening. He would not have done so, did he not believe the question to be one of great importance. Upon the answer to which might turn the fate of interests of the greatest moment to India. We were rightly informed upon the course which the right hon. Gentleman might take would depend whether or not an outbreak took place in Bengal. He, therefore, earnestly but respectfully called the attention of the House to the question. When Parliament transferred the Government of India from the East India Company to the Crown, it had—while taking, in his opinion, a wise step—assumed, at the same time, a great responsibility. It was bound to see that justice was done to the vast population of India—a duty which he regretted to say did not, in the case of a considerable portion of that population, seem to have been faithfully discharged. The facts by which the justice of that view was supported were, he might add, of such an appalling nature that, unless he were in a position to verify them by a reference to official records, he should scarcely have ventured to submit them to the consideration of the House. When, two or three years ago, on his return from India, he had called attention to the treatment to which the Natives of that country were, in many instances, subjected, he had been assailed by all that vituperation in which the Indian press knew so well how to indulge; but he should not be deterred by that circumstance from seizing the present opportunity to draw the attention of the House to what, he repeated, he could not help regarding as a question of the greatest importance. And what, he would ask, was the nature of the case to which he was about to invite their attention? Last year an outbreak had taken place in that part of Bengal in which indigo was extensively cultivated, the native ryots refusing to cultivate that plant. The authorities had interfered, a riot had ensued, and bloodshed had been the consequence. It appeared that a Bill was then introduced into the Legislative Council of India making the non-fulfilment of indigo contracts a criminal offence, the cultivation of indigo being, he believed, of so peculiar a nature that unless it took place within a very short period of the year, extending over one or two weeks—a failure, and great consequent loss to the planter, was likely to ensue. Be that, however, as it might, the extraordinary Bill to which he had adverted had been introduced, and it enacted that any cultivator of indigo who should not fulfil his contract would be liable to a heavy fine or three months' imprisonment, the law to be administered by magistrates and deputy-magistrates, with no appeal from their decision, at the same time a Commission to inquire into the whole subject was promised. The Commission had been issued composed of Mr. Seton Karr, Mr. Temple, Mr. Sale, and a very intelligent native named Chatterjee, and Mr. Fergusson, the Secretary to the Indigo Planters' Association. It had held many sittings in Calcutta, had examined a large number of witnesses of all classes of the population—planters, clergymen, officers of the Civil Service, and Natives, and had taken down more than 4,000 answers. The Report of the Commission, in a large folio volume, larger even than one of our blue books, had subsequently been published and submitted to the Legislature of India. The Commissioners, he might add, had held their sittings with open doors, and every opportunity had been afforded for the contradiction of the statements which were made before them. He had read their Report from beginning to end, and he must say had risen from its perusal, as well as that of the other papers connected with the subject, with mingled feelings of pity, shame, and indignation which he could find no words to express. The evidence taken before the Commission described the cultivation of indigo as being conducted by means of a system of advances, many of those advances having been made many years ago to the fathers, and even the grandfathers of the present ryots, while very few had been made of recent years. The ryot, he might add, was a tenant with a kind of tenant-right, and was, to all intents and purposes, owner of the soil, or, as the Lieutenant Governor of Bengal called him, "a small capitalist;" but, the advances once made, he became attached to the soil, and was nothing more than a slave. The planter occupied the land of the unhappy man; armed men entered upon his property, destroyed his house, cut down his trees, rooted up his garden, murdered those who attempted resistance and seized others, carrying them off and confining them in prisons built by themselves; a state of reckless lawlessness prevailing which, he ventured to say, was never equalled in any civilized country in the world. He would not trust himself to make any statement not derived from official sources, but would read one or two extracts from the evidence given before the Commission. Mr. Latour, a civil and sessions Judge, told the Commissioners that in his district the hand of the planter was systematically lifted up against the life and property of the ryot—a system which, he said, appeared to him to recognize neither the existence of magistrates on earth nor that of a God in heaven. Considerable odium, he added, had been thrown upon the missionaries for saying that not a single chest of indigo reached England without being stained with human blood; but that expression was his, and he adopted it in its broadest and fullest sense, for he had seen ryots who had been speared through the body, and others who had been shot down at the instigation of planters. The evidence of the Hon. A. Eden was no less important. That gentleman said he believed that deeds of this violence were not frequent, but still they were such as to keep up and perpetuate a feeling of terrorism, without which the cultivation of indigo could not be carried on for one day. Any act of great violence committed in any district, such as a certain attack in which three villages were gutted, three cultivators killed, and six wounded, would be enough to strike terror into the hearts of the ryots in that part of the country for many years. He believed there were many planters who did all in their power to avoid having recourse to such expedients, but it would be found that one or two outrages of the most serious description had occurred within the remembrance of men in every district and with every concern. Mr. Eden added, that prosecutions were scarcely ever attempted, partly because Mofussil magistrates knew the difficulty of procuring a conviction in the supreme court, partly from great unwillingness among prosecutors and witnesses to subject themselves to the liability of going to Calcutta to attend the court, and partly owing to the bias in favour of the planters, which had been too frequently displayed by men in all positions. The witness gave a list of forty-nine cases of outrage, some of the most horrible description, including not only the destruction of villages, but the actual murder of the villagers, and all reported as having occurred within the last few years. Similar evidence was given by clergymen and others. A great number of ryots were also examined before the Commissioners; but their evidence might be thought to be prejudiced, and, therefore, he would not trouble the House with it. One thing came out very clearly during the inquiry—namely, that nothing on earth would induce the people to cultivate indigo any more on any terms. The Commissioners made a very moderate and impartial Report, in which they stated that the relations between the planters and the zemindars, of which the former had complained, were on the whole satisfactory; but that the relations between the planters and the ryots were not satisfactory and required considerable change. They reported that the planters as a body stood acquitted of the grosser and more violent forms of outrage which had occurred of late years; but that they were not acquitted of kidnapping and illegally confining individuals. They condemned the appointment of honorary magistrates, a body which included many indigo planters, who were thus constituted judges in their own causes; and they recommended that the compulsory Act of 1860 should be abandoned and not renewed, concluding their Report by stating that our character as a nation was at stake, and that at all risks we were bound to see justice done to the ryots. The Report of the Commissioners, including the evidence taken before them, was presented to the Legislative Council, and a minute was made upon it by Mr. John Peter Grant, Lieutenant Governor of Bengal. A more impartial, a more able, or a more statesmanlike document than that minute it had rarely been his good fortune to read. Mr. Grant deserved the utmost credit for the moral courage he had shown in the matter, and that no small amount of moral courage was required on his part would be apparent, when he stated that the minute had no sooner been published than all the phials, he would not say of wrath but of filth of the Indian press were poured out upon Mr. Grant and those who had given evidence before the Commission. The indigo planters pretended to show great indignation; they denied the truth of the statements made against them, but they offered no proof in support of their denial. No expense was spared to intimidate Lord Canning, Mr. Grant, and the other authorities in India considered unfavourable to the indigo planters, and everything was done that could be done to influence public opinion in this country. A costly pamphlet had been circulated among the Members of that House, but he would not refer to it further than to say that a work which comprised more mendacity and audacity he had never seen before in the whole course of his life. Mr. Grant recommended that the Act of 1860 should not be renewed, and, although he did not agree with the Commissioners that honorary magistrates should not be appointed, he expressed the opinion that they should not be allowed to decide in their own causes. In a second minute submitted to the Governor General he answered the complaints of the indigo planters, and then Lord Canning—who, during a most critical period, had shown a courage worthy of an English gentleman and an English Christian in opposing an unreasoning cry for blood—published a minute approving all that Mr. Grant had done, with one unimportant exception, and assuring that gentleman of his warmest and most entire support. He accepted the recommendation that honorary magistrates should be appointed, with the reservation, that they should not be allowed to decide in their own cases—a very plain and simple maxim of justice. The House might wish to know what had been the actual operation of the Act of 1860. The evidence which had been published was conclusive upon that point. Mr. Long, a clergyman, said that the clauses added, upon the suggestion of Mr. Wilson, made the Act essentially a slave law, and the working of it virtually an attempt to sow indigo at the point of the bayonet. The administration of the Act was entrusted to a large number of young, inexperienced men, sent up to the indigo districts. The alarm created by their proceedings led to an inquiry. It was found that hundreds of agreements between planters and ryots were forgeries, that great numbers of ryots were in prison, and that, in short, the indigo districts presented one horrible scene of reckless injustice and oppression. In an official letter of the 17th of August, mention was made of a ryot who had been in prison for three months, though no judgment had ever been given against him; and there was another man, who had had all his property seized, without any award. The Indigo Commission found two ryots imprisoned under this law, who were stone blind, and therefore could not be cultivators. Such was the haste with which these cases had been adjudicated upon, that one magistrate disposed of seventy-nine cases in four days, and assessed the damages at double the rate set forth in the alleged agreement. At one time and in one gaol, there were no less than 588 prisoners, criminally convicted under this Act, which made a common civil default a criminal offence. One poor man was made to pay 217 rupees, when he had only had an advance of six rupees; and another, who had got an advance of two rupees, was ordered to pay 161 rupees. He had said that many of these agreements were actually forged. That had been denied by the planters; but it was proved by the evidence of Mr. Bell, who, in a letter to Mr. Seton Karr, declared that those agreements bore internal evidence of forgery. For example, in a decision purported to have been given in July, 1860, the documents on which it was ostensibly founded were dated in December, six months afterwards. Mr. Bell said, that—

> "From a review of numerous cases he had arrived at the conclusion that to meet the particular exigencies of the time, and to coerce the ryots, a vast number of agreements had been called into existence, to which the ryots were not assenting parties; and to do this, documents had been fabricated, and details of account entered in written books prepared for the occasion."

The execution of these deeds was of course solemnly sworn to by the agents of the factory. The same gentleman, after referring to an instance in which it was proved that the ryot, who was named, had actually died some time before the date of his alleged agreement, proceeded to say—

> "Such then were the cases I had to try; and, besides these, I could enumerate others equally false, in which loathsome lepers, infants, men bedridden from age and disease, and who, being unable to walk, were brought up in carts and doolies, and propped up because they could not stand in court, when their cases came under trial, were charged with having received advances under covenant to sow and to deliver indigo."

A letter from Mr. Lushington, dated in January last, related that in one factory 609 of these agreements were put into court, of which forty-two were written on stamped paper, bearing forged endorsements. Mr. Lushington justly spoke of this as an "appalling fact," and he added that there were good grounds for believing one-third of the whole number to be inscribed on stamped paper with a forged endorsement. A magistrate much respected, Mr. Herschel, stated that between 200 and 300 were prepared by the same hands, seven or eight forgers having been employed on the work. And what were these indigo contracts? He had that morning received an official statement from India mentioning a case in which by a contract an unhappy ryot bound himself and his heirs never to pay back his advance in money or in any other way than by continuing to cultivate indigo. The date of this agreement was so recent as the 29th of November, 1859. It was a forged agreement. The poor ryot was thrown into prison upon this forged agreement which bound himself and his heirs to be for ever a slave to the soil of which an indigo planter had thus virtually obtained possession. The planter's books in which the contract and advances were entered, contrary to all law, were received in evidence against the ryots without further inquiry. Of one of these books the Commissioner, Mr. Lushington, says:—

> "It was to all appearances as if it were only a week old, with clear edges and unruffled red cloth cover; while the writing looked as if it had been written continuously, instead of the entries being jotted down opposite each name as payments were made."

Some of the Native residents of Calcutta, hearing of the horrible injustice thus perpetrated against their unhappy fellow subjects, the ryots, determined to send legal assistance to them, and employed a Native councillor to go and advocate their cause. But would it be believed that the magistrate, at least in one district, taking advantage of a clause in the Act which made any one aiding or abetting its violation liable to a fine, or six months' imprisonment, condemned a legal adviser to imprisonment and fine. Such a state of things was perfectly horrible. One mooktar or lawyer was sentenced by Mr. Betts, for the offence which was no offence at all, to six months' imprisonment and a fine of 200 rupees—the Act being alternative, and, in default of payment, to a further imprisonment of six months. Of course, after that, the unhappy ryots could get no legal assistance and the prosecutors had it all their own way. Did not such a state of things as regards the ryots demand an expression of sympathy from that House? They could not be surprized to find that a general feeling of discontent prevailed throughout the indigo districts. In any other country in the world such a system would already have raised a general rebellion. The state of things in Bengal was most alarming, and they might by any mail hear of an outbreak in southern Bengal, entailing on the country the most grievous calamities. In Mr. J. P. Grant's minute, dated 17th of September, 1860, he said—

> "On my return, a few days afterwards, along the same two rivers (the Koomar and Calligunga), from dawn to dusk, as I steamed along these two rivers for some sixty or seventy miles, both banks were literally lined with crowds of villagers claiming justice in this matter (the forced cultivation of indigo). Even the women of the villages on the banks were collected in groups by themselves; the males, who stood at and between the riverside villages in little crowds, must have collected from all the villages at a great distance on either side. I do not know that it ever fell to the lot of an Indian officer to steam for fourteen hours through a continued double street of suppliants for justice. All were most respectful and orderly, but all were plainly in earnest. It would be folly to suppose that such a display on the part of tens of thousands of people, men, women, and children, had no deep meaning. The organization and capacity for combined and simultaneous action in the cause, which this remarkable demonstration over so large an extent of country proved, are subjects worthy of much consideration."

In the most urgent terms Mr. Grant besought the Governor General not to renew the Act that had led to such terrible injustice. He received from the Secretary to the Government of Bengal a proclamation to be addressed to the ryots in these words—

> "It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement of indigo contracts by the magistrates, which law will expire on the 4th of October next, corresponding with the 19th Assin. After that date actions for breach of existing contracts will be cognizable as before by the civil courts. But it is the intention of the Government to provide as soon as possible for the more speedy adjudication of such cases by increasing the number of courts and by simplifying procedure."

That proclamation was sent with a despatch, by which Mr. Grant was instructed to explain it to the ryots. It was translated into Bengalee, and circulated through the indigo districts. Last May, too, the right hon. Gentleman, the Secretary of State for India, in reply to a question asked of him by the hon. Member for Perth, said that the Act complained of was only a temporary Act. After those pledges and promises, what must be the indignation and consternation of the ryots and of their fellow-countrymen in India to find that a Bill precisely similar had been introduced into the Legislature of India. True, by a subterfuge, the Act did not appear altogether the same, as it was extended to all articles of produce, but it was only the indigo planters of certain districts that asked for such protection for his special and petty interests. Neither sugar, jute, rice, nor any other article of Indian produce required it. He was glad to find from the despatch of the Secretary of State for India on this subject for which he had moved hat he disapproved this procedure. It was monstrous to suppose that such an act was required, putting aside the fact that it was such a breach of good faith as must shake for ever the confidence of the Natives in our word. In the Bengal districts the export of every article of produce but one had increased within the last twenty years a hundredfold; indigo alone had remained nearly stationary because it was a forced cultivation, and was not a paying crop. As an instance of the feelings of the Natives upon the subject of indigo, he would refer to the evidence of Mr. Morrell, who lived among them and had won their confidence, but his gardener having planted by chance some indigo seeds, which came among others from Calcutta, the Natives when they heard of it became so much excited that a riot was nearly taking place. It was true that to some extent British capital was embarked in the indigo cultivation; but he was informed that a large portion of the cultivation was carried on with borrowed capital advanced by Natives at 16 or 20 per cent interest. It was only in Lower Bengal that there was any necessity for such an act as he referred to, and the produce of this district formed, it is stated, only one-fourteenth of the indigo cultivation of India. It was not needed in the North West Provinces, nor in Madras. He wished to say one word more as to our treatment of the Native race. When he was in India he had been often shocked at the injustice the Natives met with at the hands of Europeans, and when he remonstrated he was told in reply that they were only "niggers." He remembered that when in Persia and in Turkey he had heard officers of the Indian Army and Civil Service apply the same epithet to the inhabitants of those countries who were nearly as white as ourselves. It would, he thought, be useful to know how the term "niggers" was applied; did it apply to those who differed in colour from us, or in religion, or in language, or in country. Because if we are to have one measure of justice for the nigger and another for those who are not niggers, it is important to know who niggers are. What might be expected to ensue from such conduct towards the Natives of India? The last accounts from India stated that the ryots were repudiating payment of their rents. Such proceedings were not unnatural, but he hoped the intelligent native gentlemen of Bengal who would read with interest the account of that night's discussion would prevent their fellow-countrymen from engaging in what would undoubtedly be an illegal proceeding. The rents should be paid, and if they were not they should be enforced by civil process, but this was no justification for an act making the breach of a contract to grow indigo a criminal offence. He had heard that the right hon. Gentleman the Secretary of State for India had expressed disapproval not only upon the general principles involved in this compulsory act, but also of the particular act itself. He hoped that what he had heard was true, and, if so, the right hon. Gentleman would have rendered eminent service to India and to this country. If, however, the right hon. Gentleman still hesitated, he (Mr. Layard) would earnestly entreat him to repudiate an act which would be fatal to our credit, destroy the confidence of the Natives in us, and annihilate that respect for the Englishman's aye or nay which had heretofore made the British name venerated in India. If the right hon. Gentleman had repudiated that act he had done an act of justice, of humanity, and of true policy. The hon. Gentleman concluded by putting his questions.

MR. VANSITTART said, he would beg to ask the Secretary of State for India whether his attention has been drawn to the Report of the Indigo Commission with the Minutes of Evidence taken before them, and Appendix dated Calcutta, April 27, 1860, and, if so, whether he has taken any steps to carry out the recommendations contained therein? He had seen the despatch of the right hon. Gentleman, dated the 8th of this month, to the Governor General, which had been placed on the table since the notice of his Motion; but, as it appeared to him to be incomplete, and it did not allude at all to the separate report of Messrs. Temple and Fergusson, the minority, he was obliged to proceed with his question. He thought the statements of the hon. Member for Southwark were so unfair, so illiberal, and so one-sided, that if they were allowed to go forth to the public uncontradicted they would do serious injury to an enterprising body of Englishmen—the indigo planters of India. With respect to the charges of forgery which had been urged against the planters he might observe that in one case where a planter was tried his innocence was proved, and Mr. J. P. Grant had recognized the fact by conferring an appointment under the Income Tax Act upon a member of the firm. With regard to the disputes between the indigo planters and ryots of Lower Bengal, he had read the whole of the voluminous papers and reports connected with the question, and was bound to say that the planters had been acquitted of the grave charges which had been brought against them, and that the Lieutenant Governor, Mr. Grant, had also admitted that fact in the 19th paragraph of his Minute on the Report of that Commission. Although he was aware that the system which prevailed in Lower Bengal and the terms which were offered by the planters to the ryots were different to and contrasted unfavourably with those which prevailed in Tirhoot and the North Western Provinces, yet he must confess he thought that had Mr. Grant displayed greater tact in the first instance, instead of giving way to his inordinate love of writing long and unnecessary despatches — a habit in which old Indians were too apt to indulge— these serious disturbances would not have occurred. In corroboration of that view he referred to a Report which was made a few months since to the Indian Government by Mr. Yule, the Commissioner of the Bhaugulpore division. A more practical man than Mr. Yule was not to be found in India. That gentleman was thoroughly acquainted with the habits, prejudices, and language of the people. Mr. Yule in passing sentence on some misguided ryots who had been convicted of plundering and burning some factories in one of the districts which formed a part of his Commissionership, recorded that they confessed all they wanted was a hakim, or special commissioner, to be deputed to inquire into their grievances, and had that been done no disturbances would have occurred. Instead of adopting that course, Mr. Grant appeared to have prejudged the case, as he threw the whole weight of his official influence and authority into the scale against the planters, instructing the magistrates to transmit to him their decisions in all cases between planters and ryots, reprimanding those who decided in favour of the planters, and applauding those who favoured the ryots. In point of fact, he had abdicated the dignified position of a Lieutenant Governor for that of a Superintendent of Police. What had been the result? The planters of Lower Bengal were ruined and crushed, and there was now scarcely a factory left standing in that province. But, unfortunately, that was not all. It so happened that the planters were in the habit of taking putni leases of the zemindars. A putni, as stated in the glossary of terms used in the evidence and the appendix, meant—

> "An estate within an estate, created by the voluntary act of the zemindar. The tenure is created in perpetuity, and the holder obtains the full and entire rights of the zemindar, paying only the due rent to the latter. The zemindar's connection with the land ceases when a putni is created."

The great disadvantage under which the planter laboured by that arrangement was that he had to pay down the first year three times the amount of his annual rent to the zemindar. For instance, if a planter took a putni at a rental of £10,000 a year he was obliged to pay £30,000 the first year to the zemindar. Many of the zemindars were rich, money-making people living in Calcutta, and were what would be called in this country "absentee" landlords. They were fully aware of the feeling of hostility which, unhappily, existed between the Government of Bengal and the great mass of the European community at present, and they very adroitly availed themselves of it to ruin the planters and to break the putnis. They had induced the ryots, through their agents, to combine together so successfully that even those ryots who were under engagements to sow other crops besides indigo refused to pay a single rupee to the planters. The zemindar at the same time pressed him for a quarter's rent. He was unable to pay, and the collector was compelled by the regulations in force to put the estate up to auction to meet the Government arrears. This was exactly what the zemindar wanted, because he ousted the planter, broke the putni, and enriched himself by £30,000. The evil had reached such a height that the very existence of Europeans was said to be at stake in the Mofussil, and the ryots now threatened to withhold the payment of their rents both to Government and their native landlords. With regard to the general subject, he would merely add that affairs had been brought to that sad state that, although that enterprising body of our countrymen, the indigo planters, had been already subjected to a loss of property estimated at several millions of pounds sterling, yet he feared that they would be driven out of Bengal altogether if they did not adopt the recommendation of Mr. Temple and Mr. Fergusson. These two gentlemen dissented from the majority of the Commission, and drew up a separate Report. It should be borne in mind that Mr. Fergusson was one of themselves, an indigo planter, and Secretary to the Indigo Planters' Association. In paragraph 13 of their Report they stated—

> "An apprehension that considerable concessions by the planter to the ryots would be necessary in several districts, or nothing short of actual force would induce them to sow. In such places, any attempt to perpetuate the present system the ryots would resist by force. Judicious concession was the best policy."

Again, in paragraph 15, they said that—

> "The deductions now made, which cause so much dissatisfaction to the ryot, should be discontinued. The charges for cutting, weeding, carrying, stamp-paper, seed, &c., should all, or nearly all, be borne by the factory."

He could not understand the policy of destroying the indigo interest in Lower Bengal. It was acknowledged by all impartial authorities that by their skill, energy, and capital, if properly directed, the material well-being of the zemindar and ryots was considerably improved, and that they added to the security of the tenure of India. He found that no less than eighteen commissioners and collectors of the North-Western Provinces bore willing testimony to this fact. He would read a few extracts of their Reports on the subject, dated August, 1860. Mr. Gubbins, the Commissioner of Benares, wrote—

> "The planters were almost invariably a blessing to the surrounding country. In eleven years he had never heard of any oppression on the part of the planters, whom, on the contrary, he always found firm supporters of the law, and ever ready to assist in looking after the peace of the district, and in caring for the roads and public thoroughfares."

Mr. Alexander Ross, Officiating Commissioner of the Agra Division, stated that—

> "The cultivation of indigo appeared to be highly popular both with the zemindars and the cultivators. Affrays were unknown, and litigation was comparatively rare."

Mr. Court, the collector of Allahabad, and Mr. Thornhill, the collector of Etawah, and the collectors of Azimghur, Juanpore, Mirzapore, Ghazeepore, Cawnpore, Furruckabad, Agra, Mynpooree, and elsewhere, all reported in a similar strain; and their Reports would be found to be contained within pages from 114 to 125 of the Appendix, No. 26, referred to in the question which he now begged to put to the right hon. Baronet.

Mr. Vansittart

MR. KINNAIRD said, he also would beg to ask the Secretary of State for India, Whether he has received a Copy of the Correspondence regarding the cultivation of Indigo, between the Government of India and the Government of Bengal, which took place between July and November, 1860; also of the Correspondence connected with the issue of the Indigo Proclamation, dated September, 1860; and whether he had any objection to lay the same on the Table of the House? He felt deeply indebted to his hon. Friend the Member for Southwark (Mr. Layard) for the full and able statement he had made to the House, and deeply grieved that such a statemant had been called for by what had so unexpectedly occurred in the Legislative Council of India. Strong, however, as was that statement, his hon. Friend had not exaggerated the case. Had it not been for the assurance of the right hon. the Secretary of State for India, last Session, that the Act introduced into the Legislative Council, in March, 1860, for summary jurisdiction was a temporary and exceptional measure; accompanied by the promise of the Commission to inquire into the relations between the ryots and the planters, he should not have allowed the question to drop last year. But he very much feared, that the little attention given to the subject in this House had emboldened those whose interests were antagonistic to the ryots, to put a pressure upon the Supreme Government of India, which they had not had the firmness or moral courage to resist. Bad as the proposed law was, he hoped that the House would not be blind now to the extreme gravity of the question, and that the recommendations of the Lieutenant Governor of Bengal would be acted upon, and his warnings not disregarded. When they read, on the highest authority, of "burning indignation," and "bitter hostility to the ruling authorities," on the part of the labouring population, it would be nothing short of madness to trifle with this matter. The fact was, that the present system of indigo cultivation in Bengal was a forced cultivation, utterly unprofitable to the cultivator, and under it, it was false to consider the ryots as free men: and as to the contracts talked of, they were often blank paper signed under compulsion; and were they to institute criminal proceedings if they were broken? Let the planters go to the civil courts and enforce them, if they were lawful contracts, which he much doubted in most cases; but it was perfectly monstrous to bolster up an unjust system of forced cultivation, by the power of tyrannical laws, and in the face of pledges to the contrary. What would they think, if the hop planters were to come to them, and ask for a law to compel the farmers of their districts to grow hops, even though its cultivation should be unprofitable? And yet that was what had been done in India in regard to the cultivation of indigo. They had undertaken the Government of India, and he trusted that the House would not only support the Secretary of State for India in his disapproval of these compulsory acts, but that they would appoint a Committee to inquire into the truth of the facts which were disputed.

Sir JAMES ELPHINSTONE said, he rose merely for the purpose of stating, according to information he had received from India, what the grounds were on which the Government had based their proceedings of the planters. Mr. Lane had said, in bringing in the Bill, it was only to be had recourse to in cases of absolute refusal on the part of the ryots to carry out their contracts, and that it was not to be expected that Europeans would come into the country and invest their capital if contracts were to be repudiated with impunity. Certain punishment of fraud was essential to the true progress of the people, and it was only by false sentimentality at home that fraudulent debtors had been treated with lenity to the great evil of public credit. The same sentiments were uttered by Sir R. Napier and other members of the Legislative Council, and they had pointed out the great loss that would be occasioned if in a climate like that of India the cultivation of indigo, rice, or sugar, could only be proceeded with after the settlement of Chancery suits arising out of contracts, long before the determination of which the land would become a vast jungle.

Mr. DANBY SEYMOUR said, he did not think that the hon. Member for Southwark had taken a fair view of the subject. The case of the indigo planters was a special one, and required special legislation. Indigo must be sown during a single shower. If the ryot neglected his duty during one day the advances were lost; and it was not for the ryot to take the advances and neglect to deliver the produce. The House should remember that this special legislation was no new thing. It was introduced by Lord William Bentinck, than whom there had been no truer friend to the people of India, and it had existed till it was repealed by the Home Government under the influence of a false sentimentality. The fact was that there could be no greater injury to the ryots of Bengal than to drive British planters and British capital out of the country, and believing that that effect might be produced unless some measures were adopted by the Government, he approved the course which the Legislative Council had taken.

Sir CHARLES WOOD said, he was very sorry that he had been unable for some time to make his appearance in the House, and he thanked his hon. Friends for their courtesy in postponing their questions until he was better able to answer them. With regard to the papers which had been asked for, the fact was that they had been for some time on the table of the House, and the first part had been actually delivered, and, therefore, there was no need for a Motion on the subject. He could not, however, allow the occasion to pass without a few observations in reference to what had fallen from hon. Gentlemen. With regard to the cases which had been brought forward by the hon. Member for Southwark (Mr. Layard) though he was willing to believe that they were exceptional cases, every syllable uttered by the hon. Gentleman was literally true. Of course, he did not wish to throw blame upon the indigo planters as a body. Many of them, he believed, were honourable and good men. There was not the slightest doubt that in many instances the owners of factories were perfectly ignorant of what had happened. In one of the worst cases which had occurred, the planter (Mr. Hill) was in England at the time, and had been there for three or four years. So, in other instances, no doubt, the indigo planters were not cognizant of what had been done on the part of the establishment with which they were connected. Nay, more, many of them had done their best to mitigate the evils of the existing system, and to bring about better relations between themselves and the ryots; but the truth was that the present generation of planters had inherited evils which were the result of a long-existing and a vicious system, and, however well-disposed individual planters might be, everybody could see how difficult it was to root out a system of this kind which had continued for so many years. Although the abuses—the gross abuses—

which were perpetrated a short time ago might have been mitigated of late years, it was indisputable that instances like those quoted by the hon. Member (Mr. Layard) had occurred during the last three or four years,—ay, within the last few months. It was admitted on all hands that the kidnapping, confining, and removing the ryots from place to place were offences of no uncommon occurrence up to a very recent date. It was indisputable that only last year one of these unfortunate ryots was moved from place to place, and had never been heard of since. These circumstances really reduced the cultivation of indigo in Lower Bengal to a system of forced labour. He was afraid that many of the indigo planters had been subjected to considerable loss. For them as individuals he was very sorry, and everything which could be done to mitigate their loss ought to be done. But this consideration was the only justification for the temporary Act which had been passed last year on this subject. The storm, if such it could be called, broke out unexpectedly, and the Government of India, under the pressure of circumstances, passed an Act which he thought would be perfectly unjustifiable under other circumstances than those actually existing. He had already expressed that opinion in the House, and in writing to India he stated that it was only in consequence of those exceptional circumstances that he was induced to sanction that Act. The hon. Member for Poole (Mr. Danby Seymour) said the growth of indigo was an exceptional case, and that, therefore, there must be special legislation. No doubt, to a certain extent, the growth of indigo was exceptional; but it was not more exceptional than the cultivation of many other products, and he knew no reason why it should be subjected to a different course of legislation. The very argument used by the hon. Gentleman had been urged on behalf of the West India planters. It was said that the making of sugar was an operation which, if interrupted for an hour, entailed the most serious injury on the planter, spoiling his whole produce; and then it was added, that as there would be no inducement to the free negro to work when slavery is abolished, it will be impossible to cultivate sugar in the West Indies. The special circumstances of sugar cultivation were the argument for the East. He did not think that a case could be made out in regard to indigo for any departure from the ordinary law. The cultivation at present was a forced one, because the price given to the ryot in these particular districts was perfectly inadequate. If that were not the case there would be no difficulty in obtaining the proper cultivation of the plant. The proof of that was furnished by the fact that elsewhere in India indigo was grown with the greatest facility. In Behar and other districts the relations between the indigo planters and the ryots were perfectly good. No difficulty was experienced in obtaining the delivery of the crop from the ryots there. In Madras, also, indigo was grown to a considerable extent, and was grown successfully. Why? Why, because the planters paid a fair price for the produce. But, in three or four districts of Bengal—and only in three or four—the old and vicious system prevailed; contracts were forced upon the ryots; they were seldom entered into voluntarily, and in some instances these contracts were forged. Even last year there were cases in which contracts were produced and were declared to have been entered into by those who at the time alleged were bedridden, blind, and dead. The extraordinary rise in the price of other produce having made it more profitable to grow rice and other crops, the ryots, not unnaturally, refused to grow indigo, and, considering what an uneducated class they were, he must say he thought they deserved great credit, upon the whole, for the little violence that had taken place. A more striking scene never occurred than that which was described when Mr. Grant went into the district. The whole population turned out as he went up the river and asked for relief without the slightest appearance of violence. The fact was that we had escaped a great calamity. Earl Canning had assured him that since the siege of Delhi he had never been in such a state of alarm as when these disturbances took place. By very judicious conduct on the part of the authorities, from the Lieutenant Governor downwards, a general outbreak was avoided; but still a very serious crisis had been gone through. Since then the advice of Mr. Fergusson to the planters, that they should endeavour to establish better relations with the ryots, had been acted on, and a great deal of indigo had been sown. In a large extent of country a much better state of feeling existed, and if matters were left to be arranged between the parties in the ordinary course of things, the same good relations would prevail in the disturbed districts as prevailed elsewhere than in these few districts of Bengal. Then he was asked if it were true that the Government of India had sanctioned the introduction of the Bill to enforce by criminal procedure these contracts between the planters and the ryots. He was extremely sorry to say that such was the case. He thought it a great mistake, because he believed that the ryot was just as susceptible of the principles of profit and loss and amenable to the process of the ordinary courts in matters of this kind as any other person. He had, therefore, very distinctly stated, in a despatch which was before the House, that he did not consider that sufficient reason had been shown for applying to the Legislature to enact a law for the summary enforcement by the criminal courts of the country of contracts for the delivery of agricultural produce. It was not a question which arose now for the first time. There was a similar Act in 1830, which was abused to the gross injury of the ryot immediately after it was passed, and which was abolished by orders from home in 1835. The Government of India was not in possession of that despatch when they had introduced the Bill, and he trusted that when they did receive it they would of their own accord withdraw the Bill; but, at any rate, he had written a second despatch, expressing his desire that if not withdrawn before, it should be withdrawn immediately on the receipt of the second despatch.

ATTENDANCE OF VOLUNTEER CORPS AT PARLIAMENTARY ELECTIONS.

QUESTION.

GENERAL PEEL: The question I am about to put to the noble Lord the Member for Tiverton arises out of the following account of the recent election for Tiverton, which appeared in *The Times* newspaper of the 29th of March :—

> "The election was fixed for 2 o'clock at the Town Hall to-day; long before that hour the streets were crowded, and the excitement was heightened by the presence of the Tiverton Rifle Corps, a very fine body of men, commanded by Captain Heathcote Amory, a near relative of the late Mr. Heathcote, M.P., who sat so many years for the borough. Lord Palmerston was escorted by the Volunteers from the Three Tuns Hotel to the Town Hall, where the ceremony commenced about half-past 2 o'clock. The election took place within the building, but Lord Palmerston afterwards addressed the Electors from one of the windows. The Rifles were drawn up in front, and the strictest order was maintained."

My object in asking the question of which I have given notice is to prevent the establishment of a precedent upon what if true was certainly a very novel and, in my opinion, a very improper proceeding, and I hope to obtain from the noble Lord an assurance that an order will be issued from the War Office to the lords-lieutenant of counties to prevent the appearance of Volunteers at elections. I have no hesitation in saying that I should be prepared myself to go much further, and to say that with the exception of drill and exercise and everything connected with them, I should wish to see Volunteers prevented from appearing in arms on public occasions without the previous consent of the lord lieutenant of the county to which they belong. I do not think it ought to be left to the Volunteers themselves to decide to whom and upon what occasions military honours are to be paid. But be that as it may, I think the House will agree with me that their appearance at elections is most undesirable, and that whatever objections are felt to the appearance of regular troops are increased with respect to the attendance of Volunteers, who are much more likely to be influenced by local causes and party feelings and are not subject to that military discipline and subordination which can alone render safe the presence of armed men in crowded assemblies. I have no doubt I shall be told that this was not a contested election, and that the object of the demonstration was to pay a mark of respect to a very distinguished individual, to a man whose connection was a great honour to the borough. But in that sense if they had taken another occasion, so far from finding fault with them, I should be one of the very first to approve of what they have done. I can assure the noble Lord that it is from no want of respect to him that I make these remarks. But to say that an election is not to be a contested election before the question has been put by the returning officer is hardly justifiable. How could it have been known that Mr. Rowcliffe would not be a candidate and—though it was not likely—he might have been intimidated from becoming the opponent of the noble Lord. At any rate, a man of less nerve than Mr. Rowcliffe might be intimidated under such circumstances, and prevented from acting up to what he felt to be his duty at that opportunity? Nothing but the reliance I place on the general accuracy of the reports in *The Times* could make me believe that the

Volunteers drew up in front of the hustings, and that the noble Lord actually referred Mr. Rowcliffe, not to the electors, but to these Volunteers, to know whether it was wished that the army should be reduced, and that that reference was met by cries of "No, no." I do not mean to say that much harm was occasioned by the presence of the Volunteers on this occasion, but I wish to prevent the recurrence of such an event, and I think it ought not to be passed over in silence, in order that we may ensure its not occurring again. If they have a right to support one man they have a right to support another; and what would be the case supposing a popular colonel of a Volunteer force were to become a candidate in a locality with which he and his corps were connected? I mean no disrespect by these remarks to the noble Viscount. I mean no disrespect to the Volunteers. No man can feel more interested than I do in the Volunteer movement, because I am responsible for recommending the acceptance of their services, which had been refused by the previous Government, but I certainly wish to see them relieved from occupying such a position as that which they filled at the last election for Tiverton. I wish, therefore, to ask the First Lord of the Treasury if it be true that at the recent election for Tiverton he was escorted to the hustings by the Tiverton Volunteer Rifles, and if it is the intention of Government to sanction the attendance of Volunteers with their arms at elections?

Viscount **PALMERSTON**: I am sure, Sir, I have no ground, nor do I think that the Tiverton Volunteers have any reason, to complain of the manner in which the the right hon. and gallant Gentleman has asked his question. I quite admit that as a general principle it is improper that armed bodies should participate in an election; though I do remember, undoubtedly, that in the borough of Sligo, upon the occasion of an election some years ago, the police were put into confinement, the militia were ordered out of the town, and the regular troops were brought in to ensure freedom of election. But these are exceptional cases. It is perfectly true, as stated by the right hon. and gallant Officer, that I found, upon going from my hotel to the Court House, where the election was to take place, that the Tiverton Volunteers—a remarkable fine body of men, whom it would have gladdened the right hon. and gallant Gentleman's soldier's heart to see, as likewise the accuracy of their movements and soldierlike appearance—wished to accompany me to the Court House. I really thought that, as there was no contest, and no probability of one, it would have been a sort of political pedantry and prudery if I had objected to walking with them, and I certainly accepted the honour they intended to do me. As to intimidation, there certainly could be none. The gallant Officer said that Mr. Rowcliffe might have been a candidate, and might have been intimidated; I can only say for my friend Mr. Rowcliffe —for, notwithstanding our occasional sparring matches, I call him my friend—that, in temper of mind, he is a true-born Briton, and

> "Si fractus illabatur orbis,
> Impavidum ferient ruinæ."

He is the last man to be intimidated even by the Tiverton Volunteers. Having marched with me to the Court House, the Volunteers then went to deposit their arms in the usual place of deposit, and attended to the proceedings of the election, though in uniform, like the rest of the unarmed population; and it was not until the election was over that they marched with me back to the hotel. This was an act of kindness on their part, which they carried further, for in the afternoon they insisted on going the first stage with me by railway, and while I was waiting for the train at the Tiverton junction, they performed several admirable military movements, and gave me some excellent volleys. I wish it, therefore, clearly to be understood that the Volunteers did not attend the election at Tiverton as an armed body, but in their capacity as citizens. With reference to the latter part of the question, I may add that it is the intention of my noble Friend Lord Herbert to send a circular to the Lord Lieutenants of counties to the effect that he does not think it desirable that volunteer corps should in any way take part in the proceedings at elections.

NEW ZEALAND—TRIBUNAL FOR NATIVE CLAIMS.—QUESTION.

Mr. **HOPE** said, he wished to ask the Under Secretary of State for the Colonies Whether it is intended to endeavour to institute a Tribunal in New Zealand to decide upon conflicting claims of Natives in cases of proposed sales of land by them to the Government. By the present system in New Zealand the Government themselves, who were the purchasers of land belonging to the Natives, were obliged to decide upon the validity of the title to the land offered to them for sale. That such a state of things was not desirable was shown by the present disturbed state of New Zealand. The settlers were anxious to acquire land and the Natives to sell it; but, complicated as the land titles were before we took possession of New Zealand, they were gradually becoming still more complicated by the addition of several of the characteristics of land titles in civilized nations. He thought a tribunal composed of persons representing the Government, and of those of best repute among the various tribes of the Natives, and resembling a mixed commission, should be appointed by the Crown to adjudicate upon any questions of land title that might arise between Natives on proposed sales by them, and he would suggest that those tribunals should not be composed merely of nominees of the Crown, bnt should contain Members elected by the Natives themselves. A question arose whether the tribunals should be constituted by the authority of the Government of New Zealand or by the Home Government. He was personally very strongly in favour of the principle of making the colonist governments responsible for the management of their own affairs. But this was a matter of the colonists managing other people's affairs than their own. The Natives practically were unrepresented in the Legislature. He thought, therefore, that it ought to be taken up by the Home Government. Unless some satisfactory conclusion was come to on the subject, there would be very great difficulty in dealing with the Natives.

Mr. CHICHESTER FORTESCUE said, he could hardly answer the question satisfactorily without clearing the way by a few preliminary observations with regard to the purchase of land from the natives. In New Zealand no definite code of laws on the subject of the sale and purchase of the native lands existed; nor was there any regular court or tribunal for the adjustment of disputes between the native owners of property and the Government. In dealing with the natives in regard to land the Government proceeded by way of direct negotiation with the native owner, obtaining the consent to the disposal of property of those who were looked upon as having a title to sell it, being guided in each individual case by the customs prevailing in the particular district in which the land happened to be situated. Such was the course which the Colonial Government had always pursued, and which had been attended with considerable success. It was justified, not only by the necessity of the case, but by the letter and spirit of the Treaty of Waitangi. The treaty provided that the Governor should treat for the purchase of land with the native owners by means of authorized agents. On the other hand, there did not exist in New Zealand any such native title or claim to land as could be treated as a uniform and definite code of law, the native customs with respect to the ownership of land varying in different parts of the country. Moreover, the condition of the people had been and was such as presented almost insurmountable obstacles to the establishment and working of an ordinary court of justice for the decision of land claims. The natives in the northern island were, to a great extent, merely nominal subjects of the Crown, living apart from the Europeans in a state of semi-independence, and all dealings with them, as in the case of those respecting land, had hitherto been carried on by means of negotiation rather than of the regular and ordinary law of the Colony. In the purely native districts, in short, the natives were not wholly in the position of British subjects, and he might add that the small portion of them who were now engaged in hostilities with the Crown could not justly be regarded as being wholly in the position of rebels. For some years it had been strongly felt both by the Colonial Government and the Government at home that the system of negotiation which he had described and the condition of the natives was not a satisfactory one; but he should inform the House that the evils experienced had consisted not in difficulties arising between the Government as purchasers and the natives as sellers, but in feuds among the natives themselves and in the communistic tenure of land which prevailed among them, and which discouraged industry and led to indolence and demoralization of every kind. The best friends of the natives believed that nothing could be more desirable than an improvement in the native tenure of land, and some approach to the system of individual property. Several attempts had already been made to effect the desired change. In 1858 a Bill, called the Native Territorial Rights Bill, was sent home; but, upon full consideration by the Government of the day, the Colonial Office being then presided over by the right hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton) was not assented to, on the ground that in endeavouring to improve the native tenure of land the Bill gave the authorities in the Colony too large a discretionary power as to the purchase of land, and enabled them to issue to native owners certificates of title which the Crown could not assume the responsibility of maintaining. A second attempt was made by the Duke of Newcastle in the course of last Session, by the introduction of a Bill for the purpose of establishing a Council appointed, not by the popular voice of New Zealand, but by the Crown itself, and by whose advice and assistance the Governor might be able, with the assent of the natives themselves, to introduce improvements into the administration of their affairs and to create a tribunal for the settlement of their land titles, and, consequently, for the arrangement of all disputes with respect to those titles when they came to be purchased by the Colonial Government. The House would remember that when that Bill was submitted for their consideration there was a general feeling that it related to a subject which ought to be left to the Colonial Legislature, and that it was consequently not passed into a law. Within the last month a third measure, having practically the same object in view, had come under the consideration of the Government. The Legislature of New Zealand had sent home a Bill for the purpose of creating a Council similar to that proposed last year, and that Bill was now under consideration. Should that or any similar measure be assented to, one of its main objects would be to enable the Governor, with the advice and consent of gentlemen of the highest authority in New Zealand, appointed directly by the Crown itself, independent of any undue pressure on the part of the settlers, and possessing the confidence of the natives to introduce law and order into those districts which had hitherto been independent of British authority, and, above all, to provide means for defining native rights to land, for issuing certificates of native titles, and for inducing the Maories to submit their disputes with respect to the ownership of land to the adjudication of some regular tribunal. At the same time he was bound to add that he did not believe the existence of such a tribunal, however desirable in itself, would have sufficed to prevent the late unfortunate events. The conviction of the Governor throughout the entire transaction was that William King had never advanced any claim which would have admitted of investigation by any authority representing the British Crown. Whatever claims pretending to be of a legal and peaceful character were made had been invariably entertained and investigated; and had any such claim been made in this case it would have been entertained and investigated in the usual manner. The conviction of the Governor was that Wirimu Kingi rested his opposition to the sale of this land on entirely a different footing, setting up, in fact, his own authority as a native potentate in opposition to that of the Sovereign. In carefully considering the question his noble Friend was most anxious, in co-operation with the Governor of New Zealand, to see what improvements could be made in the native administration, introducing law and order into the native districts and leading the natives themselves to bring their disputes within the regular range of law; and with that object he hoped before long instructions would be sent out to the Governor of New Zealand. But in judging the conduct of the Home Government it must be remembered that with the institution of responsible government in New Zealand the Crown had already handed over to the colonists the power of legislating for every part of the island, including the native districts, the whole power of taxation, and the power of administering the revenues derived from land. The power of the Crown was very small. That of the Governor was very limited indeed. It was hard to say how far a very able and energetic mind armed with ample power and funds might have prevented the unfortunate state of things which now existed; but the Government must take things as they found them. They must recognize the power already given to the colonists, which was administered with very great intelligence and ability both by the Ministers and Legislature of New Zealand. The object would be in co-operation with the local authorities to improve the administration of native affairs, and, above all, to endeavour to introduce some system under which native titles to land should be subject to the decisions of regular tribunals. If this unfortunate war should lead the natives to the conclusion that their interest and wisdom lay in submitting themselves to the Queen's authority, which then would be every desire to exercise for their benefit, great good would arise to the native race themselves. As long as they stood on their own petty independence and hostility to the Crown their difficulties appeared hopeless—their true position was that not of independent tribes but of subjects of Her Majesty.

LORD ROBERT CECIL said, he begged to state, with reference to the question of which he had given notice, as to the case of Captain Macdonald, that, having just received intimation from that gallant gentleman himself that there were further papers he hoped to obtain in the course of the week, he thought it better, as the matter had so much excited the angry passions on both sides of the water, in order to have full information before them, to postpone the question he intended to put to the noble Lord till Friday next. With reference to what had just fallen from the hon. Under Secretary of State he must say the courage of that hon. Gentleman exceeded anything he had ever witnessed before in that House. In spite of all that had been said the other night by his hon. and learned Friend, the Member for the University of Cambridge (Mr. Selwyn), he was surprised to hear it now stated that Kingi had never put in any claim. His hon. and learned Friend had read to the House four different claims. The assertion of the hon. Under Secretary was, therefore, utterly unfounded. The hon. Gentleman had also rather mistaken the drift of his hon. Friend's (Mr. Hope's) recommendation. The right course, in dealing with the question of native titles, would be not to establish a local tribunal, bound by legal forms, but a tribunal of arbitration. The real difficulty was that the natives did not believe the Governor to be fair and impartial in his conduct with regard to this matter. The state of the case was this:—A great agitation arose for land. Land was wanted to enable the Colonists to make their fortunes, and the Governor was in danger of losing his popularity if land was not rapidly acquired; he bought the land; Kingi disputed the right to sell; the Governor told him his claim was worth nothing, and he would take the land by force. The essential vice of the proceeding was that the Governor was plaintiff, judge, and jury all at once. Instead of referring the case to a court of arbitration, the Governor referred it to his own paid official, whom he might dismiss at any time; the question was settled in the recesses of his office, and, of course, in favour of the Governor. It was settled by a man named Parris, who was not only a removable officer of the Governor, but a settler in the very province that was urging the acquirement of more land; he had, therefore, not only a political interest for the Governor, but a pecuniary interest to serve by the rejection of Kingi's claim. Could it be supposed that under these circumstances the natives, who were sharp, shrewd men, would believe the Governor to be strictly impartial? So long as these things went on they would never govern New Zealand with success. If they intended to govern the Colony on such a principle, they must keep 10,000 soldiers there, and that the good sense of the country would not permit. If they intended to govern the people with justice, the Governor must appear to be absolutely impartial; and the only way to secure that would be to establish a court of arbitration —the Governor naming so many members, the natives so many more—and leaving to these the settlement of all disputed questions connected with land. If, after a court of arbitration so constituted had given its decision, exceptions were taken to it by native chiefs like Kingi, they would receive no support from the great body of their countrymen in the island. If the present state of affairs was to be put an end to, it would be necessary for the Government to take stronger and more decisive measures than had yet been adopted.

PERSECUTIONS IN SPAIN.

OBSERVATIONS.

SIR ROBERT PEEL: Sir, I am sorry to detain the House for a very few minutes while I refer to the reply given by the noble Lord (Lord John Russell) to the question I put to him in the earlier part of the evening as to the communications which had passed between Sir A. Buchanan and the Spanish Government with reference to the present persecutions in Spain. I do not know whether I correctly gathered what the noble Lord stated. If I did, I can only suppose what he uttered had been put into his mouth by people interested in the matter, and not the expression of his own undivided opinion.

LORD JOHN RUSSELL: I beg to say I gave no opinion. I stated facts.

SIR ROBERT PEEL: That makes the case a great deal worse, as I shall endeavour to show in a very few words. I know there are men in Spain at present who are persecuted solely on the ground of their religious faith. I have myself presented petitions very numerously signed from different parts of this country, urging Her Majesty's Government to take some steps by the exercise of their moral influence with a view to obtain their liberation. The noble Lord on a former occasion admitted the fact, but he said he thought he was unable to take any very active measures, owing to the sensitive character of the Government. Now, the noble Lord, in answer to questions which I adjourned on two or three occasions, said the Spanish Government, Marshal O'Donnell, and the Minister of Justice were anxious to give every liberty to religious opinion in Spain, but the fact was that those persons who called themselves Spanish Protestants were connected with secret societies for the dissemination of doctrines which were subversive of good Government. In the act of indictment against those men, however, it is expressly stated that they are imprisoned in consequence of their religious opinions, and not upon political grounds. It is very well for the noble Lord to have that clever answer put into his mouth, but I should ask the Spanish Government why they do not try these men? Why are they treated worse than thieves or murderers, and debarred from all communication with their families? I have received letters respecting the conduct of the Spanish Government towards these unfortunate men which would bring tears into the eyes of any hon. Gentleman who should read them. The men are positively dying in a cold, damp prison, and yet the Government will not bring them into a court of justice to be tried. The persecution, too, is extending. At Seville twenty or thirty men were arrested for assembling together in a room, but it being found afterwards that they only went to discuss newspapers and pamphlets, they were discharged with the exception of two who were thrown into prison. Such persecution is an insult to the nineteenth century. It is high time that the noble Lords the Members for Tiverton and for London should, from their antecedents on this question, show some spirit, and tell the Spanish Government how they look upon this subject. They should have the moral courage to tell the Spanish Government that this conduct is quite incompatible with the liberal feelings of modern Europe. Until the other day the Austrian Government was the most arbitrary Government in Europe on religious questions. The concordat made with Rome was supposed to be one of the most extreme documents ever published in Europe; but on the 8th of April last the most complete liberty had been given to the professors of that Protestant religion throughout the Austrian dominions. Now here are the Spaniards continuing in this dreadful course of persecution, and the noble Lord gets up in the House of Commons and pretends to say that these men are suffering not from any question of faith, but solely because they are connected with secret societies whose principles are subversive of the authority of the Government in Spain.

Lord JOHN RUSSELL: I beg to say that I never stated that these men were suffering on account of being connected with a secret society, nor did I say that the allegations applied to those particular persons. I said that it was the allegation of the Spanish Government, that these men would have been pardoned, but that could not be done, because, since they had been in prison, the Government of Spain had discovered that several societies did exist, which, under the guise of Protestantism, were endeavouring to promote the establishment of a republic in Spain. I did not vouch for the allegation, but I said that such was the allegation of the Spanish Government.

Sir ROBERT PEEL: I want to know, then, why the men have not been brought to trial? The noble Lord knows well that the same allegation has been always made in times of religious persecution. I am convinced that these men are not connected in any way with any political movement, and I charge the Spanish Government with a subversion of the truth in pretending to assume that they are. These men are entirely innocent, and I hope the British Government will act as it did in 1852 and 1853, and will point out to the Spanish Government that such persecution is offensive not only to the feelings of England but of all Europe.

CONSULS IN CHINA AND JAPAN.

QUESTION.

Colonel SYKES said, he rose to call attention to a Consular Notification dated Shanghai, February 8, 1861; and to ask the Secretary of State for Foreign Affairs, What circumstances have occasioned this Notification in which Mr. Consul Meadows announced his intended withdrawal from the principal post of his consular duties? No doubt Mr. Meadows found himself in a false position, the treaty having imposed upon him duties which were subverted, and undermined by the Tartar authorities. Complaints by Chinese merchants of evasions of the treaty were made to him which he could not redress. In the *North China Herald* there was an advertisement that the office of Inspector of Customs would be closed for two days, upon the occasion of the Chinese new year signed by an Englishman. It appeared, in fact, that we had established Inspectors of Customs at each of the treaty ports who, as servants of the Tartar authorities, collected the duties and handed them over to the Tartar Government to be employed against the national party. Even, during the late war, a large amount of duties was collected at Shanghai, and handed over to the Tartar Government, who employed it in fighting us. Great complaints were made to the British Consul at Shanghai of the oppressions practised by the Tartar authorities upon Chinese merchants in levying what were called "squeezes;" two traders were said to have been "squeezed" out of 40,000 taels each or nearly £13,000, and the Consul was unable to do anything to redress them. The Coolie slave trade was carried on at all the treaty ports with all the atrocities that marked the African slave trade, and a report from Swatow is in the following terms—

> "The deportation from this port of Chinese Coolies calls for remark. It is the slave trade in its worst form. Five hundred Coolies have been recently despatched to Singapore for sale. The whole subject of this Coolie trade demands investigation. It appears that it has become an adjunct of the gambling table, and that the miserable gamester will often stake his body for the sum it will fetch at the emigration depôt. *The Friend of China* affirms that the same evil is at work in Canton."

At Swatow, also, alarming riots had taken place on the proclamation of the treaties with foreigners; the proclamations had been torn down by the populace, and the Yamun or Palace of Taotoe was burnt, and the lives of foreigners were threatened, yet our consuls could do nothing, and we were looked upon as accessories to these slave captures. These disorders were extending throughout China. A rebellion, independent of the Taepings of whom the noble Lord had lately done him the honour to say that he (Colonel Sykes) was the only friend in that House had sprung up, and it was said that Prince Sang-ko-lin-sin had been beaten by the insurgents. He (Colonel Sykes) was the friend of the Taepings on the same principle that the noble Lord was the friend of the Italians,—sympathy in their struggles for national independence. Another account was, that the Tartar troops had mutinied at Pekin for want of pay. The Tartar Government was thoroughly rotten, and if not supported by foreign bayonets could not stand for a day against the rebels. With these prospects of anarchy he was afraid the expectations of the Chancellor of the Exchequer of benefit to the revenue from the trade with China would not be fulfilled unless some other policy were adopted, a continuance in which would impose upon us the necessity of maintaining half a dozen garrisons of troops on the Coast of China, and half a dozen fleets in the internal waters. It was right the House should know that we had forty-nine steamers and ten sailing vessels in the waters of China. How long was this source of expenditure to last? He would also beg to ask the noble Lord on what grounds the Consul General in Japan has abandoned his position at the capital? He understood that when he left he was guarded by 160 Japanese soldiers and two field pieces, so that there was no reason to be apprehensive for his personal safety.

Mr. BUCHANAN said, he concurred with what had fallen from the hon. and gallant Member, and considered the question one of great importance. He would take that opportunity of asking the noble Lord (Lord John Russell) whether any inquiry had been made with regard to the papers for which he had lately moved—the correspondence between Mr. Meadows, Sir John Bowring, and the Earl of Elgin, regarding the Custom-house system of China?

Lord JOHN RUSSELL: Before I advert to the question of the hon. Baronet (Sir Robert Peel) I wish to correct an error I made on a previous occasion as to the sums paid under the Chinese indemnity. I had mistaken two sums, the one for the other—the sum which had been received, and the sum we are entitled to receive. I stated that the former was £650,000, but I find it was £212,000, and that the sum we are entitled to receive is £650,000 or 2,000,000 taels. With regard to the other questions put to me by my gallant Friend, I find, on reference to the papers in the office respecting what passed at Shanghai, that as early as 1859, Mr. Consul Meadows wrote to say that the work he had to discharge was more than he could bear, and asked for assistance. In April of that year, accordingly, further assistance was despatched to him; but before that assistance could arrive a further despatch was received from him, dated the 8th of February, and stating that his health was entirely unequal to the performance of his duties, and that he proposed, therefore, to confine himself to the routine duties of his office and to that portion of the political business which as consul he was required to superintend. In a subsequent despatch addressed to me Mr. Consul Meadows stated that after having been for twelve months engaged in the performance of very arduous duties in that trying climate he felt that his health was unequal to the task, and that he felt compelled to resign. We felt much regret that he should have come to this decision, because he has been a most deserving officer, and—what I am sure the gallant Member for Aberdeen (Colonel Sykes) will appreciate—he agrees with the gallant Officer in his opinions about the Taepings. With regard to another statement which my hon. and gallant Friend has made, it refers to an arrangement which was made some time ago, and which may be considered as still on its trial. The arrangement is this, that the Chinese custom-houses should be superintended by officers appointed by the Chinese Government, but themselves Europeans, and recommended by European consuls. The object of that arrangement was to put an end to that partiality and openness to bribery that was supposed to characterise the Chinese Custom House officials, and to establish a system of neutrality as well as to secure a proper collection of the duties. Whether that arrangement will answer the purpose for which it was intended I am not now in a condition to state; but, on the other hand, I am not disposed to put an end to it at present. My hon. and gallant Friend has described the anarchy that prevails in different places in China. There is nothing in that to surprise me, because for many years past, ever since the commencement of the Taeping rebellion, the central Government has been in a very weak state, and possesses little or no authority. That may be; but that fact is not to prevent the British Government from redressing any wrongs which our fellow-countrymen may receive, or induce us to refrain from giving protection to the persons and property of British subjects in case of injury. I do not understand the purport of my hon. Friend's observations, unless he meant us either not to interfere when British subjects were outraged, or that we should acknowledge the rebel general as the Emperor of China. For our own part, what we have done is to acknowledge the existing authorities of the Empire; and with regard to the contest that is carried on by the Taepings we remain neutral. It is true we defended Shanghai on one occasion, but our reason for doing so was that there was danger of British subjects and British property being injured in the attack the Taeping threatened. As to maintaining the present Emperor against the Taepings, we have no such intention; and even with regard to Shanghai, if it should be necessary again to employ a British force in its defence we do not think it ought to be at the expense of this nation, because Shanghai is not a place which we have a right to occupy with troops under treaty. My hon. Friend next asks what is the use of having a consul general at Japan, if he is to abandon his position. The reason of his doing so is detailed in a despatch he has addressed to the Foreign Minister at Japan, and which I shall have no objection to lay upon the table of the House. The circumstances were that for a considerable time past a system of intimidation has been pursued in Japan against all the Foreign Ministers. That system of intimidation, though not openly countenanced by the Japanese Government, was allowed by it to be pursued without giving them any protection against it. A servant of the British Minister was murdered, and no redress was obtained. Some time afterwards the Secretary of the American Consul was murdered. When this occurred the Foreign Ministers expressed their indignation; but no redress was given, and nothing was done. When the Foreign Ministers proposed to attend the funeral of the person thus murdered, and carry the American Secretary to his grave, the Japanese officials said they would probably all be massacred, and that they could give them no protection against any attack, by which their lives might be endangered. Notwithstanding this covert threat, the several Ministers attended the funeral, and no attack was made on them. But they held a meeting to consider what course to pursue, and decided, that if this intimidation, so culpably permitted by the Japanese Government, were allowed to go on they would leave Jeddo; they stated to the Government that, for the future, they expected sufficient protection for persons and property, not only for themselves but for all merchants and strangers. This resolution was taken by the English, French, Russian, and Dutch Ministers. But the American Consul, whose Secretary had been murdered, did not agree with this resolution, and proposed to remain in Jeddo. It certainly appears the Ministers then received a general assurance of a wish to protect them; and, in fact, their houses have been guarded by Japanese troops. I ought to explain that the Ministers have not broken off connection with the Japanese Government; there is no interruption of diplomatic communications; they have only retired to a place where men of war can protect them, for armed vessels cannot approach Jeddo till their relations with the Japanese Government become more satisfactory. I hope to receive further accounts in a short time, and then I shall have no objection to lay all the papers on the table of the House. Mr. Alcock, our consul there, is a most deserving officer, and his conduct, both in China and throughout these trying affairs, has been such that I felt I might place the greatest reliance on his knowledge of the country, and of the tone which was most likely to produce an effect on the Japanese Government.

There is a question at the end of the paper, referring to the injury that a British subject, the owner of the cargo of a vessel, the *Mio Zeo*, is alleged to have suffered from the Spanish authorities of Port Mahon, in the Island of Minorca. I find that this is altogether a private case, the dispute as to the cargo was tried before the ordinary tribunal, and has now been carried to a superior court, and it is a question that the Spanish tribunal alone can decide.

As to what the hon. Baronet the Member for Tamworth has said respecting the religious persecutions in Spain, I must explain again that in what I said before as to the reason for the imprisonment of these men I stated only the allegations of the Spanish Minister, and I beg that it may not be supposed if I state from the despatch of our own Minister what was related to him by the Spanish Minister that I, therefore, identify myself with all the statements of the Spanish Minister. But further, the Spanish Minister himself never said that these two men, Alhama and Matomoros, were connected with secret political societies; far from it. He stated they were condemned by the laws of Spain to a certain period of imprisonment for non-compliance with the rites of Roman Catholic worship, and for holding Protestant opinions, and having Protestant books in their houses; but he did not charge them at all with being members of secret societies. What he said was this—

> "I shall be glad to give British subjects every possible kind of indulgence that is compatible with law and with my official authority; and I should be very glad to appeal to the Crown for a pardon for those men who are now suffering on account of their religious opinions. But since their imprisonment it has been discovered that there are secret societies in Spain with ramifications through all parts of the country, and inculcating socialist and republican opinions; and therefore this is not a moment in which I can advise that the clemency of the Crown should be extended to those individuals."

Now that statement may be good or bad. I am only responsible for it so far as that I am repeating the allegations of the Spanish Minister. With regard to this subject generally, I will add, that any one holding the office I have the honour to fill, and thus representing the British nation, must be averse to religious intolerance, and in favour of religious liberty. But it does not follow that we are to inculcate our views of religious liberty on the Governments of foreign nations. We must wait for proper opportunities. If this House will allow me I will state an incident which happened last year and the progress that has been made in the establishment of religious liberty, not in consequence of anything I have done, but of the events that have occurred. There were two rival Governments in Mexico—the church and the constitutional Governments. France and Spain and the British Government wished to mediate between them. But I said we cannot agree to any settlement. I cannot recommend the British nation to take part in any arrangement, unless the principle of religious liberty be established in Mexico. The reason of this was, that the constitutional party had previously declared that that was their inviolable principle, and I thought that if the British Government were to exercise any influence at all we could not use it to induce the constitutionlists to depart from that which we believe to be the just principle. As it happens, the constitutionalists have gained the victory, and the principle of religious liberty is now firmly established in Mexico. So, in every instance, where British influence can be used I endeavour to oppose the principle of religious intolerance, and urge the right of leaving every man free to exercise his own religious opinions. With regard to the Spanish Government, I may say that they are perfectly well acquainted with what the hon. Baronet wishes to see carried out. The Spanish Government know that the religious intolerance they sanction is opposed to the feelings, principles, and opinions of the present times, as well as to the practice of the other nations of Europe. Some time ago I stated my views to a deputation that waited upon me on the subject. What I stated was reported in Spain, and the Spanish Government know what I said. But if we were to make an overt official representation to the Spanish Government on the subject they would naturally say, "We may be right or wrong, but we have a right as an independent Government to maintain our own laws and the principles of our constitution." I think hon. Gentlemen will see this. A century ago our laws forbade a Roman Catholic priest to perform mass—in other words the Roman Catholics were not permitted to practice the worship of their religion, though that law was administered with a great degree of mildness and forbearance. But if the Spanish Government had then said to England—"You have an intolerant law, and you must alter it," I think that Lord Chatham, who was Secretary of State at the time, would have listened with some indignation to these representations on the part of the Spanish Government. Therefore, though the opinions that prevail in Spain and the articles of her constitution may be repugnant to my feelings, and contrary to my opinions, I must use not only a certain degree of discretion but shew a certain degree of respect to the views of the independent Government of Spain in taking any official action on the subject. But I beg the House to believe that if I do not interfere actively it is not because I do not wish to see religious liberty prevail, not in Spain only, but all over the world. With regard to the question of the hon. Member for Glasgow (Mr. Buchanan) I have not been able to find the papers he asked for.

SPANISH COMMERCIAL LAW.
QUESTION.

MR. BLAKE felt obliged to the noble

Lord John Russell

Lord, the Secretary of State for Foreign Affairs, for answering his question before he had put it, and regretted he should give him the trouble of hearing fuller particulars of the case, which he expected would induce him to alter his opinion and give a different answer. He brought forward the matter at the instance of the owner of the cargo, one of the most respectable and extensive merchants in London, who, failing in his efforts to induce the Foreign Office to interfere with the Spanish Government in his behalf, had requested him to bring the matter publicly before the noble Lord. The gentleman in question bought the cargo of the *Mio Zeo*, which consisted of maize. The vessel sailed from Constantinople on the 27th of September, and put into Malta on the 30th of October, when no complaint of the condition of the corn was made. On the 13th of November, she put into Port Mahon, when the captain made a deposition that the cargo was in such a heated condition that it would be dangerous to proceed further with it, and induced the authorities to decree him the amount of his freight. The owner immediately sent out an agent from England, who protested against the proceeding, and the matter was carried to the higher court at Palma, in the Island of Majorca. Three months had now gone over, and no decision come to, and the cargo was deteriorating every day. It had been examined by competent persons, who gave certificates that it was never in a heated state, and quite fit for shipment. In the face of this, the Spanish court sided with the captain, and decided he should be paid his freight, although he had not performed one-third of his voyage. There was strong reason to suppose they were acting corruptly, as in the event of a sale some of the island functionaries would receive a per centage on the proceeds; and he believed the court at Palma was acting in concert with them—holding over their decision for three months in the hope of tiring the owner out. They were old friends of the captain, as he had played the same trick there before, to their mutual benefit. The owner was of opinion that it was a violation of international law for the authorities to interfere in the matter at all—the owner being an Englishman, the captain an Italian, and the contract to be completed in the United Kingdom. But whether this were the case or not, Government should interfere to prevent a wrong to a British subject. The noble Lord said the affair was a private one, and he could not interfere. He begged to differ with him. The matter involved a very important principle; and if the Foreign Office were really good for anything, the case was one which should call forth its activity. He begged to put the question of which he had given notice, Whether the Secretary of State for Foreign Affairs has received any information respecting the case of a British subject, the owner of the cargo of the *Mio Zeo*, and the alleged injustice and injury to which he has been subjected, with the sanction of the Spanish authorities of Port Mahon, Island of Minorca.

Lord JOHN RUSSELL said, the matter had been before him already, and the law advisers of the Crown had told him he could interfere. He had no objection to do so if it could be shown to him that he ought to act; and if the owner would again state his case in writing he would take the opinion of the law advisers of the Foreign Office.

DOCKYARD LABOURERS.—QUESTION.

Mr. ANGERSTEIN said, he wished to call the attention of the Secretary to the Admiralty to the Wages of Dockyard Labourers, and to ask, Under what circumstances they have been recently reduced from 14*s*. to 13*s*. a-week, and whether the Vote taken last Friday is sufficient to pay them the former amount? Though superannuation was a great benefit to the established labourers in the dockyards, it did not extend to the class of hired labourers whose case he had in view. The price of bread now was again high, and house-rent had been raised immensely, so that he believed a single room in that district could not be had for less than 2*s*. 9*d*. or 3*s*. a week. The wages now given by the Admiralty were below the average in that district, for the labourers employed in the main drainage works had 21*s*. a week, the builders' labourers had 18*s*., and no field labourer was paid less than 15*s*. a week, if the labour was not permanent, or 14*s*. if it was. The number of the labourers employed in Her Majesty's dockyards was 2,269, and the reduction of 1s. a week on their wages amounted only to the sum of £6,000 a year, which was a saving of very small account to set against the severe hardship inflicted on that class of men. He, therefore, hoped the Government would reconsider their decision in this case.

Lord CLARENCE PAGET said, he was not surprised that his hon. Friend, the Member for Greenwich, should speak for these men belonging to Woolwich Dockyard. It was true the Admiralty had found it necessary within the last two months to make a reduction in the wages of a portion of the lower classes of labourers employed in the dockyards. The fact was that till 1857 they received only 12*s*. a week, and he must say there had never been the least difficulty in obtaining as many men as were required. But in 1857 the wages were raised to 13*s*., and would have remained at that, but during the great pressure of work in 1859 the task and job system was introduced in the dockyard. The artificers were stimulated to work more by the opportunity of unlimited earnings; and as they used a great deal more material, the labourers also had more to do. It was then considered that, as the artificers were getting an accession of pay under the task and job system, it was fair that the labourers also should have some benefit, and their wages were raised to 14*s*. When, however, in February last, it was determined that the system of task and job work should cease, it was naturally decided that the labourers also should revert to the pay which they had before that system commenced.

Mr. ANGERSTEIN: But they still worked the same number of hours?

Lord CLARENCE PAGET said, that that was true; but so did the artificers, and as they benefited when those had more pay, it was only right that when the task and job system ceased they should be put upon the old footing along with the artificers. The established labourers at present received 14*s*., and it was only the second and third class that had been reduced. The latter were without superannuation, but they were eligible for promotion to the established class, and, when on the limited list of established labourers, they would receive 14*s*. a week and be put on the superannuation list.

IRELAND—EVICTIONS AT DERRYVEAGH.—QUESTION.

Mr. VINCENT SCULLY said, he wished to ask the Chief Secretary for Ireland has he now received official information respecting the recent Evictions of 280 inhabitants from the Lands of Derryveagh, in the county of Donegal; and is it intended that the landlord who has caused these Evictions shall hold Her Majesty's Commission of the Peace for that county? He did not recollect any circumstance which had caused such a thrill of horror in Ireland, and he thought a discussion in that House upon the subject would be attended with beneficial effect. The subsequent accounts had confirmed the reports which first appeared in the newspapers, to the effect that 280 persons, comprising 45 families, were flung out on the road on the side of a mountain. For the first two nights the people who were evicted found refuge in the houses of their neighbours which were still left standing; but, on the third night, when all had been levelled, they were left without shelter of any kind. On the fourth day the relieving officer came, not having previously received notice, and conveyances having been provided for the sick and infirm, they were removed to the workhouse. Forty-three heads of families applied for admission, believing that the expense of their maintenance would be thrown upon the landlord off whose property they had been turned; but, finding it would be imposed upon their neighbours, they expressed their determination to suffer any extremity rather than become a burden to them. He did not press for an immediate answer to the second part of his question, but he thought it right to state that the landlord who had acted in this manner was not of ancient family in the county, and that his sole claim to the Commission of the Peace was founded on the property which he had purchased only four or five years before, and from which he had ejected every human being. The facts were not disputed —indeed, they were tacitly admitted in the letter which this gentleman had written to the clergyman of the district, both the Protestant and the Roman Catholic ministers having joined in a touching appeal to him. He (Mr. Vincent Scully) was delighted to see those clergymen united in a manner that was unfortunately so rare in Ireland. It was said that this question was arguable, and that the principle on which Mr. Adair had acted was an old Saxon one. Now, the Normans had certainly acted upon it, but it was neither an old Saxon principle nor a Christian principle. The Earl of Derby, who was thought at one time to contemplate a wholesale eviction, in consequence of a murder which went undiscovered upon his property in Ireland, had declared that it was not for a single moment his intention to countenance any wholesale or indiscriminate evictions, and thus to visit with punishment both the innocent and the guilty. It was desirable that the Government should have an opportunity of expressing their horror at such acts as these. An Englishman said to him recently, "Such acts might legally be done here, but if I did so I should be quite sure that no gentleman in the county would associate with me." It might be impossible for the Government to apply any effective remedy in the case; but they might, at all events, indicate their disapproval of the conduct of Mr. Adair by removing him from the Commission of the Peace.

MR. CARDWELL said, he had received information of what occurred on the occasion to which his hon. Friend had referred, and he learned that the resident magistrate, with a large force of the constabulary, was present for the maintenance of the public peace, while the sheriff proceeded to execute forty-seven writs of ejectment, involving in the whole 244 persons. The people stood by quietly and calmly, and saw most of their houses unroofed, some expressing their determination to emigrate; but the great mass declaring that they would seek for relief in the workhouse. His hon. Friend had asked whether the relieving officer had received the notice which the landlord was bound under the statute to serve upon him before ejecting, and whether he had discharged his duty or not? So far as his information went the relieving officer had received a statutory notice, and he had heard nothing which led him to suppose that the officer had not attended according to the notice, or that there was any failure of humanity as regarded the relief of the people under the Poor Law. These wholesale evictions were happily now becoming extremely rare in Ireland, and it was not possible to hear of any such case without feelings of the deepest commiseration for those who were the subjects of such a proceeding, especially for the aged and the young, who were necessarily involved in the sufferings, although they could have had no share in the guilty transactions which led to them. The hon. Gentleman would find from the papers for which he moved on the previous day that when the Government heard that it was the intention of the landlord to proceed to so extensive an exercise of the rights with which he was undoubtedly invested by law, they did not fail to call his attention to the serious responsibility under which he would act. Perhaps he had better enter no further upon that part of the subject. With regard to the removal of this gentleman from the commissiom of the peace, he had, since the hon. and learned Gentleman had given notice of his question, communicated with his learned colleague the Lord Chancellor of Ireland, whose duty it was to advise the Crown upon matters of this description, and had received from him an answer, in the propriety of which he hoped that the House would concur. The Lord Chancellor said that as Mr. Adair had not acted in excess of his legal rights, and had not been guilty of a breach of his duty in his capacity of a magistrate, it would be an unusual, and too strong an exercise of power, to deprive him of the commission of the peace.

Mr. CONOLLY said, he would refrain from giving any opinion with respect to the merits of the case which had been brought under their notice by the hon. and learned Member for Cork. The circumstances were, no doubt, of the gravest possible character, and it would require a very careful and a very extensive investigation of the state of the district to enable any one to pronounce a competent opinion upon the course which Mr. Adair had pursued. He had himself been, for the last ten or twelve years, a member of the grand jury of the county in which that transaction occurred; and he could state that there had not been one of those years in which their attention had not been called to outrages committed in that locality. Nothing could produce a more gloomy impression upon the mind than the yearly investigation of crimes of that sort, and there must be something deeply wrong in a district in which such acts were constantly taking place. He agreed with the hon. and learned Gentleman who had introduced the subject, that when things had come to such an awful pass as that represented by those fearful evictions, all the facts of the case ought to undergo a searching inquiry on the part of that House; and it would afterwards require the most consummate discretion to determine what was the proper remedy to apply in the case. Under these circumstances, he had to express to his right hon. Friend, the Chief Secretary for Ireland, his thanks for the discretion which he had shown in answering the question that had been put to him; he did not think the right hon. Gentleman could have proceeded upon the evidence before him to adopt the extreme measure of depriving Mr. Adair of the commission of the peace, and he had only to add that he was afraid the condition of that district would be found, upon inquiry, to be far worse than people generally imagined.

CASE OF FREDERICK PERRY—THE GAME LAWS.

OBSERVATIONS.

Mr. M'MAHON said, that it was possible that Mr. Adair might have committed no crime—although 200 years ago depopulation was a crime—but that his conduct in punishing 280 persons for a crime which had not been proved, and which could have been committed by only one or two of them, showed such a want of judgment as rendered him unfit to be in the commission of the peace for any county. In the Earl of Derby's case a man had been shot in open day, but in this case Mr. Murray was found at the foot of a precipice, with no marks but what might have been caused by his falling. There was no evidence whatever that there was a crime. He would now pass on to another subject. A week or two ago he saw a paragraph in the newspapers, which stated that at the Petty Sessions at Bridgnorth, a man named Frederick Perry, a notorious poacher, was about a fortnight ago convicted by the South Staffordshire magistrates at Bridgnorth of killing a partridge without a licence, and was sentenced to be fined £20, and in default of payment to be imprisoned during the pleasure of the Commissioners of Excise. This man had been sentenced to six months' imprisonment for a murderous assault upon a gamekeeper. While in prison he was summoned, under an Act of last Session, to answer a charge of killing game without a licence, and as he did not appear—as, of course, he could not get out of Shrewsbury gaol to do so—the case was heard in his absence, and decided with the result which he had mentioned. The blame of the transaction lay between the solicitor who appeared for the Excise and the magistrates. If what had taken place was lawful, then the sooner the law was altered the better. If it was unlawful, then there could be no doubt that the right hon. Gentleman, the Home Secretary, should issue a warrant for the man's release.

Sir BALDWIN LEIGHTON said, the circumstances to which the hon. Member for Wexford last alluded to having taken place in the county which he had the honour to represent he had been requested by the magistrates to lay their statement of the case before the House, and before he sat down he hoped he should be able to exculpate them from all blame. In the first place he wished to state that the prisoner had been in the county gaol twenty-one times, and had been four times imprisoned elsewhere. Of course it was no reason, because the man had a very bad character, that he should not receive justice, but it was a reason why the law should not be strained in his favour. The facts of the case were as the hon. Gentleman had stated. The summons was served on the Governor of Shrewsbury gaol, who served it on the prisoner, but the man was, of course, unable to appear. By the 7th of *Geo.* IV., c. 57, when a person charged with any violation of the Excise Laws happened to be in prison, it was provided that the summons should be served on the governor of the gaol, and that, if the accused could not appear, he should be treated like other defaulters, and that the case should be proceeded with in his absence. The magistrates of Bridgnorth, in the case referred to, adhered to that provision, and convicted Perry under the Game Licenses Act of last Session. Magistrates were not responsible for the law, but were bound to take it as it stood and give effect to it. He admitted that the Act was unjust and oppressive, and that it ought to be amended without delay, but he maintained that the magistrates only discharged their duty in carrying it out; and if blame was to be attached to any party it ought to fall on the Chancellor of the Exchequer who brought in the Bill of last Session, and those Members who enacted it into a law.

Mr. MAGUIRE said, that any one who knew nothing of the question which had been brought under their consideration by the hon. and learned Member for Cork (Mr. Scully) would imagine from the remarks of the right hon. Gentleman the Secretary for Ireland that the evictions had been submitted to calmly and quietly, and had inflicted no great injury on any one. Now, the fact was that although the people were prevented from offering any resistance to the crowbar brigade by the strength of the military on the spot, the scene was one of most agonizing and heart-rending character. The *Londonderry Standard*, a Tory and landlord's paper, as other local journals, stated that the people exhibited the deepest grief and despair on being driven from their homes, and that even the police officers could not refrain from weeping. He should not enter into the merits, as he hoped the hon. and learned Member for Cork would redeem his promise and bring the whole subject before the House in so grave and formal a manner that many Members might be able to take part in the discussion. He would only mention this important fact, that in the same county of Donegal a fraudulent presentment with regard to some sheep alleged to have been maliciously killed by the people, was made for the benefit of the landlord, and thrown out by Judge Monahan, who emphatically expressed his belief of the entire innocence of the people charged. The wool of the sheep was found in the house of the man who was called the caretaker, and there was little doubt that those who had the custody of the sheep had made away with them for the purposes of the presentment.

Mr. POLLARD URQUHART said, he was quite sure that as long as the law allowed such atrocities to be perpetrated, so long would a vast amount of odium be cast upon landlords in Ireland, however much they might disapprove of them and however anxious they might be to improve the condition of the peasantry. The stereotyped reply of the Irish Secretary was simply to the effect that a man might do as he liked with his own; but that raised the whole question whether such unlimited rights ought to be permitted to vest in landlords. This horrible act of cruelty had plainly shown that previous legislation had failed, and the same kind of measures should be passed as were passed in England for the purpose of preventing evictions, which at one time excited great attention in this country. As long as these things were suffered to continue under the sanction of the law they could not expect the people to be well affected towards the English Government.

Lord NAAS said, he thought that with the little information which they possessed they were not in a position to form an accurate judgment. He had never advocated a system of evictions, as he believed that those who pushed that right to excess exercised it against the interest of themselves and the class to which they belonged. But if the remedy which Mr. Adair had adopted was a desperate one, the state of society in the country where the evictions had taken place was equally desperate. He had the honour to be acquainted with that gentleman, and he knew him not only to be a humane man, but a man of considerable abilities, who had devoted those abilities to the improvement of the land and to the improvement of the people who were committed to his charge. A more lamentable picture of the state of society in a civilized country was never drawn than was to be found in the letter published by Mr. Adair, in which he stated—

> "All my personal interests, all my feelings, are against it. You will, however, recollect that a previous proprietor of my estate, Mr. Marshall, was murdered; that on these lands I myself was attacked by a large armed party, most of whom I recognized as inhabitants; that about the same spot my manager, Mr. Murray, was murdered; that while I was a guest in the house of one of you, investigating this murder, the offices were maliciously burned down (for which outrage you, gentlemen, offered a reward); that two or more of the coroner's jury in Mr. Murray's case, who found a verdict of 'Wilful Murder,' were attacked; that large numbers of my sheep have been from time to time made away with; that my dogs have been on two occasions poisoned; and that a system of intimidation, with threats of murder, has been carried on towards myself and my servants. In not one single instance were the perpetrators brought to justice."

He would not offer any opinion as to whether such a state of society justified these evictions; but when hon. Gentlemen talked of them as being quite new things and not tolerated in any other civilized country, they seemed to forget that in Scotland such proceedings had taken place on a much wider and more systematic scale, without the authors of them ever being brought under the notice of the House. He did not defend these evictions in the least; he regretted them as much as any man, but in justice to the gentleman whose name had been brought before the House he felt bound to say that he was sure no one who had heard the unfortunate and sad story could feel more deeply the sufferings produced by the course which he had felt it his conscientious duty to take.

Mr. MONSELL said, he had heard with great pain the speech just delivered by the noble Lord—the first that night which did not show a just appreciation of the Act which had been under discussion. There was no analogy between this case and those in Scotland to which the noble Lord in palliation of Mr. Adair had referred. There ample provision had been made for those who were dispossessed. Here 240 persons were in one day turned out of their houses, and thrown on the bleak hill side to starve. Among them were 37 women and 121 children, who at least must have been innocent of all connection with the agrarian outrages. In answer to that the noble Lord had set up the statement of Mr. Adair himself, notwithstanding that all force had been taken from it by the letters written by the Protestant and Roman Catholic clergymen of the parish; in which they stated that after full examination of the circumstances it was their sincere conviction that the guilty parties might as well have come from some other part of the country as from Mr. Adair's estate. He asked whether anybody could for a moment palliate conduct attended with such frightful results to such a large number of people? If such an act, instead of having been perpetrated in the county of Donegal, had taken place in Rome, in Naples, or in Syria, it would have been denounced as an atrocity, demonstrative of the bad state of the Government which permitted it. The hon. and learned Member for Cork had signified his intention to bring this matter forward for discussion by a distinct Motion, and it would, therefore, be unreasonable to pursue the subject further at present, but he could not allow the noble Lord's speech to pass without expressing his dissent from it, and he considered the facts already brought before the House and uncontradicted by any one, amply sufficient to prove that Mr. Adair's conduct was an outrage against the first principles of humanity.

Mr. BRADY read an extract from the *Dublin Evening Express* describing the scene of the eviction as being most distressing and heartrending. He quite approved of the Motion of which his hon. and learned Friend the Member for Cork had given notice, and at the proper time he should be better prepared to speak upon the question. He might observe, however, that there was this difference between the recent evictions in Donegal and the Sutherland evictions referred to by the noble Lord, as in the latter, instead of the poor peasantry being left to starve in the highway, they were provided with the means of emigrating to Canada.

Lord CLAUD HAMILTON said, he did not think that the hon. Member for Cork had acted in accordance with the principles of fair-play on this occasion; for, having asked for papers on the subject, the hon. Member, nevertheless, came down before the papers were produced, and asked the

House to concur in the complete condemnation of an individual. He (Lord Claud Hamilton) trusted that the House and the public would suspend their judgment until all the circumstances of the case were known. Mr. Adair had received great provocation. He had purchased the property in Ireland of the representatives of a man who was murdered, and did everything in his power to improve the land and elevate the people, but had to contend with constant opposition, and that of the most shameful and lawless kind. He had not, however, attempted to exercise this power until he came in contact with a system only paralleled by the secret courts of Germany in the middle ages—the Ribbon system. It was, indeed, a humiliating thing that such a scene as had been witnessed of late should have taken place in the British dominions; but it was more humiliating that within twenty-four hours' journey of that House the law should be systematically and continually defied. Many persons might say "Why did Mr. Adair not sell his property and retire?" but hon. Members must be aware that there were men who, exactly in the same proportion as they met with resistance, when they knew they were right, felt a determination to persevere. Mr. Adair felt it had come to this point—that it must be decided whether anarchy or Queen Victoria should rule in that portion of Ireland. There was there an organized system of disaffection and determined violation of the law—a hatred in fact to the rule of the Queen, so much so that recruiting officers were insulted. This was the wretched state of the peasantry, and they had been made what they were by those who ought to have known better. If they had not been encouraged to set at defiance the laws of the country, the late humiliating exhibition would never have been witnessed.

Mr. BUTT said, he hoped that the hon. Member for Cork would redeem his pledge of bringing this matter before the House in a manner in which it could be properly discussed. Notwithstanding the energy of the noble Lord who had just sat down the letter of Mr. Adair was in itself a sufficient condemnation of the conduct of which complaint had so justly been made, for that letter boldly propounded the principle that it was right to punish the innocent with the guilty. In his published letter, that gentleman had said that he was recently attacked by a number of peasants, among whom he recognised several residing in the district, but although he was in the commission of the peace he had taken no steps to bring them to justice, preferring to act upon this principle of wild justice. Was it to be wondered at if the tenantry should follow the example which he had set them?

Mr. Serjeant PIGOTT said, he understood the question before the House to be whether Mr. Adair was fit to hold the commission of the peace; and he thought they were indebted to the hon. and learned Member for Cork for having brought the matter before the House. The Secretary for Ireland had done his duty in the matter, for he had written to the Lord Chancellor of Ireland to ascertain the opinion of that functionary; but it appeared that the Lord Chancellor of Ireland was of opinion that Mr. Adair had done no more than what he had a legal right to do, and that he should not be removed. He thought the Lord Chancellor of Ireland had stopped short of his duty. He would recommend the Lord Chancellor of Ireland to follow the example of the Lord Chancellor of England on a recent occasion under somewhat similar circumstances. It would be remembered that in a trial which took place at Guildhall it transpired that a gentleman in Warwickshire had conducted himself in private life in a way that became a public scandal. The Lord Chancellor called upon him to justify his conduct, and because he was not able to do so he removed him from the commission. If the Lord Chancellor of Ireland had pursued a similar course in this instance, and had called upon Mr. Adair to justify himself, that gentleman might or might not have succeeded in doing so; but at any rate the proceedings would have been more in accordance with public convenience and propriety.

Mr. WHITESIDE said, he could not agree that the Lord Chancellor of Ireland had been guilty of any dereliction of duty; the case cited was one in which the gentleman concerned in it had been shown, upon his own testimony, to have been guilty of the most shocking misconduct and a degree of moral turpitude which must be regarded as rendering him unfit for the due discharge of his duties as a magistrate. The case before the House, if he understood aright the statement of the right hon. Gentleman the Secretary for Ireland was one in which a man exercised his legal rights in the manner he thought fit. It would be a serious question if the Lord Chancellor were called upon to strike out of the commission of the peace every landlord who should exercise his legal rights with the same severity as Mr. Adair.

Captain **JERVIS** said, he must protest against the demand which had been made by some Irish Members that a gentleman should be struck out of the commission of the peace before the papers relating to his case had been laid on the table. The present was not the first time that the attention of the House had been called to the county of Donegal. It would be recollected that four or five years ago heartrending statements were made about the frightful and abject misery of the people, and the tyranny and cruelty of the landlords. What was the result? A Committee was appointed to inquire into the matter, and it was found that the whole thing was entirely without foundation from first to last, a Roman Catholic priest having taken advantage of the ignorance and barbarism of the people to persuade them to hide away their property in order to give themselves the appearance of extreme destitution. The Irish were an extremely excitable people, and he believed they were stimulated to much of the evil which was too common among them by the violent and unjustifiable statements made in that House by those who claimed to be their representatives.

THE PAPER DUTIES.—QUESTION.

Mr. **TURNER** said, he rose to ask the President of the Board of Trade, Whether is is the fact that in charging the Customs Duty on Foreign Paper a tare of 3lb. is deducted from the weight of each ream on account of wrappers, the duty being charged only on the naked paper; whereas, in charging the Excise Duty to the British Manufacturer the whole ream, including the wrapper, is weighed for Duty, and if such be the fact, what reasons can be given why this protection is given to the Foreign Manufacturer?

Mr. **MILNER GIBSON** said, he had made inquiries as to the practice of the Customs in charging import duties on foreign paper, and he found it was not correct to say that a tare of 3lb. was deducted from the weight of each ream on account of wrapper. It was the practice of the Customs, and had been so for some time, while charging in the first instance the whole duty according to the weight of the paper, afterwards to return 2 per cent of the weight. The Excise did pretty much the same thing, because, as, according to the Paper Duties Act the turn of the scale was given to the Crown, there was an allowance afterwards made to the manufacturer of 2 per cent of the weight. There was, therefore, no protection to the foreigner as against the Englishman, as both the Customs and the Excise allowed 2 per cent of the weight when the paper was assessed for duty.

Motion *agreed to:*

House at rising to adjourn till *Monday* next.

NATIONAL EDUCATION (IRELAND).

COMMITTEE MOVED FOR.

Mr. **BUTT**, in rising to make a Motion on the subject of national education in Ireland, stated that five years ago the right hon. Gentleman, the Member for Cambridge University (Mr. Walpole) exposed in a most able and temperate speech, and in an equally temperate Resolution, the grievances under which the Protestant population of Ireland laboured in relation to the national system of education. The right hon. Gentleman succeeded in carrying his Resolution for an Address to the Crown, but though both he and the right hon. and learned Member for Dublin University (Mr. Whiteside) had subsequently filled high posts in the Government of the Earl of Derby, nothing had since been done to remedy the grievances of the Irish Protestants. But the Roman Catholics of Ireland also complained of the national system of education, and he, for one, would never ask for any one class of his countrymen a freedom of conscience which was not extended to all. He had endeavoured to frame a Resolution upon that principle; but he was afraid, coupling a notice which had been given by the right hon. and learned Member for Dublin University with a circular which had been issued by the Church Education Society, that the members and friends of that association, holding peculiar views in which he did not concur, had determined to make a separate demonstration of their own. He reserved to himself the right of perfect freedom of action when the right hon. Gentleman the Member for the University of Dublin brought forward his Motion; and before he sat down he now wished to refer to a statement made by the Secretary for Ireland when the subject was last under discussion. That right hon. Gentleman boasted of the success of the system as one of united education, and stated that out of 5,400 schools, nearly 3,000 were schools of united education. The Returns, however, proved that as a system of united education it had entirely failed. In some of the schools there was scarcely more than a single representative of the religious class which happened to be in a minority in the particular districts. He would mention two instances. There would be found five schools, containing each 2,000 Roman Catholic children, with only one Protestant; and, on the other hand, five other schools, each containing 1,200 Protestant children, with only one Roman Catholic; and yet they were called schools of united education. To all intents and purposes, therefore, the system had separated the education of Protestants and Catholics, and mutilated and maimed the religious instruction of both. He was for perfect and entire freedom of religious education, both for Protestant and Roman Catholic. Though he did not intend to press his Motion, he would beg leave, in order to enable any hon. Gentleman to address the House, to move *pro formâ* the Motion of which he had given notice.

Motion made, and Question proposed,

"That this House will immediately resolve itself into a Committee, to consider of an humble Address to be presented to Her Majesty, representing that the rules now adopted to regulate the distribution of the sum voted by this House for the promotion of National Education in Ireland have caused dissatisfaction among a large proportion of the people of that country, and that this dissatisfaction has interfered with the complete accomplishment of the objects contemplated by that Grant; and praying that Her Majesty may direct inquiry to be made whether the rules may not be so modified as to remove all causes of just dissatisfaction, and thereby promote the more general diffusion of the advantages which this House intends for all classes of the Irish people."

Mr. WHITESIDE said, it was not fair to charge the right hon. Member for Cambridge University with having carried a Motion upon this subject, and then doing nothing when he was a Member of the Government. Unfortunately for the interests of the country, the party to which the right hon. Gentleman belonged had not been in power during five years. The Earl of Eglinton, however, when in Ireland, had investigated the subject, and arrived at the conclusion that some changes and modifications must be introduced into the system. He (Mr. Whiteside) had supported the hon. and learned Gentleman opposite when he made a similar Motion last year, but having himself given notice of a Motion, to be discussed a few days hence, he could not support the hon. and learned Gentleman on the present occasion, but hoped for his support when the subject again came under discussion.

Mr. MACEVOY said, there seemed so great a desire to kill the monster—national education—that there was a rivalry between hon. Members as to who should be the one to slay it; and as a Motion that would accomplish all that the one before them proposed was to be moved in a few days, he would suggest that the time of the House should not now be consumed in a discussion which could have no practical effect.

Motion, by leave, *withdrawn.*

DWELLINGS FOR WORKING CLASSES.

LEAVE.

Mr. SLANEY said, he rose to move for leave to introduce a Bill to facilitate the grant or sale of small portions of entailed lands near great towns, as sites of dwellings for the working classes, and for other purposes of a like beneficial and charitable nature. Owing to the dwellings of the poor being removed for the purpose of making improvements in towns, the working classes were driven into localities already overcrowded. He, therefore, proposed to obtain a Bill which would enable trustees of entailed properties suitable for the erection of dwellings, to grant sites of land near towns so that houses for the poor might be erected; they would thereby improve their moral and social position. This Bill would be solely of a permissive character, and all sales under it would require the approval of the Inclosure Commissioners or two magistrates. He hoped, therefore, there would be no objection to the Motion.

Mr. WILLIAMS seconded the Motion.

Leave given.

Bill to facilitate the grant or sale of small portions of entailed Lands near great Towns as sites for Dwellings for the Working Classes, and for other purposes of a like beneficial or charitable nature, *ordered* to be brought in by Mr. Slaney, and Mr. William Ewart.

MEXICAN BONDHOLDERS.

PAPERS MOVED FOR.

Mr. BUTT said, he wished to move an address for the copy of any convention or conventions providing for the appropriation of the customs' duties of any of the

Mexican ports to the payment of the claims of the bondholders of the State entered into between Governor Juarez, or any other person representing the constitutional Government at Vera Cruz, and Captain Dunlop, or Captain Aldham, of her Majesty's Navy: and copy of, or extracts from, any correspondence or despatches relating to the affairs of Mexico since the assumption of the presidential power by Miramon. English capitalists had lent the Mexican Government £10,000,000 at the time that country declared its independence. All the South American republics, to which money had also been lent, had fulfilled their engagement, but Mexico, the richest of all, remained a disgraceful exception. An arrangement had been entered into by which the revenues of the ports of Tampico and Vera Cruz had been appropriated for the purpose of the payment of the interest, which was to be regularly transmitted to London; and, in consideration of that arrangement, the rate of interest had been reduced from 6 to 3 per cent. During the late revolution which had occurred in that country, Miramon and his associates, requiring money, had caused the house of the British Legation to be broken into; the officers in charge, British subjects, were clubbed with the butt end of Mexican muskets, and all the money abstracted. Neither Mr. Mathew, nor any one to represent him, was present at these proceedings, and it was left to the Spanish Ambassador to protest against them. In 1848, the noble Premier, then Foreign Secretary, laid down certain principles which ought to guide the British Government in dealing with such a case. He then stated that British creditors were entitled to the protection of their Government. Those principles, however, had not been carried out, and, therefore, he wished to ask the noble Lord the Secretary for Foreign Affairs to afford some explanation of the extraordinary occurrences to which he had alluded, and to state how far he intended to protect British interests?

Mr. M'CANN seconded the Motion.

Lord JOHN RUSSELL said, he had nothing to complain of as to the manner in which the hon. and learned Gentleman had stated the case. A violent outrage, amounting to nothing less than felony, had been committed by persons calling themselves the Government of Mexico. He believed the fact was that Miramon and his companions were in a desperate state, and knowing the contest could not be carried on any longer, they wished to get all the money into their hands which they could. They knew that a sum of 600,000 dollars was deposited in a room at the British Legation, and they determined to commit robbery in order to get it. There was not the slightest ground for the excuse they made for the act; and their assertion that the money was not the property of the bondholders, because not technically in their possession, was a mere subterfuge. It was an outrage, therefore, for which the British Government might have required redress and reparation. But it was not to the discredit of Mr. Mathew or the Foreign Office that such reparation was not demanded. Our position for years had been a peculiar one in that quarter. We could only operate against Vera Cruz, and if we had operated against Vera Cruz we should have acted against our own interest. But at that time Mexico fell into the hands of the constitutional party. The hon. and learned Gentleman mentioned it as a reproach that before that period neither Mr. Mathew nor any other Minister was at hand to protect the treasury. Mr. Mathew was not to blame. He had acted under his (Lord J. Russell's) instructions in leaving Mexico, where so many outrages had been committed—amounting even to murder—that it was thought improper and unworthy to leave a Minister there. The British Minister was directed to leave, and he did leave, having first put a padlock on the place where the money was, and sealed up the apartment with the seal of the British Legation. There was, therefore, no fault on Mr. Mathew's part that the money was left with no other protection than that of the British Consul; though he did not wonder that those who had lost their property should raise complaints. Sir Charles Wyke had now gone to America with instructions which it was trusted would be effectual for obtaining redress in reference to various matters complained of. There was no objection to give the first part of the Return moved, but the remaining part would be exceedingly voluminous, and he proposed on Monday or Tuesday to produce papers which would, perhaps, answer the object of his hon. and learned Friend.

Address for

"Copy of any Convention or Conventions providing for the appropriation of the Customs Duties of any of the Mexican ports to the payment of the claims of the Bondholders of the State entered into between Governor Juarez, or any other person representing the Constitutional Government at Vera Cruz, and Captain Dunlop or Captain Aldham, of Her Majesty's Navy."

PUBLIC OFFICES EXTENSION BILL.

NOMINATION OF COMMITTEE.

MR. COWPER moved the following gentlemen as a Select Committee on the Public Offices Extension Bill:—Mr. Cowper, Sir William Dunbar, Lord John Manners, Sir Stafford Northcote, Sir John Shelley, Viscount Enfield, and three Members to be nominated by the Committee of Selection.

MR. VINCENT SCULLY said, he must protest against the exclusion of Irish Members, unless, indeed, it was intended that Ireland should not contribute to the new offices. If that system was to be adopted, let the Irish Members meet on separate days and manage the affairs of their country by themselves, and let them not be outvoted by hon. Members brought up from smoking rooms and coal-holes.

COLONEL DUNNE said, he wished to inquire whether it was really intended to repeal the Union by their constant refusal to put Irish Members upon the Committee. The conduct of the Government in this respect was an insult to Ireland.

MR. COWPER said, this Bill was what was called a hybrid one—that was a public Bill for a private purpose. It was for a very simple object—that of authorizing the purchase of four houses in Westminster. If he had had any idea that Irish Gentlemen would be willing to serve on it, he should have been happy to place on it two, or three, or four Irish Members.

COLONEL FRENCH said, that notwithstanding the right hon. Gentleman's explanation, he must add his complaint to that of the other hon. Members of the studied exclusion of Irish Members from the business of the House.

MR. HENNESSY asked for a more distinct pledge from the right hon. Gentleman that some Irish Members should be appointed.

VISCOUNT PALMERSTON suggested, that two at least of the five Members hereafter to be nominated by the Committee of selection should be Irish Members, to be named by the hon. Gentleman.

Select Committee on Public Offices Extension Bill *nominated:*—

Mr. COWPER, Sir WILLIAM DUNBAR, Lord JOHN MANNERS, Sir STAFFORD NORTHCOTE, Sir JOHN SHELLEY, Viscount ENFIELD; and three Members to be nominated by the Committee of Selection:—Five to be the quorum.

House adjourned at Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 22, 1861.

MINUTES.] PUBLIC BILLS.—1ª Queen's Prison, &c.
2ª Wills of Personalty by British Subjects; Post Office Savings Banks.
3ª Lunacy Regulation.

WILLS OF PERSONALTY BY BRITISH SUBJECTS BILL.

SECOND READING.

LORD KINGSDOWN said, my Lords, the subject which I have undertaken to bring before you is so important, and at the same time so embarrassed with difficulties, that I must throw myself upon your indulgence if I am unable to explain it either as clearly or as briefly as I could wish. I will point out first the evils which appear to me to arise from the existing law, and then the remedies which the Bill to which I am requesting your Lordships' assent proposes to apply to them.

The Bill is confined entirely to personal estate. Your Lordships are aware that in England, and I believe in most countries which have adopted and maintained the feudal laws, a great distinction has always been made between what we term real and personal estate, and what on the Continent is generally described as moveable and immoveable property—a distinction not only with respect to inheritance, but also with respect to transmission whether by conveyance, *inter vivos*, or by testamentary disposition. As long ago as the reign of Charles II. an Act was passed requiring certain forms to be observed in the execution of wills of real estate. This Act is usually called the Statute of Frauds, and has often been said to have occasioned more frauds than it has prevented. With regard to personal estate no forms were required till the year 1837; it was sufficient that a testator had declared in writing in what manner he desired his personal property to be disposed of at his death. In 1837 this distinction was abolished. It was said to be absurd that an instrument insufficient to pass an acre of freehold land should be sufficient to pass a thousand or ten thousand acres of leasehold adjoining it—that however the existing law might have been suited to times when the personal estate of a man of the highest rank was usually of small amount, and consisted of things which were really *mobilia*—things which could be carried about with him—it was little suited to the present times when a testator's personal estate often exceeds his real in value, and includes not only leaseholds, but money in the public funds, canal, and railway shares, and other things of a like description, which, although by English law treated as *mobilia* have in truth a local character, and are connected with and inseparable from the county to which they belong. It was provided, therefore, by the Act of 1837, that the same formalities should be required in order to give effect to wills, whether of real or personal property, and that in both the signature of the testator and its attestation by two witnesses should be required. There can, I think, be no doubt that the intention of the Legislature in passing this Act was to establish a system of uniformity—to provide that the same will as to all property subject to English jurisdiction, whether real or personal, should be good or bad; that the absurdity of its being good as to part and bad as to part should be abolished. Unfortunately, by the rules adopted by English courts of justice this object has been entirely defeated. The mischief of defeating many wills for defect of form has been incurred, but the advantage of uniformity has not been secured. A will may still be good as to one species of property and bad as to another. With respect to real estate in England, a will, if it complies with the necessary forms, and the testator does not formally revoke it, remains good, wherever he may die, and whatever may be his domicile at the time of his death. But as to personal estate it is otherwise. The validity of a will of personal estate depends on the question whether it is valid according to the forms required by the law of the country where the person who made it was domiciled at the time of his death. No matter where it was made—no matter that it was perfectly good when it was made—no matter that the testator never had the smallest intention to revoke or to alter it—still if the law holds him to have acquired at his death a foreign domicile, his will is good for nothing, unless it conforms to the laws of that foreign country. Now the inconveniences of this are enormous. The evil proposed to be remedied by the Act of 1837 is at once introduced. The will is good as to real estate in England—bad as to personal estate; freeholds pass to the devisee; leaseholds go to the next of kin. In this state of the law no man living abroad knows how to make his will. If he makes it in the English form it is probably bad as to his personal estate—if he makes it in the foreign form it is bad as to his realty. No prudence can enable an Englishman to guard against the chance of his will being set aside, as it affects his personal property if he dies abroad. If he is leaving the country, uncertain whether he may ever return, or may settle abroad, he probably desires to settle his affairs before he goes; he sends for his solicitor, and makes by will such a disposition of his property as he wishes to take effect at his death; he leaves his will in England to guard against accidents, secure that whatever happens to him the provision which he has made for his family will take effect at his death. He is unhappily quite mistaken in this expectation. If he be held by Courts of justice to have acquired before his death a foreign domicile, whatever the meaning of that mystic term may be, he is also held as to his personal estate to have revoked his will. What is the effect of this rule? A man who goes abroad often cannot tell where he may be settled at the time of his death, and cannot know, therefore, according to what law his will is to be made. He leaves his own country, perhaps for the benefit of his own health or that of some member of his family. He finds it necessary to try different climates; he may move from France to Naples, from Naples to Madeira, or Malta. All these countries may have different testamentary laws. Is he to make a new will at each change of residence? When it is remembered how many Englishmen in the present day live and die abroad, your Lordships will easily see how often the evils arising from this rule are likely to occur. But it is not in cases of foreign domicile only, nor even principally, that the mischief occurs. The same question arises continually with the same inconvenience between a Scotch and English domicile. Scotland has maintained, I think wisely, the law which was till lately that of England with respect to wills of personalty. It exacts, I believe, no particular forms—certainly a holograph will—one wholly written and signed by the testator—is sufficient in Scotland, as in all reason it ought to be everywhere. Now, our countrymen on the other side of the Tweed, with all their patriotic attachment to Scotland, are not indisposed to seek their fortunes elsewhere—in England it may be, or in the British dominions in India, where, for testamentary purposes, the English law prevails. A Scotchman makes his will according to the law of Scotland; if he dies in India, or in England, or anywhere out of Scotland, a question probably arises whether he has not acquired an English or a foreign domicile; and if that question is decided in the affirmative—if his domicile at his death be English, certainly—and if in any other country, probably—his will is good for nothing.

Now if your Lordships will for a moment consider the effect of setting aside an honest will—the misery to individuals, in many cases the utter ruin of whole families, which result from it—you will hardly, I think, maintain a rule of law which produces such consequences, unless there be some imperative necessity for it. But whether genuine wills are defeated or not by the result of the inquiry, the inquiry itself is an enormous evil. It is quite useless for any purpose of justice, and the uncertainty and expense which attend it are enormous. When once the testamentary power is admitted, all that can be really material to know is whether the instrument propounded as containing the last wishes of the testator is a genuine instrument, and whether the testator has ever revoked it. If it is genuine the forms are in themselves worthless. How can the genuineness of the instrument in the least degree depend upon the place where the testator happens to die domiciled? Why is an intention to be presumed to revoke a will by a death abroad, when the testator may have contemplated dying abroad, and when, perhaps, his will was made for the very purpose of providing for that contingency? But observe what the inquiries are which in such a case the rule requires:—First, you are to inquire where, in point of fact, the testator was domiciled at his death. Secondly, what is the testamentary law of such country—both questions in many cases of extreme doubt and difficulty. I do not know whether your Lordships are aware of what constitutes domicile by the law of England. I sincerely hope you are, for if you are not, I am sure it is quite out of my power to inform you. I have argued a good many such questions at the bar; I have joined in the decision of several at the Judicial Committee; but as to any definition of the meaning of the expression what is sufficient, or what is not sufficient to establish a change of domicile for the purpose of succession, I am quite at a loss to say. It is constituted as the law expresses it *animo et facto.* You must inquire not only into all that a man has ever said, written, or done, but into all that he intended to do; where he was born; who were his parents; where he was brought up; when he quitted his own country, and with what view, and for what purpose; how long he remained abroad; where was the bulk of his property; how often he changed his residence; where he resided at his death; where he contemplated being buried;—and a thousand other circumstances; and, then, setting the *indicia* of an intention to abandon his domicile of origin against the *indicia* of an intention to retain it, the Court is to strike the balance, and decide whether the original domicile has been changed, and in what country a new one has been acquired. So difficult is this question that the best lawyers are unable to say where is their domicile, or by what law the testamentary disposition of their personal estate is to be regulated. We have all heard my noble and learned Friend on the Woolsack declare his doubt whether he is domiciled in England or in Scotland; indeed, I think he added, or in Ireland. But, my Lords, if my noble Friend at the head of the law is unable to decide such a question in his own case, in what position are unlearned men placed who are expected, in making their wills, not only to know their actual domicile, but to foresee where they they may happen to be domiciled at the time of their death. My Lords, the ignorance to which I plead guilty on the subject of domicile is shared by the highest living authority in such matters. In a case of Maltass *v.* Maltass, decided by Dr. Lushington, that great Judge thus expresses him self—

> "Even at this day, although so many powerful minds have been applied to the subject, there is no universally agreed definition of the word domicile—no agreed enumeration of the incidents which constitute domicile. This is expressed in the following remarkable language of Histius, '*Verum in iis definiendis mirum est quam sudent doctores.*' Indeed, I think there are no less than fourteen or fifteen different definitions of this word. The gradations from residence to domicile consist both of circumstances and intention. Nice distinctions have and must prevail, such as cannot be defined beforehand."

Such being the nature of an inquiry into the question of domicile, your Lordships may imagine that the expenses of conducting it must often be enormous. In a case of Lord *v.* Colvin, now pending in the Court of Chancery, it has been necessary to ascertain the domicile at the time of his death of a Scotchman who went to India, and there acquired a large property. I have been assured by one of the counsel in the cause that the costs of the inquiry, including those of all the parties, who are very numerous, have been not less than £30,000.

But when you have determined the domicile, if it is found to be in a foreign country, you have another question not less difficult behind. You have to ascertain what is the law of that foreign country, and what judgment it pronounces on the instrument offered as a will. This law is a fact to be ascertained by the examination of witnesses, by the opinions of advocates and other experts—gentlemen not to be consulted without the payment of heavy fees, with the additional expense, perhaps, of bringing them over to this country. When they are examined their opinions may differ. An English Judge, ignorant it may be of their language—almost necessarily ignorant of the precise force and meaning of their legal phraseology—has to decide between them, and possibly thinks it fit to examine for himself decisions and decrees of foreign Courts, which it is hardly possible that he should very clearly understand. In addition to all this, it is not unlikely that the law of domicile itself is understood in the foreign country in a sense different from that which prevails in England. Is it possible that justice should be done under such a system, or that all the money expended in these inquiries should lead to any satisfactory result? A very memorable and very melancholy instance to the contrary occurred a few years ago in a case of Bremer *v.* Freeman, which excited much attention both in this country and abroad. A lady of the name of Calcraft, the daughter of an Indian officer, having an English domicile, went abroad. She went to France; afterwards to Italy, where she married or formed a connection with a gentleman of the name of Allegri, which name she adopted. She afterwards returned to France, and took lodgings in Paris. The bulk of her property, both real and personal, was in England; and in 1842 she gave instructions for her will to a solicitor in England, who prepared it of course in the English form, and in that form it was executed by Madame Allegri in Paris. It seems probable that if she had died soon after making her will, it would have been held that she had not lost her English domicile, and that her will was good; but she lived until 1853, remaining in Paris till she died. By her will, amongst other dispositions, she had bequeathed personal estate to the amount of, I believe, above £10,000 to a young gentleman of the name of Freeman. On her death her will was propounded for probate in the Ecclesiastical Court; but it was disputed by the next of kin as regarded personal estate, on the ground that the testatrix at the time of her death was domiciled in France; that the validity of the will must be governed by the French law, and that the will was not executed in the form which the French law required. To this it was answered that in fact the testatrix never had, even according to English notions, abandoned her domicile of origin, and acquired a domicile in France; but that at all events she had not acquired a domicile in France according to French law, nor the right of disposing of her property by will according to that law; for that the authorization of the French Government was necessary for that purpose, and that such authorization had never been obtained, and that the will in its English form would by the French tribunals be held to be good. On these various issues the parties went to proof. Evidence was given on one side to show that the lady had settled in France and altogether abandoned her country, and evidence to show the contrary was given on the other; and witnesses were examined to prove the law of France. The Judge of the Prerogative Court admitted the will as good, but his judgment was reversed on appeal to the Judicial Committee, and the will as to personalty was held to be invalid. The evidence given by the French lawyers shows in what insuperable difficulties the decision of questions of this sort is involved. On the part of Mr. Freeman, five gentlemen practising in the French courts were examined: on the part of Mr. Bremer, three. Five lawyers held that Madame Allegri never acquired a French domicile according to the law of France. Three thought that she had acquired such domicile, but admitted the point to be doubtful. Three held that by the law of France a will to be good must be executed according to the law of the place where it was made; in other words, according to the *lex loci.* Three held that it might be executed either according to the *lex loci,* or the domicile of origin of the testatrix. All held that if made according to the *lex loci* it would be good, and not one adopted the English rule that its validity would depend on the domicile of the testatrix at her death. In this confusion and conflict of testimony the Judges seem to have thought themselves justified in examining for themselves the French law; and a most able and elaborate judgment was given, setting aside the will on the ground that the testatrix at her death had according to the rules of English law acquired a French domicile, and that by the rules of the same law her will must, therefore, be governed by the forms required to be observed in France. The result was that a genuine will, containing beyond all doubt the intentions of the testatrix at her death was defeated. Mr. Freeman lost his legacy—his costs amounted to £2,700; the costs on the other side to £2,876; the whole litigation being utterly beside the only question really important to justice, namely, whether the instrument propounded for Probate contained a true account of what the testatrix intended to be done with her property at her death. Now, I desire not to be understood as intimating any opinion on the decision in Bremer *v.* Freeman. It carries with it all the weight that can belong to the authority of the very ablest Judges. The judgment was pronounced by my noble and learned Friend opposite (Lord Wensleydale) whose name will go down to the latest posterity in the law, not more by a very memorable determination of your Lordships of which he was the subject, than by many admirable judgments of which he has been the author. It was concurred in by Dr. Lushington, of whom I have already spoken; by Sir William Maule, since dead; and by one still living, who is the impersonation of every moral and intellectual quality which goes to constitute a perfect Judge, though physical infirmities have for some time deprived the country of his services—I mean Sir John Patteson. I do not complain of the decision as contrary to English law; but what I do complain of is that such should be the law. I maintain that it is inconsistent with reason and justice, and that as long as it continues it is likely to produce the same mischief as it produced in Bremer *v.* Freeman.

Another great evil of the existing rule is this. It defeats honest wills for non-compliance with English forms, when the testator has no means of complying with them, because he cannot ascertain what they are. Take an ordinary case. An Englishman travelling abroad is taken ill; he sends for the doctor, and as a consequence, perhaps, has very soon to send for a lawyer to make his will. The lawyer knows what forms are required by his own country, and he observes them; but he knows nothing of the forms required by English law. For this defect, the English Courts refuse to acknowledge the will. A remarkable instance of this occurred in a codicil made by the late Marquess of Hertford. During one of his visits abroad, while he was at Milan, he made a codicil bequeathing a large amount of stock in some of the American funds to Mr. Croker. The codicil was perfectly good according to the Austrian law prevailing at Milan. If it had not been for the Act of 1837 it would have been perfectly good in England; but though the codicil was made out of England, it was held that the English statute applied, and that as the Marquess at his death was domiciled in England, the English forms must be observed. The codicil was found to be invalid, and Mr. Croker lost his legacy.

To remedy these various inconveniences I propose to enact that as regards the formalities of its execution it shall be sufficient, if a will of personal estate complies with what is required either by the laws of the country where it is made or with those of the domicile of origin of the testator; and that no will good when it is made shall be revoked or altered merely by a subsequent change of domicile of the person who made it. It is said that to introduce such provisions would be to interfere with the principles of international law. Now, I have as much respect for international law as most people, and have as little disposition to infringe any of its rules—especially at a time when in its higher and nobler object of regulating the intercourse between nations it must, I fear, be considered as extinguished or at best as in abeyance. But I am sure that your Lordships—those at least who will take the trouble of investigating the subject—will be satisfied that the effect of what I propose is not to alter the law of nations, but to restore it in England as it once existed there, and as it still exists in every other civilized country in Europe. England, no doubt, has departed from it, and the United States of America have followed her example; but till a comparatively recent period the rule which I propose to re-establish was the law of England, and it only ceased to be so in consequence of a decision in a case of Stanley *v.* Bernes which occurred, I think, about the year 1830. In that case an Irishman beyond all question domiciled in Portugal under an authorization giving him all civil rights, made a will in the Portuguese form disposing of his property in Portugal; and another, or a codicil, in the English form disposing of his property in England and Ireland. The English will was disputed on the ground of the Portuguese domicile, but it was admitted to probate by Sir John Nicholl, a very able Judge, after careful consideration and in a well-reasoned judgment, in which he observed that up to that time no such objection had ever been made, that many such wills had been established, and that a British subject had not the power *exuere patriam* or to give up the right of disposing of English property by such a will as the forms of English law required. This decision was unhappily reversed by the then court of appeal in such matters—the Court of Delegates—the very worst tribunal, probably, that the wit of man ever devised for the purpose of administering justice. It consisted of two or three common law Judges, who at that time were not much accustomed to the study of the civil or canon law, and of a certain number of advocates in Doctors' Commons not engaged in the cause. Now, as the ablest advocates were pretty sure to be engaged in the cause the Delegates were usually, of course, of less reputation; and by a tribunal thus constituted the judgments of such men as Sir John Nicholl or Lord Stowell were to be reversed. What were the reasons of the Court of Appeal in Stanley *v.* Bernes I do not know; there is no record to be found of them, and I am told that it was not the habit of the Court of Delegates to assign any reasons for their decisions. I remember, soon after that case was decided, talking of it with one whose early death was one of the greatest losses that the law of this country ever sustained—Sir William Follett—and he agreed with me in lamenting the determination though he was one of the counsel on the winning side. But whatever it decided it could not decide against the principle that a will of personal estate, which is good as to form according to the law of the country where it is made cannot anywhere be rejected for want of form — that the rule of *lex loci regit actum* extends to testamentary as well as to other instruments. The law of England admits it in other cases—Why does it repudiate its application to wills? It is observed in contracts—in the most important of all contracts the contract of marriage—why is it to be thus capriciously rejected in one particular instance? The ground of the rule exists as much in regard to wills as to anything else—namely, that a man may easily obtain advice as to the law of a country where he happens to be, but cannot probably obtain advice as to the law of another country. The case of Stanley *v.* Bernes could not decide anything against this rule, for the facts of the case did not involve any such question. The rule is of universal application; it is adopted by every country in Europe except England. On this point all the advocates who were examined in Bremer *v.* Freeman agreed, though differing in everything else; yet so strongly is the opposite opinion rooted here that in the judgment of the Judicial Committee it is considered as detracting from the value of the opinion of the French lawyers in other matters, that they should entertain notions so inconsistent with the law as laid down in Stanley *v.* Bernes. That this is the law of France can admit of no doubt; it is expressly provided for by the Code Civil. Article 999 of the 1st Book expressly declares that a Frenchman who shall happen to be abroad may make his testamentary dispositions either by holograph writing signed by him, or according to the forms in use in the country in which the instrument shall be made. In the time of the Duchess of Kingston, whose case is referred to in Bremer *v.* Freeman, the law of France on the subject was unsettled. There could be no doubt of her domicile, that it was French. She had been convicted in England of bigamy in 1776; immediately afterwards she went to France, and in 1777 obtained letters of authorization to acquire property and dispose of it by will. In 1786 she made a will in the English form, disposing of real and personal estate both in France and England. She died in France and Mons. Target the French Attorney General gave an opinion which has acquired much celebrity, in which he pronounced in favour of the will, both as to French and English property, on the ground that the subject of any country, when abroad, may make a will according to the forms required by the law of that country, which will be good everywhere. It never seems to have occurred to him that the domicile at the death was material. The question whether the *lex loci regit actum* applied to wills, he considered as at that time unsettled in the law of France. It is now settled in the manner which I have already stated.

I cannot, of course, expect your Lordships to listen to citations from the jurists to prove the proposition that the general rule acknowledged in Europe is that a testator abroad has the option of making his will, either according to the forms which prevail in the place where it is made, or according to the forms of his domicile of origin; according either to the *lex loci* or the *lex patriæ*. But I will refer your Lordships to treatises of learned men in which the authorities are collected and discussed, and in which the authors of those treatises have come to the conclusion which I have represented to be the law. Mr. Burge, whose *Commentaries* are the text-book of English lawyers, and whose work was published about thirty years ago, after citing a profusion of authorities observes—

> "In the jurisprudence of Spain, Holland, France, and the greater number of the States of Europe, if the testament be made with the forms prescribed by the law of the place where it was executed, it will be valid, and will effectually dis-dispose of property situated in another country, where the law prescribes different forms."

The learned author here speaks of property generally, without distinction, both moveable and immoveable. Again, in commenting on the Duchess of Kingston's case, and the opinion of M. Target, to which I have already referred your Lordships, he says—

> "This opinion proceeds on a principle which is admitted by jurists, that although a will made with the solemnities of the *lex loci actûs* may be valid, yet if it was made with the solemnities of the *lex loci rei sitæ* in respect of immovables and the *locus domicilii* in respect of moveable property, it would also be valid."

This observation, it is clear from what I have already stated of the circumstances of the Duchess of Kingston case, applies to domicile of origin, and not to domicile at the death. Dr. Phillimore, who has published his valuable work on international law much more recently, and has examined, I believe, the works of all the eminent writers on the subject up to the present, time, including some distinguished foreign jurists still living, thus sums up the result of his inquiries—

> "As to the form of the instrument—the jurisprudence of the Continent wisely, justly, and philosophically, allows an option to the testator to adopt either the form required by the *lex loci actus* or the form required by the *lex domicilii.* The adoption of either form is as the jurists say, facultative, not imperative, though the general maxim is *locus regit actum.* England, and the North American United States unwisely, arbitrarily, and unphilosophically compel the testator to adopt the form prescribed by the *lex domicilii.*"

But, my Lords, I can refer your Lordships to a yet stronger authority, that of all the Judges in Scotland as to what the law of that country is, and as to what they consider to be the general rule of international law. A case has just been decided in the Court of Session of Purvis' Trustees *v.* Purvis' Executors, on the effect of a will made in Sumatra by a Scotchman upon Scotch personal estate, the will being valid according to the law of Sumatra; and the Judges have been unanimous in favour of the will on the principle of *locus regit actum.* The question was considered so important that the division of the Court of Session before which the question was brought for decision, consulted the other Judges. The consulted Judges gave a most able and valuable opinion in what they say—

> "We hold it to be the settled law of Scotland that the Scotch statutes in question are not imperative as to writings of this nature executed in a foreign country, but that such writings are receivable here as valid or authentic expressions of testamentary will, if executed according to the formalities which would make them valid as wills or testaments in the country of execution."

Upon examining the Scotch authorities, they observe that they think it unnecessary to support by any reasons what they hold to be the established law; yet they add—

> "That there seem to be the strongest grounds for having originally adopted, and for now adhering to that rule, instead of holding that wills are only good if executed according to the law of the party's immediate or ultimate domicile, without reference to the place of execution."

After stating these reasons, with some of which I have already troubled your Lordships, they proceed to another point on which it is the object of this Bill to introduce an alteration in the law—

> "Supposing," they say, "a testator domiciled in a foreign country at the time when he makes his will makes it according to the forms there required, it seems unreasonable to say that his change of domicile to a country where a different form of authentication is required by local statutes, is *eo ipso*, to operate, as a revocation of that which will was validly made at the time when it was made. Change of domicile may change the rights of third parties and the powers of the testator; but it cannot alter the fact that he has expressed his intentions as to his succession, and has preserved that writing without alteration or visible revocation."

After discussing this subject they proceed:

> "We do not think it necessary to advert to the civil law, or to notice the works of international jurists on this subject. We shall merely say, that although some difference of opinion exists amongst them, the preponderance of authority appears to us to be very clearly on the side of that opinion which we have already expressed. We agree with those Continental jurists who lay it down that a testator making his will in a foreign country has his option to follow either the formalities prevailing in the place of his domicile, or those of the place of execution."

My Lords, the extracts which I have read are from the opinion signed by the Lord President and eight other Judges. Lord Kinloch gave a separate opinion, which, upon the matter now in question was, perhaps, still more precise and pointed than those which I have already laid before you. After declaring that by the law of Scotland the *locus regit actum* is just as applicable to wills as to other deeds; that it is a principle so deeply embedded in the law as to preclude it from being disturbed, and at the same time so accordant with reason and sound policy that he has no inclination to disturb it, he proceeds—

> "To hold the deeds to be authentic instruments does not in the least determine the effect to be given to them, which is matter for consideration after they have been received and read. Neither does it preclude the Court from holding, in any after case which may raise the point, that a will or other deed executed abroad, according to the solemnities of Scottish law, is valid, although not executed with the formalities of the place of execution. There is no inconsistency in recognizing a deed well executed according to the *lex loci*, and at the same time not rejecting a deed executed according to the *lex fori*."

The opinion of the consulted Judges has, I understand, been adopted without any dissentient voice by the Court, and a decision has been pronounced in conformity with it. I should observe that the Judges in this case, in entire agreement with the general law of Europe, discard altogether the question of domicile at the death, with all its frightful consequences of expense and injustice. The law of Scotland upon this subject I desire to make the law of England. As to making the law of this and of foreign countries, on the subject of wills of personal estate, in all respects correspond, it is absolutely impossible by any contrivance to do so while the distinctions established in the English law between real and personal property remain as they are. No country except England and Ireland, I believe, treats lands and houses held for long terms of years at a pepper corn rent, or mortgages and other property connected with land and having a local character as subject to the rule that *mobilia sequuntur personam*. To apply the rule to property which really is immovable is to depart altogether from the principle on which the rule is founded, and to hold that the power of disposition over them ought on that ground to be governed by the law of the place where a testator happens to have his domicile at his death, is going further than I imagine any one will contend to be reasonable.

I am aware, my Lords, that the Bill which I have the honour to recommend to your Lordships goes but a little way; if it should pass many inconveniences will still remain, particularly as regards intestacy, to which this Bill does not extend—but some anomalies will be corrected, and, what is much better, serious practical evils will be removed. A domiciled Englishman or Irishman will be enabled to do what a domiciled Scotchman may do already; he will be enabled, if he is obliged to make his will abroad, to make it either in the forms which prevail in the place where it is made or in those of his own country. A Scotchman will be able, having made his will, to go to England; and an Englishman, in the same predicament, will be able to go abroad, without the apprehension that, if he should never return, all his intentions with respect to his property at the time of his death may be disappointed. At all events, whether he be Englishman, Irishman, or Scotchman, he will be spared the risk that in useless inquiries into his domicile at his death, and into the law of the country of that domicile, one-half of his property will be wasted in order to accomplish, or, as is just as likely to happen, to defeat his wishes as to the other half. I venture, therefore, respectfully to request your Lordships' assent to this measure, of which it is the object, and I believe will be the effect, to assimilate on a very important point the laws of England and of Scotland; to place both in harmony with the general international law of Europe, and to prevent forms which are said to be the handmaids of Justice from being used as impediments and obstructions in her path. The noble and learned Lord concluded by presenting a Bill

Moved, That the Bill be now read 2ª.

Lord WENSLEYDALE said, a Bill somewhat similar in character to the present had been introduced in their Lordships' House on a former occasion, and did not receive their Lordships' sanction. His noble and learned Friend had now introduced a measure embodying the same principle. He entertained so high a respect for the noble and learned Lord by whom this his Bill had been introduced that he was almost induced to hesitate before offering an opinion with regard to it; but he entertained the very strongest objection to the principle on which it was founded. That was not the time for entering into a consideration of the details of the measure, but he would venture to trouble their Lordships with a few observations on the principle itself. No point in the law of nations is more firmly established than that the succession to real estate is governed by the law of the country where the property is situated—it must descend to those who are heirs by the law of that country. It can be taken from them only by a will with the formalities required by that law; but with respect to personalty the maxim of *mobilia sequunter personans* must prevail. The cause of this distinction has been so satisfactorily explained with so much clearness and good sense by Mr. Justice Story that he would venture to trouble their Lordships with a short extract from his most valuable work on the conflict of laws. He says—

> The probability is that this doctrine had not its origin in any factitious annexation of personal property to the person of the owner, or their incapacity to have a fixed *situs*, but in an enlarged policy, growing out of their transitory nature and the general convenance of nations. If the *lex loci rei site* were generally to prevail in regard to moveables it would be utterly impossible for the owner in many cases to know in what manner to dispose of them during his life, or to distribute them at his death, not only from the uncertainty of their situations in their transit to and from different places, but from the impracticability of knowing with minute accuracy the law as to transfers in the different countries in which they might happen to be. There would be serious evils pervading the whole community, and equally affecting the subjects and interests of all civilized nations. A sense of general utility, therefore, must have first suggested the doctrine, and as soon as it was promulgated it could not fail to recommend itself to all nations by its simplicity, its convenience, and its enlarged policy. But be the origin of its policy what it may it has so general a sanction amongst all civilized nations that it may now be treated as a part of the *jus gentum*."

It had accordingly been, as he believed, universally held among such nations that the succession to personalty is to be governed by the law of the domicile of the owner at the time of his death, and it seemed to follow inevitably as a corollary from that proposition, that if there is a will which alters the established rule of succession, that will must be executed with the formalities which the law of the domicile requires. This question was decided more than thirty years ago by the then Court of Delegates, in the case of "Stanley *v.* Bernes." His noble and learned Friend (Lord Kingsdown) had spoken slightingly of that Court, but he (Lord Wensleydale) knew that particular case was most fully and carefully considered by himself and his colleague, and not decided until after much deliberation; and he had the satisfaction to know it had been since approved of and been considered as firmly established, at least in Great Britain and America, and sanctioned by the great authority of Mr. Justice Story. Indeed it would not be doubted if the rule of international law is, as it unquestionably is, that the succession should be governed by the law of the domicile at the time of the death of the testator, to attempt to change this established law of nations by a statute of this country alone would be useless, and productive of inconvenience. It could only apply to personal property within the territories of this realm, not to that in any other country, at the time of the death of the owner. That country would recognize the law of nations only, and if the will of the owner was not in the form required by the law of the country of the domicile would not permit it to be taken by the legatee. Questions would arise as to property, ships for instance, in this country at the time of the testator's death, but afterwards removed into another, which would not recognize the English law. The proposed change, therefore, might be productive of great inconvenience, and was at the same time entirely unnecessary, as it was in the power of every one to make his will in a form which would be perfectly secure whatever his domicile might be by making the instrument conformable to the laws of both domiciles, if there happened to be a question whether his domicile is in one or the other. For instance, in the case of a doubt by the testator whether he was domiciled in England or France it would be perfectly easy to make an holograph will, which is good without witnesses in the latter country, and execute it in the presence of two witnesses, who should subscribe it in the presence of the testator, which would make it valid by the law of the former. It would not be necessary to make duplicate wills. Why make an useless, perhaps inconvenient attempt to alter the law of nations—which would be without effect, unless all civilized nations concurred in it—when the remedy is so easy without any change whatever? There are some consequences arising from a change of domicile, which no enactment as to the form and ceremonies of a will could not cure. For example, the law of some civilized countries prevent a man from bequeathing the whole of his property, as for instance, that of France prohibits a man from taking a certain share of his estate from his children; that of Geneva obliges him to leave some part to his heirs, when he has no children. These consequences no enactment as to form of a will can prevent. He perfectly agreed that nice questions would often arise as to domicile, and it was impossible to avoid them. It was difficult to make a scientific definition of that term complete in all its parts, but a practical one was easy; and, as of late times, it had been always held that the domicile of origin continues until it has been abandoned "*animo et facto,*" and a new *sole* domicile acquired, much fewer questions of nicety and difficulty will occur. The noble Lord then remarked on the case of Bremer *v.* Freeman; commented upon by the noble Lord opposite. He said it had been most carefully considered in conjunction with one of the highest authorities in this country on international law, his friend, Doctor Lushington, and with Sir John Patteson, and the late Sir William Maule, eminent lawyers. The law of France was decided upon the evidence as a matter of fact, and on that evidence he believed the decision was perfectly correct, and could not be questioned. Whether the evidence was all that might have been given was quite another question. It was conflicting, and probably much more might have been made. He certainly was impressed with the notion that the able French lawyers who gave their written testimony had notions very different from ours as to the authority of the deliberate judgment of Courts, which they seemed to consider of no value except to those who had the good fortune to obtain them. They treated them as almost worthless compared with the opinions of practising lawyers; and they did not appear to have made the law of nations as generally understood as their peculiar study so much as many other foreign jurists. He thought the proposed Bill was quite unnecessary, and that it might be productive of much inconvenience.

Amendment *moved,* to leave out "now" and insert "this Day Six Months."

THE LORD CHANCELLOR said, that the subject was by no means free from difficulty; but guarding himself from being in any way pledged to support the Bill, he must deprecate opposition to it in that stage as discourteous to his noble and learned Friend, who had brought forward the measure with a very able and elaborate speech, and the House should reflect that no one was more competent to deal with the subject than his noble and learned Friend, to whom the country was already greatly indebted for the attention he had devoted to that and kindred subjects. Great evils had been shown to arise from the present system, and the remedy which his noble and learned Friend recommended, was certainly worthy of their Lordships' careful consideration. He would be delighted to see a rule laid down by which the vexed question of Lord Campbell's domicile could be settled. When Lord Chief Justice, he was held to have a domicile in England, on account of the duties he had to perform in virtue of that office; but when he became Lord Chancellor no one could tell whether his domicile lay north or south of the Tweed. When he retired from his official labours he hoped he might be able to establish his domicile without dispute, so as to leave no doubt as to the law by which his will should be decided. He felt bound to say that he was not sanguine as to the result of the measure now submitted to their Lordships.

LORD ST. LEONARDS said, that though he could not approve of the measure, he entirely agreed that it would not be well to refuse it a second reading. It could not be disguised that the great object to be accomplished by the measure was to allow gentlemen to pass their lives and spend their money on the Continent, and still to have all the benefit of the English law without being subject to its authority. An Englishman domiciled in France could not dispose of his property as he thought proper, as he could by the English law, because the French law had undertook the disposition of one-half for him; but if a man chose to abandon his native domicile and assume a French domicile, he must abide by it with all its disadvantages. He did not see why an Englishman who chose to go and reside at Paris should be released from the obligation of making his will in conformity with the Wills Act. His hon. and learned Friend Sir FitzRoy Kelly introduced a Bill on this subject in the other House in 1858; it passed that House and came up to their Lordships, but, though that Bill did not go one-half so far as this, their Lordships refused to assent to it. He did not see why a man should be able to evade the English law by going over to France; and he thought that the utmost extent to which they ought to go was to allow a man the power to dispose of his property by a will made abroad attended by the same formalities as if the will had been made in England. The Bill affected to decide the question of domicile generally, but English legislation could only decide it municipally. If all countries agreed to an international assimilation of the law of domicile, it would be most desirable, but we could not legislate generally. The object of the law of 1846 was not only to produce uniformity with regard to all testamentary dispositions of property, but, likewise, to guard against an incautious disposal of personal property by throwing round all property that kind of solemnity which had hitherto been applied to real property only. In conclusion the noble Lord said he approved of the object of the Bill, and if the noble Lord who had charge of it would consent to refer it to a Select Committee, he would be happy to render him all the assistance in his power in improving it as far as possible.

Lord CRANWORTH said, that the subject abounded in difficulties. The principle of the law was, that a man who took up his domicile in a country was to be supposed to have adopted the laws and regulations of that country in which he was domiciled; and, whatever the Legislature might enact, the principle of law which he had just cited must obtain if a man died intestate. He doubted whether they would not find infinite difficulty in legislating that the property of a British subject was to pass, not by a will framed by the law of the country in which he was domiciled, but according to the law of this country. He feared lest in stopping one hole they might make several others. There was, however, a practical evil to be remedied, and their Lordships must do the best he could to correct it. He should offer no opposition to the second reading.

Lord KINGSDOWN said, the object of the Bill was to remove defects in our legal system, and he did not think that inability to accomplish all was a reason for not attempting to accomplish any.

Amendment (by leave of the House) *withdrawn.*

Original Motion *agreed to;* and Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Tuesday*, the 30th *instant.*

POST-OFFICE SAVINGS-BANKS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Lord STANLEY of ALDERLEY, in moving the second reading of the Bill, said that its object was to give greater facilities for the investment of the savings of the industrious classes, and to give to savings banks depositors a Government guarantee through the medium of the Post Office. The existing savings banks were found to be insufficient in number, inadequate in the accommodation they afforded, and insecure as to the repayment of the deposits until the money had passed into the hands of the Commissioners for the Reduction of the National Debt. The numbers of the savings banks had undoubtedly increased, but not in proportion to the increase of the money circulating among the working classes. There were, for instance, fifteen counties in which no savings banks existed at all; there were probably 100 towns with populations varying from 10,000 to 30,000; he held in his hands a list of upwards of twenty populous towns containing more than 10,000 persons where no savings banks existed; and of the 624 savings banks that did exist, only twenty were open daily, while the majority were available for the receipt of deposits only once or twice a week. This of course often neutralized the saving disposition of the working-man; for it was obvious that when a working man formed a good intention to invest his small savings there was a danger lest he should spend his money if there were no savings bank in his neighbourhood, or if some few days must elapse before he could invest it. Great losses had occurred to the depositors in savings banks from the want of security. During the period since savings banks had been established these losses amounted to not less than £229,000. In many cases the loss had fallen on the depositors, while in others it had been made good by the trustees. The manner in which it was proposed to remedy these inconveniences was by the adaptation of the money-order offices in connection with the post offices throughout the kingdom. The effect of the measure would be to give Government security for the money invested, which the Government would be enabled to give, because the measure would be administered by officers of their own, as it would be carried into effect by the machinery of the Post Office, every postmaster at present gave security, and additional security would be required, if necessary. Their Lordships would, perhaps, be surprised to learn that a similar plan had been prodosed in 1807 by Mr. Whitbread, before savings banks were established. Mr. Whitbread brought in a Bill in which he proposed to make use of the machinery of the Post Office as savings banks. The Bill passed a second reading, but it was then dropped. The plan had been since revived, and had been lately advocated in some admirable letters by Mr. Sykes, and the Government with the assistance of two able gentlemen in the Post Office Department had matured the present plan. The depositor would go to a money-order office, would receive a book from the postmaster, in which his name and the amount of his deposit would be inscribed, and this book would be conclusive evidence against the Government. It would be the business of the postmaster to transmit the name and address of each depositor, with the sum invested, to the Postmaster General, and the depositor would then receive a letter from the Postmaster General informing him that such an amount had been placed to his name and credit. If such a letter were not received within ten days, the depositor would be requested, by instructions printed in every book, to write to the Postmaster General, and until an answer was received from the Postmaster General his name in the book would be a sufficient security. Ten days' notice must be given when money was to be withdrawn. It would then be paid to the depositor without charge or deduction. The depositor would also have this advantage—that, if he deposited the money in one part of the country, he could have it repaid at any other part. Thus, a man who deposited money at Bristol could receive it at York, Belfast, Aberdeen, or wherever he might happen to be. It was somewhat remarkable that nine-tenths of the depositors were domestic servants, clerks, &c., and that only one-tenth belonged to what was usually meant by the term the working classes; yet large numbers of these latter were in the receipt of wages far exceeding the incomes of many that possessed savings banks accounts. He hoped that working men, when they received their wages, would be induced, before going home, to invest a portion of them at these receiving houses, and if so, the results could not but be highly beneficial as inducing the spread of thrifty habits among the working population. The interest to be given 2½ per cent was not such as would put this scheme in unfair competition with existing savings banks, and their Lordships would understand that in the meantime it was to be put in operation only as an experiment. If it should prove that the extension of the system was demanded by the public it could only be by reason of the greater security and the greater facilities the new institutions would offer.

Moved, That the Bill be now read 2ª.

Lord COLCHESTER admitted the great facilities which this system would hold out to the deposit of small sums on the part of the working classes; but when the noble Lord said that the Post Office had officials in every town who could be entrusted with the management of these banks he thought the statement was hardly correct; for while there were 2.500 money offices in the kingdom there were only 800 head offices; the rest were what were called sub-offices, managed by small tradesmen found on the spot, and who were, therefore, as a rule, unfitted for this particular work. The Bill did not state whether its operation was to be confined merely to towns in which there were money-order offices corresponding with the head Money Order Office in London, which formed an entirely distinct department of the Post Office. The noble Lord went on to describe the way in which the money would be sent up from the local post-office to the Postmaster General, and would be transferred by him to the Commissioners for the reduction of the National Debt. But the question was how the local postmasters were to be remunerated, and from what fund it would be paid. That it would not be a small financial operation was pretty clear. From a Return made in 1859 it appeared that the number of deposits made in that year was £1,500,000, and that the sums deposited amounted to nearly £2,000,000. Allowing that each depositor paid in or withdrew money only once a month there would be no fewer than 18,000,000 transactions to be accounted for yearly. Their Lordships would thus see the enormous amount of business which even the present savings banks had to transact, and might thence be able to judge of the extent of labour which would fall upon the local post-offices and the central office in the event of the scheme proving as popular as was anticipated by its projectors. It was said that there was a want of security in the existing banks, but he saw from a Return that there was security given by the officers of the present savings banks to the extent of considerably more than £600,000. He regretted to say that no plan of the scheme had been laid before them, and no estimate of the expense. The noble Lord said, indeed, that a Report had been drawn up in the Post Office on those subjects; and perhaps, before going into Committee on this Bill the noble Lord would be good enough to lay that Report before the House.

LORD MONTEAGLE said, that his noble Friend's Bill seemed to rest upon the supposition that the progress of the existing savings banks had not been satisfactory, and that it was, therefore, necessary, instead of remedying defects in the existing system, to destroy it entirely and to substitute for it a system totally different, which it was thought would more adequately carry out the object for which savings banks were instituted. But he (Lord Monteagle) denied that the progress of the existing savings banks was unsatisfactory. The very contrary is the truth. He was old enough to remember the introduction of the present savings banks. They were begun in 1817, exclusively as a benefit to the poorer classes, and with a view to promote their moral and social welfare; but since then new and very different elements had been introduced into this question, and great interests of a political and financial kind had become involved in the working of the system. At the present moment the amount deposited in the savings banks was no less than £40,000,000 sterling. This showed the immense importance of these institutions, and spoke loudly as to their success. Yet the Government proposed to interfere with their very existence; and this, as his noble Friend (Lord Colchester) had said without any estimate of the expense at which the new system was to be worked, or, even shadowing forth any plan by which it was to operate. If their Lordships thought that the deputy-postmasters throughout the country were all competent to undertake the new and varied duties of the savings banks he could assure them they were entirely mistaken. Many of their Lordships were connected with savings banks, and took an interest in their proceedings, and they knew that the duties of the actuaries, clerks, and other officers consisted, not only in giving receipts, but in making calculations of interest to be added or deducted from the deposit accounts with other calculations which the postmasters, in the majority of districts, were hardly unequal to; in fact many of these parties deputed the duties of the post-office to their wives or sons and daughters. But there were already 1,800 officers in the savings banks engaged in performing those functions; in fact, in a large portion of those banks there were experienced actuaries employed who were paid highly, and who performed duties of which the postmasters as a class would be incapable as they were of working a biquadratic equation. If proper officers were to be employed their salaries would require a new Post Office Estimate. He had heard a noble Lord say that the Estimates as they stood made his hair stand on end; and were they now deliberately to augment those Estimates still further by being compelled to engage officers who would be competent to deal with forty millions of money? He had often had occasion to admire the pluck and courage of the noble Lord (Lord Stanley of Alderley) who was at the head of the Post Office; but those qualities were never shown in a stronger light than when he undertook the oversight and superintendence of the millions of money that would pass through his department in connection with the savings banks. But he objected on higher grounds to the Government proposal for undertaking the management of forty millions of the capital of the country. He objected to the centralization which would be the effect of this measure. The principle of non-interference with the local management of our local and charitable institutions was one which was justly appreciated in this country; and if there was one thing more than another on which it behoved the Government to interfere cautiously it was with the capital of the working classes.

There had been times in the history of this country when the connection of the Government with the savings banks would have been anything but a safeguard and protection to those institutions; on the other hand, there was nothing in which the connection between the upper, the middle, and the lower classes was more valuable than in their administration of the savings banks. His noble Friend spoke of the great losses that had been incurred under the present system. But had there been no loss sustained in the Government establishment of the Post Office and in other revenue departments? In point of fact the savings banks losses were less than one-half the amount stated by his noble Friend, for while he stated the amount of money that at different times was placed occasionally in jeopardy he made no mention of the money that had been paid in to avert the danger and make good losses, nor of the amount received from defaulters and their sureties. It might be said, indeed, that such compensation was only paid through the generosity of men acting as trustees. But it must be remembered that originally the trustees of the savings banks were personally responsible for the whole amount deposited, and it was only when the deposits became so enormous that the trustees became uneasy, and induced Parliament to relieve them of that responsibility. But, in additon to that voluntary responsibility there was security to the amount of £700,000 actually lodged by the 1,800 persons officially connected with the management of the savings banks; and he believed that was a larger amount of security against abuse than his noble Friend held from all the persons now employed in the Post Office. He must remind their Lordships that our system of savings banks was no new subject. A few years ago it was referred to a Committee of the House of Commons presided over by a Gentleman whose name was esteemed wherever probity and intelligence, and a deep interest in the welfare of the working classes were held in honour —he meant Mr. Sotheron-Estcourt. That Committee in its Report recommended much larger changes in the system, changes, too, of a very different description from any to which his noble Friend invited their attention. Their Report called attention to the mode in which the savings bank deposits were now administered. They were nominally entrusted to the Commissioners for the Reduction of the National Debt, but of this board, the real and sole acting functionary was the Chancellor of the Exchequer. By his command over the sales and investments of these funds the Chancellor of the Exchequer acquired a power to which, as at present administered, he (Lord Monteagle) had very strong objections. He did not speak of any particular Chancellor, for his objection to the principle applied to himself when he had the honour to be Chancellor, as well as to the right hon. Gentleman who now held that office, though he had not used this authority in the same manner or to the same extent as it had been applied in later times. When the Chancellor of the Exchequer found that any particular stock or fund—Exchequer bills, for example—did not appear to have a favourable aspect in the market, he was empowered to apply the funds of the savings banks in making large purchases of that stock; and was thus enabled to give to that stock a fictitious value. In the same way that purchases were at one time effected, at another sales were made, and the market was thus unduly influenced at the pleasure of the Chancellor of the Exchequer, who thus might be turned into the largest stock-jobber in England; or, at least, the Chancellor of the Exchequer was the largest dealer in public stock of any man in England, and exercised a command over the largest amount of capital. That was not right. It should be remembered that when the Chancellor of the Exchequer went into the market to buy or to sell, he went with a capital of forty millions at his back, and knowing what he intended to do in his financial operations; while the persons with whom he dealt had no such knowledge; so that he had an advantage over others which was only to be paralleled by the case of a person who went to the gambling table with loaded dice. This was even avowed and justified. When the subject was mentioned in the House of Commons, the late Mr. Wilson said it was quite true that at a time when Exchequer bills were inconveniently low the Government were enabled to raise their market value by the employment of the savings bank money and purchasing bills in the way which he had just described to their Lordships; and Mr. Wilson defended the practice by saying that it was very beneficial that the Chancellor of the Exchequer should have the power of purchasing Exchequer bills when the price fell so low as to endanger their being returned on his hands for money, as he thereby raised their value and prevented the necessity of raising the interest. But that system of dealing with the public securities was not, he (Lord Monteagle) considered to be tolerated. He did not wish to take away from the Chancellor of the Exchequer any legitimate power which he ought to possess, but he desired that he should in such cases apply to Parliament and obtain his authority from them. As the law stood at present these financial operations were conducted in secresy—a practice wholly indefensible. Precedents were not wanting for proceedings such as he alluded to, but not to the same extent. He (Lord Monteagle) when in office had funded Exchequer bills bought with savings banks money—but not with money produced by sale of stock. He believed the Chancellor who had employed those funds most usefully and most justifiably was his late esteemed Friend Lord Althorp, one of the most constitutional as well as the most conscientious of men. But his noble Friend had acted with the knowledge and the approval of Parliament. In later times the practice had been greatly, and, as he considered, dangerously extended. In one case a transaction to the extent of £7,000,000 took place, although at the time it wanted but three days to the assembling of Parliament when, consequently, Parliamentary authority might have been sought for. Exchequer bonds had also, within a few years, been issued, and payment fixed for certain periods, but, though these securities had arrived at maturity, it was not convenient that they should be paid; and securities which the stock market rejected were only kept afloat by applying the money of savings banks, in order to repair a financial error, and influencing the price artificially. Such a course — in time of war especially — was also said to be convenient and necessary, as borrowing to pay off the bills returned for money, and borrowed at a higher interest, was thus averted. But neither Mr. Pitt, in the midst of all difficulties and foreign subsidies, and loans, nor anybody else ever dreamt till the year 1828 of making the public credit depend on savings banks, and not on the securities of the State and the revenue raised from taxation. But there were other constitutional objections which deserved notice. No principle was better established than that any person lending money to the Treasury or to the Crown without Parliamentary sanction committed a misdemeanour against the State. In the charter of the Bank of England a clause was introduced forbidding money dealings between the Bank and the Treasury except sanctioned by the Crown with Parliamentary authority. Yet in the present case, and under the Bill before the House, forty millions sterling were left to be dealt with at the mere verbal fiat of the Chancellor of the Exchequer according to his view of the exigencies of the moment. He, therefore, objected to the unauthorized interference of the Chancellor of the Exchequer with the funds of the savings banks on any pretence whatever. Under the present system the savings banks were managed by the country gentlemen of England, by the clergy of all persuasions, and by the respectable middle classes, who give up their time willingly for the benefit of their humbler neighbours, and from whom, without any fault that could be proved, these useful duties were now to be withdrawn and transferred to the hands of the servants of Government. What would happen in case difficulties were again to occur, such as those cases in which good and generous men had put their hands deep into their own pockets in order that the depositors might not suffer? In one at Hertford, where a deficiency amounting to £10,000 was discovered, Lord Salisbury, the late Lord Cowper, Lord Melbourne, and their fellow-managers agreed to subscribe £1,000 each for the purpose of making good the amount of deficiency; but, reflecting that one of their number was a clergyman, not in affluent circumstances, in addition to their individual contributions, one tenth each, they divided the odd thousand pounds among them, and subscribed the clergyman's share in addition to their own contributions. Such was the spirit which the Bill now proposed as about to crush. He, therefore, denied the expediency of change, on the ground that it would affect the welfare of the savings banks, and that it was an attempt to effect without necessity a great Government centralization. He objected also on constitutional principles, as tending to free the financial Minister from his just dependence on Parliament, and placing large sums of charity funds at his disposal. The only comfort which he had derived from the speech of the noble Lord who moved the second reading was his assurance that the measure was to be of an experimental character. He should not trouble their Lordships to go to a division; but, awaiting the result of that experiment, next year he should take the liberty of moving for a Committee of inquiry into the whole subject, to compare the working of the new system with that which for nearly a half century had been the glory of England and had served as a model to the whole of Europe.

Lord REDESDALE did not rise to oppose the second reading of the Bill; but he wished to point out that under the system which it proposed to establish there would be no opportunity of comparing the depositors' books and the ledgers, according to the practice in existing savings banks; and he feared that owing to this and other difficulties the accounts would soon get into a state of confusion, extrication from which would be almost impossible. He also called attention to the 10th Clause, authorizing the transfer of deposits from existing banks to post-office banks, or *vice versâ*, but requiring the signature of two trustees to each transaction. This clause would entail so much trouble upon trustees of savings banks as to render persons unwilling to accept that office; and as it was entirely unnecessary—because its object could be effected by the depositor drawing his money out of one bank and paying it into the other—he recommended that it should be omitted from the Bill. This scheme was said to be an experiment, and in his opinion it was one which had better be tried for two or three years in certain localities only, before it was extended to the whole kingdom; otherwise, he was afraid that it would produce much disappointment to the public, and a great loss to the nation.

The Marquess of CLANRICARDE, from his own experience as to the Money-Order Offices, when filling the office of Postmaster General, was of opinion that the new system would cause inconvenience, and would very materially interfere with the Post Office in the performance of its proper functions. In regard to money-orders, that was not a purpose for which the department was properly intended, and the performance of which had only been undertaken under great pressure. He did not believe that as yet any correct estimate had been made as to the probable results of the measure. He did not think this could be looked upon as a mere experiment, because he did not see the possibility of the Government stopping short, unless the system should prove at once to be a complete failure, which he did not apprehend. It might be quite right that the Government should provide the labouring classes the opportunity of investing their money; but it ought to have been stated exactly what was proposed to be done to effect this, and how the money deposited was to be invested. He trusted that before the Bill passed the information which had been asked for would be given to their Lordships.

Lord STANLEY of ALDERLEY said, as to the danger of allowing the Chancellor of the Exchequer to use the savings banks' money in the way he thought most advantageous to the public interest, it was an objection against the present state of things, and did not, therefore, constitute a special objection against the new system. It was a power which had been used, he believed, very much for the public good by the noble Lord (Lord Monteagle), when he occupied the office of Chancellor of the Exchequer; and when the expediency of entrusting such a power to Ministers was at that time challenged, the noble Lord defended it with his usual ability, and urged that it was a power that should be given, and, indeed, could not be entrusted to any other person than the Chancellor of the Exchequer. Now, however, the noble Lord gave the same principle his strongest condemnation. As to the objection against removing the management of the depositors' money from the trustees of the savings banks, he willingly admitted that in some instances trustees had generously made up deficiencies out of their own pockets; but he thought that depositors ought not to be left to the accidental generosity of any one; and one object of the Bill was to provide them with legal security for their money. In answer to the objection on the subject of expense, it was confidently hoped that the Post Office Savings Banks would not lead to any charge upon the Revenue. It was contemplated by the Government in introducing this Bill that, looking to the low rate of interest they gave—namely, £2 10*s.* per cent, and comparing it with the market rate, there would be left ample means of defraying all the expenses of this establishment, inasmuch as the existing savings banks, which gave a much larger rate of interest, contrived to defray all their expenses. The experience they had had in respect of the money-orders issued by the Post Office afforded them an opportunity of judging how far its machinery was suitable for the new purposes to which it was now proposed to apply it. The money-order branch of the Post Office was, in fact, a bank of transmission, and the savings bank would simply be a bank of transmission and detention—there would be only one additional duty imposed upon it. It had been said that the Post Office could not undertake the duties of a savings bank, as the transactions would be so numerous as to overwhelm any public department. Now, the amount of deposits in the savings banks in 1851 was £16,250,000, but in the money-order office in the same year the transactions amounted to £26,506,000. Then as to the comparative security, the loss in respect of post-office orders had, out of transactions amounting to £350,000,000, only been £5,696, and of that sum £5,000 was prior to 1851, and mainly in respect of two branches, namely, Jersey and Barnet; and during the last ten years the loss had only been about £900. The loss at Jersey arose from the money being transmitted in mercantile bills, a practice since prohibited. They had reason to believe the proposed savings bank business would be carried on with equal security to the public, facility to the depositors, and without imposing any expenses on the State, inasmuch, as from the transactions connected with the money orders they had derived a profit, and the public had not paid sixpence towards the maintenance of that branch of the Post Office. His noble Friend opposite (Lord Colchester) had said something as to the remuneration to be given to the officials, and expressed a doubt whether it would be good enough to secure persons of a sufficiently high character and ability to fit them to conduct the necessary operations; all he could say was, that if the present officials were competent to conduct the money-order business, which they had done with great ability and fidelity, he saw no reason why they should not perform the duties in connection with these proposed savings banks. All the business of keeping the accounts was to be done at the central office in London, and the duties imposed on the postmasters was simply that of receiving and transmitting the money, for which service he thought the remuneration proposed to be given was quite sufficient.

After a few words from Lord Colchester and Lord Monteagle in explanation

On Question *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned at a quarter before Nine o'clock, till To-morrow, half-past Ten o'clock.

Lord Stanley of Alderley

HOUSE OF COMMONS,

Monday, April 22, 1861.

Minutes.]—New Writ Issued.—For Banffshire, *v.* Major Lachlan Duff Gordon Duff, Chiltern Hundreds.

Public Bills.—1° Dwelling for Working Classes; Combination of Parishes Dissolution (Scotland.)

MARRIAGE LAW AMENDMENT BILL.

QUESTION.

Mr. MONCKTON MILNES said, he believed that an erroneous impression prevailed in some quarters that the Marriage Law Amendment Bill, of which he moved the second reading on Wednesday last, was lost in consequence of the adoption of the Amendment proposed by the hon. Member for Northamptonshire, North (Mr. Hunt), he would, therefore, beg to ask Mr. Speaker, in what way he could proceed with that measure so as to act with the greatest respect to the decision at which the House had arrived, and without availing himself of any technical advantage which the forms of the House might be thought to give him?

Mr. SPEAKER: On the order for the second reading of the Marriage Law Amendment Bill the House declined to read the Bill a second time, and passed a Resolution to the effect that any measure having for its object the placing of the Law of Marriage, in regard to the prohibited degrees, on a different footing in different parts of the United Kingdom would be highly inconvenient. That Resolution does not dispose of the Marriage Law Amendment Bill, and it is competent to the hon. Gentleman to ask the House to name another day for the second reading of the Bill. I am not quite sure whether the hon. Member's question did not go further, and whether he did not ask me what course he could pursue, observing due respect for the decision of the House. If that question was addressed to me, I should say that the most direct way of making his Bill conformable to the opinion of the House as expressed in the Resolution of Wednesday, would be to withdraw the Bill and to re-introduce it in such an amended shape as might make it in harmony with that expressed opinion.

AMALGAMATION OF THE ARMY IN INDIA.—QUESTION.

Mr. BENTINCK said, he rose to ask

the Secretary of State for India, Whether he has any objection to lay before the House Copies of the Orders or Communications sent or made by him to the Governor General for carrying out the amalgamation of the Royal and Local Armies, and for giving effect to Her Majesty's Warrant for the formation of a Staff Corps for India, dated January 16, 1861, together with Copies of all Dissents and opinions recorded on that measure by Members of the Council of India in January, 1861?

Sir CHARLES WOOD said, it would not be expedient at present to produce the communications he had made to the Governor General with respect to carrying out the amalgamation of the Royal and Local Armies. The Governor General had power, in concert with the Commander-in-Chief, to modify the details of the measures contained in the communications from England, and it was desirable that those measures should not be announced until they had assumed that authentic shape in which they would stand after receiving the corrections which the Governor General was empowered to make. He should then, however, have no objection to produce all the papers on the subject.

Sir MINTO FARQUHAR said, he wished to know what was the object of the Committee now sitting in Calcutta on the amalgamation scheme—whether it was for settling the details or for the purpose of introducing modifications. If the latter, would the modifications be sent home for the approbation of the Government before being adopted in India?

Sir CHARLES WOOD said, he did not quite understand the necessity for the appointment of a Committee at all, but the Governor General had appointed a number of officers for the purpose of looking into the details of the scheme, and ascertaining the wishes of their brother officers upon certain points. He hoped this inquiry would not lead to any great delay. The Governor General had power to modify the scheme, and to carry it into effect without waiting for the approbation of the Government in England.

Captain JERVIS said, he wished to inquire when the Calcutta Committee were likely to make their Report, and whether their Report, when made, would be published?

Sir CHARLES WOOD said, he had no information upon these points. He only knew that a Committee had been appointed, and that they had already made one Report.

THE SLAVE TRADE.—QUESTION.

Mr. W. E. FORSTER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the Conference of the Ambassadors and Ministers of the Courts of France, the United States, Spain, Portugal, and Brazil, which in his Circular Despatch to Her Majesty's Ministers at these Courts, dated 11th February, 1860, he proposed should be held in London in the months of May or June of that year, to consider what measures can be taken to check the increase of the Slave Trade and finally provide for its total abolition, was held, and if not held in consequence of the refusal to attend such Conference by any of the above-mentioned Powers, whether he has any objection to state which Powers so refused, and on what reasons they based their refusal?

Lord JOHN RUSSELL was understood to state, in reply, that the Power which refused to attend the proposed Conference was the United States, and that in consequence of that refusal it was not thought expedient to proceed further in the matter. The Papers would be laid on the Table in a few days, and the House would then see the reasons upon which the Government of the United States based their refusal, as well as the precise answer which was given to them.

SUBMARINE TELEGRAPH CABLES.

QUESTION.

Mr. GORE LANGTON said, he wished to ask the President of the Board of Trade, Whether he can explain the cause of the delay in the publication of the Report of the Commission on Submarine Telegraph Cables, which he stated, in answer to a question on the same subject on the 25th of February, would be ready for issue in a short time?

Mr. MILNER GIBSON stated, that the Report of the Commission on Submarine Telegraph Cables was delayed for the revision of the Appendix, which contained some papers by the scientific members of the Commission.

RIVER GAMBIA.—QUESTION.

Mr. BUXTON said, he would beg to ask the Secretary of State for Foreign

Affairs, What the object was of the recent expedition from Gambia against a neighbouring Chief; whether the expedition was authorized by Her Majesty's Government; and, if not, whether it has their approval?

Mr. CHICHESTER FORTESCUE said, the Chief referred to by the hon. Gentleman was the head of the most powerful Mahommedan tribe on the Gambia, and during the last two years had given great cause of complaint, having been in the habit of plundering both natives and Europeans very much at his pleasure. Six months ago an officer was sent by the Government of Gambia to the Court of this Chief for the purpose of obtaining redress for the sufferers. That gentleman was dismissed with marks of personal disrespect Thereupon the Governor proceeded, with the approbation of the Home Government, to blockade the port belonging to the Chief with the view of bringing him to terms; but that blockade, though persisted in for some months, did not produce the slightest effect. At last, in January, the force at Gambia was increased by the presence of a man-of-war, and by the arrival of West India reliefs, and advantage was taken of that circumstance to organize an expedition against the offending Chief. That expedition invaded his territory; it was conducted with great gallantry and success against an obstinate resistance; and, after a few day's warfare, it ended in bringing the Chief to terms and inducing him to sign a Treaty with the Government at Gambia, making some reparation for the robberies he had committed, and binding himself to keep the peace for the future. The instructions given to the Governors on African stations were, that they should not engage in any considerable expedition without the consent of the Home Government; but in the present case it appeared to the Government that the object in view was a proper one, that the expedition had been admirably carried out, that the circumstances which enabled the Governor to organize it might not have occurred again, and that all his proceedings in the matter were deserving of approbation.

THE LACE MANUFACTURE.

QUESTION.

Lord HENRY LENNOX said, he wished to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce during the present Session any measure to carry out the Recommendations of Mr. Tremenheere, contained in his Report on "The expediency of subjecting the Lace Manufacture to the regulations of the Factory Acts?"

Sir GEORGE LEWIS: Sir, the Report to which the noble Lord has referred has been for some time on the Table, and I was in hopes that before the Government was asked whether it was their intention to legislate on the subject, there might have been some expression of opinion in this House, or that I should have received some communication from the trade and others interested in the question with regard to the recommendations of Mr. Tremenheere. However, that has not been the case. As far as I am able to form a judgment on a rather technical question, I am favourable to the recommendations in the Report of Mr. Tremenheere; and I shall be prepared to introduce a Bill during the present Session founded on them. I will lay the measure on the Table, and will then see how far it meets the views of the House.

EMPLOYMENT OF WOMEN.—QUESTION.

Viscount RAYNHAM said, he wished to ask Mr. Chancellor of the Exchequer, Whether, in order to extend the useful employment of Women, it would, in his opinion, be advisable to levy a Tax upon all Men employed in Linendrapers' and other shops of that description?

The CHANCELLOR of the EXCHEQUER: Sir, I do not at all keep out of sight the fact that the distribution of employment between men and women is one of the most important of all social questions, especially as measures have been taken—unfortunately, as I think—by some portions of the operative classes to keep women out of their fair share of employment. But, although I hold that opinion very strongly, and think the matter to which my noble Friend refers a very important one, I do not think his proposal to use taxation as an instrument to determine the question should be adopted.

CASE OF HENRY DENHAM.

QUESTION.

Viscount RAYNHAM said, he would now beg to ask the Secretary of State for the Home Department, If Henry Denham, who was convicted at the Central Criminal Court in 1850 of a garotte robbery, and sentenced to twenty years' transportation, is the man who, under the name of Charles Turner, *alias* Henry Miller, *alias* Henry Denham, was convicted at the Lambeth Police Court on the 4th inst. of being found lurking about with intent to commit a burglary and of violently assaulting a police-constable, and was sentenced to imprisonment for four months; and, if so, under what circumstances the said Henry Denham was at that time at liberty; and, if under a letter of license, whether it is the intention of the Secretary of State to withdraw such letter?

SIR GEORGE LEWIS: Sir, in answer to the question of the noble Lord I have to state that the license given to the convict has been revoked.

PAUPER CHILDREN.—QUESTION.

VISCOUNT RAYNHAM said, he would also beg to ask the President of the Poor Law Board, What steps he proposes to take with reference to the condition of Pauper Children in Workhouses, as stated in the Report of the Commissioners on Education?

MR. C. P. VILLIERS was understood to say that the Report had only just been distributed to the Board over which he presided. The subject to which it referred was under the consideration of the department, and probably would be inquired into by the Select Committee now sitting on the Poor Law.

DRAWBACK ON PAPER.

QUESTION.

SIR MORTON PETO said, he wished to ask Mr. Chancellor of the Exchequer, If it is contemplated to allow the Drawback of Duty on Paper, as proposed last Session?

THE CHANCELLOR OF THE EXCHEQUER said, it was the intention of the Government to adopt as nearly as might be the same regulations with respect to the drawback of duty on paper as those contained in the Bill of last Session—that was to say, that there was to be a partial drawback at the rate of a penny a pound, upon all paper in stock up to a certain day, and that the whole of the drawback was to be allowed on paper made subsequently to that day. He would very shortly be able to state what that day was to be; but the principal and the general substance of the arrangement would be as nearly as possible the same as those that were embodied in the Bill of last Session.

SUGAR AND HOPS.—QUESTION.

MR. DODSON said, he would beg to ask Mr. Chancellor of the Exchequer, What loss he estimates would ensue to the Revenue of the financial year 1861-2 if the Duties on Sugar were renewed, from the 1st of July next, at the rates at which they stood in September, 1854, under the Act of the 17 & 18 *Vict.* c. 29, instead of at the rates at which they now stand; and whether he will state at what amount he estimates the Revenue to be derived from the Excise Duty on the growing crop of Hops and from the Customs' Duty upon Hops in the current financial year?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I hope my hon. Friend will not think it any want of courtesy on my part if I state, in answering questions of so unusual a description, that it is not the ordinary practice, unless in the case of articles of a very peculiar nature, for the House to desire to be informed of the estimated amount of revenue that each taxable article will yield during the year, and a good deal of inconvenience would result from any change of practice in that respect. I will only say that the estimate for hops is taken, as in Customs and Excise generally, upon the supposition of a moderate crop, not on the supposition of a total failure like last year. With respect to the loss that would ensue from a reduction of the duty on sugar from the 1st of July next, I do not like to give an estimate for that, because it would imply that the Government had proposed such a measure. But, most certainly, if they had proposed any measure relating to the duties on sugar, it would not have been a reduction of duty to take effect on the 1st of July. Generally speaking, without pretending to give any minute calculations, I may state that the loss would be from £1,000,000 to £1,250,000 for the first financial year in which the reduction might take place.

AGRICULTURAL STATISTICS.

QUESTION.

MR. CAIRD said, he wished to ask the Secretary of State for the Home Department, Whether, considering the deficiency of the last Harvest, and the importance of definite information on the home supply of corn, Her Majesty's Government will endeavour to ascertain, with as much accuracy as possible, the acreage under the various agricultural crops in Great Britain for the present year?

SIR GEORGE LEWIS said, that the question of agricultural statistics must be regarded, to a great extent, as a question of expense, and the course he would be prepared to pursue upon that subject would depend very much upon the machinery which was to be employed for collecting those statistics. His hon. Friend had privately informed him that the machinery he wished to make use of was the County Police in England, just as the constabulary were employed for a similar purpose in Ireland. But there was this difference between these two forces, that the latter body were paid entirely out of the Consolidated Fund, and were under the control of the Government, while the English County Police were entirely under the control of the County Justices. He confessed that it seemed to him there was a good deal of spare time at the disposal of the County Police, which might, if the Magistrates at the different Quarter Sessions were so minded, be employed in collecting information of that description; and the course, therefore, which he was ready to take was to address a letter to the magistrates at the different Quarter Sessions asking them whether in their opinion it would be desirable that the County Police should be made use of for that purpose. The statistics he proposed to collect would not extend to stock or to the amount of the different kinds of produce, and would be confined to the acreage under the different species of crops.

MR. CAIRD said, that in consequence of the reply of the right hon. Gentleman he would withdraw the notice which stood in his name for Friday next.

BUSINESS OF THE HOUSE.

QUESTION.

In answer to Colonel FRENCH,

SIR JAMES GRAHAM stated that the Report of the Select Committee on the Business of the House had been laid on the Table on Friday last. It was now in the hands of the printer, and he hoped and believed that on Wednesday morning the Report and Proceedings of the Committee, with the evidence, would be in the hands of the Members.

MARRIAGE WITH A DECEASED WIFE'S SISTER.—QUESTION.

MR. MONCKTON MILNES said, he wished to ask the hon. Gentleman the Under Secretary for the Colonies, Whether any correspondence has passed between the Government of South Australia and the Colonial Office upon the subject of marriage with a deceased wife's sister, and if so, whether he is prepared to lay it on the Table of the House?

MR. CHICHESTER FORTESCUE said, that a Bill for legalizing marriage with a deceased wife's sister, or rather two Bills in succession, had been sent from South Australia to the Colonial Office in order that it might receive the Royal Assent. It had remained there two or three years waiting for the decision of the House of Lords in the case of "Brook *v.* Brook." If the result of that decision had been to make a South Australian marriage legal in England he had no doubt that the Royal Assent would have been given to that measure. But as the result of that decision had been of a contrary kind his noble Friend at the head of the Colonial Office had thought it right to advise the Crown not to sanction the Bill passed by the South Australian Legislature. He had only to add that there would be no objection to lay before the House any correspondence that had passed upon the subject.

WAYS AND MEANS.—COMMITTEE.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER moved the Order of the Day for going into Committee of Ways and Means.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. T. BARING: Sir, it is generally understood that the night a Budget is produced is not the best time for discussing its merits or defects. Of course, the Committee must be taken in a great measure by surprise. Much of the information so given could be previously known only to the Chancellor of the Exchequer. The facts must be assumed, many calculations require to be examined, and it is not, therefore, surprising that a week ago the discussion which took place in this House was confined to substitutes for the remissions proposed by the right hon. Gentleman. But when the character of the scheme is considered it must be seen that there is some necessity for discussing its general nature and principles. I wish to explain why I now venture to address the House instead of waiting till we get into

Committee. In Committee it is usual to confine our observations to the particular Resolution before us, but, as the right hon. Gentleman says it is his intention to comprise all his financial proposals in one sole and entire measure, he seems to invite, if not to require, us to deal with them as a whole. I must apologize to the House for venturing to occupy its time, but there is such general interest felt in the state of our financial concerns that, humble as I am, I may be permitted to express opinions which may be quite erroneous, but which I sincerely entertain. I am happy also that we live at a time when experience has shown that a Budget may be modified or rejected without any change in the position of the Ministry. I am glad that we have seen Budgets withdrawn and fresh ones introduced. We have seen taxes remitted, or taxes the remission of which, when proposed, has been refused, without having any effect upon the Cabinet. In fact, a change of the Budget does not involve a change of Ministry, and I rejoice that it is so, because I think it would be most unpardonable obstinacy on the part of public men to adhere to the terms of a Budget which was opposed to the wishes and feelings of Parliament. It would be unfortunate for the free exercise of the judgment of this House if the rejection of any portion of a Budget were to be construed into a vote of want of confidence. For myself, I beg sincerely to disclaim any intention to convey such a censure in the course I am now taking. It is desirable that the House and the country should perfectly understand not only our present financial position, but our financial prospects; and although I am aware that I am not competent to throw light on this important subject, yet I think the discussion which I have ventured to initiate may enable us to ascertain not only what are the views of the Government, but what are the views of hon. Gentlemen on both sides.

I assure the House I have not the presumption to attempt to follow the right hon. Gentleman through all the statements and illustrations contained in his most able speech. I am not about to weary the House with a reference to many of the topics on which he touched, even although I may not agree with them. Neither is it my wish to revert to past legislation. My real object is to state my opinion as to our present position and the wisdom of the right hon. Gentleman's intended policy. I need not, therefore, advert to the Commercial Treaty with France—that is an accomplished fact, and I heartily join, as I think we must all do, with the right hon. Gentleman in trusting that it may be successful in promoting the mutual interests of the two countries, and in removing any feelings of jealousy or animosity which may at present exist between them. But when the right hon. Gentleman himself said the treaty was a one-sided instrument he really acknowledged the objection which was entertained to it on this side of the House, in addition to the objection founded on the loss of revenue it would entail. Nor is it necessary for me to enter into any minute calculation as to the injury sustained by the Exchequer last year, as compared with the year preceding, on account of the one being leap-year and the other having two Sundays instead of one. In the first place, we all know that, as regards one great source of revenue—the income tax —an ordinary year yields as much income as a leap-year; and, again, it must not be thought that the consumption of articles contributing to our Customs or Excise lies dormant during the Sundays. If it were otherwise, what a godsend the abolition of Sundays would be to the Exchequer. The right hon. Gentleman says every day brings £100,000 to the revenue; so that, if there were no Sundays, according to this calculation, you would gain a total sum of £5,200,000 per annum. But you can hardly rely on that reason as an explanation of the deficiency. The right hon. Gentleman ascribed the increased importation of butter, cheese, and similar commodities to the removal of duties; but I think it was due to a much sadder cause —namely, the failure in the production of the articles of food required by the people of this country. I will not enter into the question whether great importations are always a test of national prosperity; nor, although, no doubt, when we import gold, that gold must be paid for in our exports, whether the exportation of our home treasure to meet a sudden demand, and the monetary difficulty consequent upon it, is not in reality a national calamity. I only wish to state, with every deference to those from whom I differ, my conviction that the provision which the right hon. Gentleman, the Chancellor of the Exchequer, proposes to make for the future is neither safe, wise, nor politic. I ask what was our position at the termination of the last financial year? The right hon. Gentleman stated the deficiency at £2,271,000, part of which he said belonged to a previous year, although it had all still to be paid for; and he told us that it was very gratifying the result was such as it was. No doubt the case might have been worse; but I confess that, although authorized by Parliament, the mode in which the deficiency was met is not satisfactory to my mind. It was met by the absorption to a great extent of our available means for future purposes, and by an increase of the National Debt, besides the continuance of the floating debt consequent upon the renewal of exchequer bonds which had been promised to be paid off. All this was done by the sanction of Parliament, and I do not censure the right hon. Gentleman in any way for the course he pursued; but I wish to explain that, if adopted as a permanent measure for meeting our permanent wants, it is neither satisfactory nor safe. The question is whether with that absorption and that addition to the National Debt, is it wise to have recourse to a remission of taxation of a character that cannot restore and recuperate itself, and which cannot be reimposed in case of need by any future Ministry? I say, then, that the Government ought to have been warned that the right course for them to follow was to retain taxation to such an extent as would secure us against every exigency, and to reduce or remove only that portion of our taxation which by increased consumption and the augmented resources of the country might be restored to the amount required by the public service. If there ever was a moment when prudence would dictate a cautious policy to Parliament, looking to our foreign relations, looking to our home concerns, to the state of our trade, and the uncertainty of the future, I may be bold enough to say that now is the time when over caution would be a virtue and rashness a grievous vice. But, assuming that we have perfect peace both at home and abroad, and a good harvest next autumn, let us consider what are the wants of the country, and what the means by which it is proposed to meet them.

Our whole expenditure, we are told, is estimated at £69,900,000 for the year. Now, that, I have no doubt, has been fixed as the *maximum* point it can reach, because the Budget shows that we ought to be insured against any fresh demand of money. I do not believe the Chancellor of the Exchequer would propose to remit the duties which he proposes to take off if he did not feel confident that under no circumstances whatever could he have to call upon this House for further grants of money. So I take that for granted. There are two items which strike me as a little doubtful. I speak with diffidence upon such a point, but, if I am not mistaken, our naval affairs are in a state of transition. There are changes being adopted in the form of construction and arming of ships which must be very costly in their nature. I will not say much about the money for fortifications, but the right hon. Gentleman must recollect, although he did not mention it in his speech, that the interest upon the annuities granted for that purpose, in proportion as the money is expended, must increase the charges upon the country. Those are two items which are not, perhaps, of exceeding importance, but still they are matters which suggest doubts as to the future expenditure of the country. The total revenue is put at £71,823,000, giving an apparent surplus of £1,900,000. Supposing that all is prosperity and sunshine in this country during the next year, I do not believe—although I speak without authority upon that point—I do not believe that the estimates of the right hon. Gentleman as to the produce of the Customs and Excise are at all exaggerated. But will he tell us that there may not be such circumstances in this country, such as a failure in the coming crops, such a cessation of demand, such a stagnation of trade in the manufacturing districts, and loss in the agricultural districts, as may materially diminish the revenue of this country? I do not make any charge against the right hon. Gentleman, but he is aware how £600,000 disappeared last year from a failure in the crop of hops and of malt. One may be permitted to say that nothing can be more dangerous than to reckon upon everything being in a state of perfect prosperity when we know how much a partial adversity will cost us. There is another item which appears to me of a doubtful character—the £750,000 which the right hon. Gentleman expects to receive from China. There is the credit of £800,000 of last year, which is, I suppose, to be provided out of balances in the Exchequer or by Exchequer Bonds. Then on the other side we have this £750,000. I cannot help thinking it would be rather the wiser course to await the certainty of such a payment before we proceeded to dispose of it. The right hon. Gentleman calculates upon a surplus of £400,000, but if this £750,000 is not paid that surplus will be turned into a deficiency of more than £300,000. Once it is in our Exchequer, we can do what we like with it; but, looking at the uncertainty of events in China, unless I had been assured by the right hon. Gentleman that the whole cost of the China war will be met by the sums already voted, I should have said, "Let us wait awhile. The balance is not yet struck, and we may be called upon to pay a good deal more than we at present expect." We are told we are to have the £750,000 clear, but I do not clearly understand that point. The noble Lord opposite told us that the amount which had already been received from the Chinese Government was £250,000. We must remember that of the 8,000,000 taels which the Chinese Government has engaged to pay, about £650,000 is applicable in the first instance to the payment of claims of British merchants. If only £250,000 has been received, there is still £400,000 to pay before the British Exchequer can get a single penny. Now is China such a speedy paymaster; can she pay so rapidly? I doubt it. In the Earl of Elgin's despatch of October 25th he says that to obtain a large indemnity is simply impossible, and then he goes on to say that it will be necessary to take 40 per cent of the gross Customs' revenue of China for about four years in order to provide payment of the indemnities already claimed by Baron Gros and himself. We may therefore calculate upon considerable uncertainty in the transmission of money from China to the British Exchequer. Upon those considerations I, for one, would rather say, "Let us pause in our remission of taxation, or at least let us pause before we remit any duty which is not of a character to be revived if once remitted." I believe that after all it is for the interests of the country and the promotion of real economy that the Government should not be a needy Government, and should not be compelled to borrow, nor to have recourse to any shifts upon the occurrence of exigencies. The right hon. Gentleman has estimated that he has £1,900,000 to dispose of, and he does so by taking off 1*d.* from the income tax for three-quarters of the year, and remitting the paper duties from October the 1st, or half a year's loss to revenue. But for next year he gives up in reality the whole of these duties; he gives up £1,100,000 of income tax and £1,300,000 of paper duties, making together £2,400,000. Upon the 1st of May 1862, there will be another £1,000,000 of Exchequer Bonds falling due, which ought to be paid, and which a promise had been given should be paid. Thus there will be next year a deficiency of £3,400,000 to be made good, and, unless it can be shown to the House that there will be a great reduction in our expenditure, I say it would be unwise to assent to such a sweeping reduction of our income. Now upon what grounds can we expect a large reduction of expenditure? I should be very happy to support any prudent measures of economy, but when it comes to a question of economising in what is necessary for the safety of the country, or for the maintenance of our good faith, I doubt whether this House or the country would assent to any reduction. We all hope there may be no wars in Europe; but can we be sure of it? We all trust that if war does break out, we may be exempted from it; but are there not in such cases measures of precaution, measures which good faith and honour require us to take, which may entail large expenditure? And how could we meet that expenditure with our present financial prospects? We are about to take off duties which produce £1,300,000 a year, and which, when once remitted, can never be renewed. If the same wants which occurred last year should arise in the next year, we shall not only have to restore the penny of the income tax we are now about to remit, but we must add another penny to replace the void caused by the remission of the paper duties. We must again have recourse to an increase of direct taxation, and whatever may be the comparative merits of direct and indirect taxation, it must be borne in mind that direct taxation might be pushed to such an extent as to become not only unpopular but impossible. The right hon. Gentleman said that the difference between 1853, also a year of bad harvest, and 1860 was of a very striking character. I do not profess to be able to explain that difference, but I cannot help recollecting that in 1853 the income tax was 7*d.* in the pound, and in 1860 it was 10*d.*, with a forced collection of an extra payment in that year. There is no doubt that direct taxation carried beyond its ordinary limits presses on the power of consumption. And there is another case in point. The House will recollect that the income tax during the war was 16*d.*; and by a Vote of this House it was in April, 1857, reduced to 9*d.* The year 1857 was a most calamitous year for all the interests of the country. Money was at one time at 10 per cent, and yet I believe the revenue from all other sources was wonderfully increased. So when you remove duties on consumption you may, in replacing it by direct taxation, defeat your own intention. We do not take into account the probabilities of war; we do not want to go to war with any country, and I hope no country wishes to go to war with us. But it behoves us to consider that if we stand badly for a time of peace, what would be our condition in a time of war. The operation of a bad harvest has already diminished the revenue. Trade has been greatly affected by the recent events in India, which have diminished the means of consuming our manufactures in that empire. The Levant trade, from similar causes, is also much circumscribed. Our trade with the United States has been disorganized, and, to a great extent, stopped by what has occurred in America. Only look at the returns of the two last months, and see to what an extent our manufacturing interests have been affected by these events. If the disorganization continues you cannot expect to see prosperity and employment revive in the manufacturing districts, additions made to the annual savings and wealth of the people, or a great increase of revenue. There were difficulties with regard to Turkey as well as the United States, and no one can say there was a present prospect of their being overcome. If they are not, what will be the prospects of next years' trade no one can tell; what are the prospects of the next harvest no one knows. But with such prospects before us no wise man would adopt measures which might lead him to a deficient revenue. I should for myself be glad to see a portion of the income tax taken off, and the paper duties left as they are. Without touching on the constitutional question I think the decision in "another place" last year was a godsend to the Exchequer. Had the paper duty been given up, your difficulties, which are great enough now, would have been increased by the loss of a million. But what do you say now? You say you are quite safe; that you have a large surplus, and that you may give up the paper duty. But if you do give it up, recollect that you cannot put it on again. And why do you give it up? Is it that the duty is oppressive? I admit that there are inconveniences in every Excise tax that is an interference with manufacture. But what are the tests of a duty that is oppressive? Either that the revenue derived from it is diminishing or that it does not keep pace with an increase in other branches. But I have here a Return of the amount derived from the paper duty, which was made in "another place." It is for the three years 1858-59-60, and it shows that in 1858 the amount was £1,200,000; in 1859 it was £1,258,000; and in 1860 £1,331,000. No one can say that an increasing tax is a tax that is pressing on the resources of the country. But it is said the House of Commons has declared this tax to be inexpedient, and has promised to take it off; and that nothing releases us from the obligation to remove it when we think we can remove it fairly. But let me ask the House have there been no other pledges given? Has this House made no other promises? I believe that on financial measures this House has given pledge after pledge, and made promise after promise; and that not by Resolutions only, but by formal Acts of Parliament. An Act was passed for the gradual reduction and removal of the income tax; where is the tax now? An Act was passed for the reduction of the war duty on tea and sugar; where is it now? An Act was passed creating a Sinking Fund for the reduction of the Debt; where is the Sinking Fund? An Act was passed for the payment of the Exchequer Bonds, but where is the money to do so? There have been no end of promises. Do I blame Ministers and Governments for not adhering to these Resolutions? No; because my conviction is that the great pledge, resolution, and promise this House has made is to keep faith with the public creditor, and provide the means of carrying on the public service with the least pressure on the resources, means, and comforts of the people. That promise we must keep, and as long as we adhere to this we may dispense with Resolutions for the removal of a particular tax. This House is not bound to repeal a tax if it sees it is not wise to dispense with it; or if there is a surplus it should apply it to the reduction of a tax that would re-produce itself by an increase of consumption. But we shall, perhaps, be told we are not in the position of a Chancellor of the Exchequer, and have not his knowledge of our resources. He tells us we have a surplus, and that we can dispense with a duty amounting to nearly £2,000,000. If so, I say, apply it where you may by a remission, best promote the enjoyment of the people, and yet retain a power of raising a future taxation, if necessary. With regard to the income tax I believe we underrate its pressure upon consumers. When I think it is to be made our only source, or our only great source, for patching up our wants in time of peace, I confess I do not see how it is to be applied in time of war. If I were asked how a portion of the surplus would be best used I should reply by a reduction of the import duty on tea. I may be told that the consumer would not obtain the full benefit of the remission, but he would obtain a large advantage, and besides the temporary loss of revenue might be turned into an increase.

But there is another feature of this change which I wish the House to consider. I have said that our trade to other parts of the world is not in a prosperous condition. We have, however, now a new source of trade open to us, having, by arms, forced an entrance into China. We have gained the opening of various ports in China, and increased facilities of access there. Well, then, what will you do for China? You expect to extend your trade with her. How will you enable her to pay for the manufactures which you hope she will take from us? The natural answer is—by taking more of her tea; and remember that in so doing you not only increase your commerce with China, but your manufacturers at home, who thus find a greater demand for their products, will be able to employ more labour. By reducing the tea duty I believe we shall benefit, to a far greater extent than by the remission of the paper duty, those whose welfare I am sure all here are anxious to promote, although some may arrogate to themselves the peculiar merit of considering it—I mean the welfare of the poorer classes of this country. There is no doubt that our consumption of tea might be greatly increased. It has generally increased since the duties were lowered, except during the last year, by about 5,000,000lb. annually, and with a reduction of duty our consumption might be still further extended. There is now brought within our reach another country with which we have recently commenced a trade, and which produces tea to a great extent—I mean Japan. Well, if we really have this surplus, and if it be not a deceptive surplus, let us apply it in such a way as will stimulate trade with these countries, benefit our manufactures, and improve the social condition of the people. I confess, Sir, I have a strong opinion that the course proposed by Her Majesty's Government for the abolition of the paper duties is neither wise nor safe, and I beg the Ministry to reconsider the matter; I beg them to ascertain whether their future position is so secure that they can afford to wipe off at once and completely this source of revenue. I say this from no wish to disturb their position on that bench, for there is no calamity which at present I should more deeply deplore than a succession of weak Governments. I desire a strong Government; but I am convinced that neither this present Ministry—strong as they may be in talent and in the majority at their command in this House—nor any other can be strong unless they possess a strong financial position. I am convinced that, unless you give evidence to the world as well as to this country that your finances cannot be embarrassed, you cannot exercise that influence and that power which it is desirable you should possess abroad, nor can you with safety carry on the government at home. While the country is in a state of comparative prosperity, direct taxation may be assented to; but in a moment of reverse and of trial public opinion may pronounce against the income tax. We have heard from the right hon. Gentleman the Chancellor of the Exchequer that the only mode of removing or of reducing the income tax is by effecting a reduction of the expenditure. That is an admission that there are no other taxes to which we can resort. Now, reduction of expenditure, as I said before, is not only desirable, but it is the duty of this House, when it can, to enforce it. Let the strictest economy prevail, but do not let us, under the plea of economy or reduction of expenditure, move a stone in the fabric of the Government or jeopardize the safety of our trade. If the apprehensions which I have expressed, and sincerely expressed, may be thought to possess any weight, I beg they may be considered by the House and by the Government. Let me ask the Government to remember that whatever may be the feeling of the country, whatever the pressure brought to bear upon them for the removal of a tax, it is their duty to weigh the consequences of such a remission, and upon their shoulders rests the responsibility of jeopardizing the national interests and the national finance. I beg pardon of the House for having troubled them so long, but I am bound to say that if the question be put to me whether the present financial measures are safe, wise, and politic, or even (I may say so without offence) honest to the country, I cannot, if I am to decide aye or no, answer this question otherwise than in the negative. I trust, however, that both the Government and this House have still time for reflection, and I trust that upon this matter they will come to such a decision as will show that they are determined to act more wisely and to consult more surely the safety of the national finances than by carrying out any temporary engagements into which they may have entered. I trust that they will feel the responsibility which rests upon them of providing against every danger, instead of acting from jealousy of any supposed interference with their privileges. Such a feeling ought not to influence the House of Commons, and I hope will not influence them, when they have to decide on measures which involve the credit of the nation and the interests of the people.

Mr. WHITE said, he had understood the hon. Member for Huntingdon to propose that, instead of the proposed remission of the paper duty and the reduction of the income tax, the duty on tea should be reduced from 1*s.* 5*d.* to 1*s.* per lb., but he (Mr. White) thought it was a wiser policy of the Chancellor of the Exchequer in effecting any remissions to make such proposals that the whole amount remitted would go into the pockets of the people, and while he hoped the time might shortly come when the right hon. Gentleman would be able to reduce the duty on tea, he did not think a case was made out for such reduction at the present time. On that point he would remind the House that the duty on tea was 2*s.* 2¼*d.* in 1849, 1850, 1851, and 1852, the average price to the consumer of common congou, which he took as an index of value—it being the article of staple consumption—was 9¾*d.* per lb. in bond. The average price of common congou during the years 1857, 1858, 1859, and 1860, with a duty of 1*s.* 5*d.* was 1*s.* 3¾*d.* per lb. Hence they had a remission of duty to the extent of 35 per cent, while the diminished cost to the consumer was only 17 per cent. It might be said that that was owing to the disturbed state of affairs, and to diminished imports, but such was not the case. From 1849 to 1852, the average import of tea into the United Kingdom amounted to 59,225,000lbs., while from 1857 to 1860 the average imports amounted to 75,822,000lbs. His experience of China warranted him in saying that that country, being the sole source of supply for the article, excepting the small quantity obtained from Assam and now from Japan, every diminution of duty had caused an increased demand and an augmentation of cost. And until the mighty advantages which people supposed would result from the Treaty of Tien-tsin were realised, it was hopeless to expect that any reduction of the tea duty would lead to such a diminution in the sale price as could afford satisfaction to a Chancellor of the Exchequer for having made such a sacrifice. With respect to the paper duties he should now say nothing, nor would he have ventured then to address the House, except upon a subject to which he had given much attention.

Lord ROBERT MONTAGU said, this House has not forgotten, Sir, how much we, last year, were charmed and beguiled by the eloquence of the Chancellor of the Exchequer. But when we had had a month of calm and sober reflection, we began to suspect that the advantages which he had promised us were more specious than real; and that the arguments which he brought forward had fallacies concealed in their folds. He showed us an Exchequer, full, at least, of words and long-sounding periods. Of course he (Lord Robert Montagu) did not for a moment suppose that he could have intended to mislead the House: all he meant was that he himself was carried away by the specious appearance which his scheme presented. An eloquent man always begins by persuading himself before he can persuade others; he must be carried away himself before others would follow. For eloquence (to borrow the expression of an eminent writer of the present day) is nothing but "the art of putting things." Your own feelings will depend on the way in which you put a thing before your own mind. You may put it before yourself in a bright and attractive manner; or else you may discard all poetry and fancy and regard the same thing in a matter-of-fact way. The one way of putting a thing may be as correct as the other; but your own feelings and those of others depend entirely on the way in which you yourself view a circumstance, and the manner in which you put it to others. The right hon. Gentleman, being a sanguine man, talked last year of £1,850,000 surplus; while a more matter-of-fact man, looking at the probabilities of the case, would have said that, instead of there being a surplus, there would most likely be a deficiency. Again, the Chancellor of the Exchequer on Monday spoke of a deficit in last year's accounts of only £855,000. This was the sanguine way of putting it. But if he had put it in a matter-of-fact way, he would have said that the expense was vastly larger than he had at first anticipated, but that the paper duty was thrust upon him, that he took £1,500,000 out of the balances of the Exchequer, that he received another £1,500,000 by renewing Exchequer-bonds, that he retained £800,000 out of the China Vote, and that even then there remained a deficit of £855,000. So, again, he held out hopes of a surplus next year. This was an attractive way of putting it. But as the whole income tax had already expired, and as the war duties on tea and sugar expire on the 30th of June, and as the £750,000 from China, which he counted upon, was very hypothetical, and as there was a further drop in the Customs revenue (under the French Treaty) of £700,000, which the right hon. Gentleman had not allowed for, it would be quite as correct (only more matter-of-fact) to speak of a deficit of £13,000,000. Similarly it was pleasanter to talk, as he did, of remitting 1*d.* of income tax. But as there was no such thing as an income tax now, the matter-of-fact way of putting the thing would have been to talk of imposing an income tax of 9*d.* So, again, a matter-of-fact man might not think of repealing taxes until he had a surplus in hand. But a man of a more sanguine and poetic turn would repeal when he saw a visionary surplus—a fair prospect of a surplus, perhaps, but yet a fair and delusive prospect like that of a mirage in the desert. The right hon. Gentleman was like the sanguine Mr. Micawber in Dickens's tale, who was always in difficulties and always waiting for something to turn up to relieve him. He had misled the House last year, not intentionally, but because he himself had first been carried away by the specious appearance of his own Budget. His speech last year was like a magnificent explosion which was pleasing to the eye, but when the smoke cleared away and we came to walk over the ground we found the destruction and ruin he had caused. His anticipations and hopes of last year were entirely exploded and dashed to the ground. First, with regard to the "Penny taxes:" the right hon. Gentleman had introduced them with a great *eclât*, as if he were inaugurating a new era of taxation; they came before us with a prestige, as if the right hon. Gentleman had with infinite labour given birth to a new system of finance. But how had his scheme turned out? His penny duties "had produced nothing but trouble, obstruction, and delay," to use the words of the memorial presented by the commercial community. His calculations as to the saving in the expense of collecting the revenue were mistaken, and he had to come to Parliament late in the year to ask for a Vote of £232,000 to cover his miscalculation. The Customs had produced £135,000 less than anticipated, although, according to his own confession, about half-a-million had come into the Customs department which did not belong to it—it had come "unlawfully" (to use his own expression) or abnormally to the Customs. He said, moreover, most truly "wine, and wine alone, has done all and more than I expected." And in the case of the Excise his calculation had been equally over sanguine, for there was a deficit of £1,196,000 below his Estimate. Besides, he had to contract a new debt to pay off the old; he renewed £1,000,000 of Exchequer bonds; in March last he borrowed £594,000 in Exchequer bonds; and he raised £680,000 to meet the exigencies of the bad harvest. All this justified our statement last year that his Budget did not make sufficient provision for the expenses of the year. So also in this year's Budget, the right hon. Gentleman—while he displayed a great intellectual agility in vaulting among figures and details in a perplexing manner—reckoned on the Chinese indemnity, which might never come to hand; there was a further drop in the Customs under the French Treaty, to the extent of £700,000, which he had omitted from his calculations; and by the remission of the paper duties and the 1*d.* income tax he compromised the revenue of next year to the amount of £2,500,000, notwithstanding that there was £1,000,000 of Exchequer bills falling due that year and £1,000,000 in each of the two years following. The best judgment on this proceeding was pronounced in the words used by the right hon. Gentleman himself in 1857. He then said :—

> "Is it not your duty to show us that the Chancellor of the Exchequer next year will be able to pay his way? [This was said in 1857, and he is speaking of the falling in of taxes in the year 1858-9.] Is it to be supposed for a moment that we are this year to curry favour with the country by voting away the money of 1858-9, in order that the Chancellor of the Exchequer in 1858-9 may be obliged to come down to the House in time of peace and reimpose the income tax?" [3 *Hansard*, cxliv. 1000.]

And he continued—

> "For one, I will not be responsible for creating that deficiency. It fills me with astonishment that Her Majesty's Ministers . . . show so much indifference to what I, for one, must venture to call the very first principles of duty in regard to the finances of the country." [3 *Hansard*, cxliv. 1006.]

Putting 1861 for 1858, and 1860 for 1857, exactly the same language might be applied to Her Majesty's Ministers now. It must also be remembered that the 9*d.* income tax is imposed for one year only; next year there will be a deficit of £10,000,000 more in consequence of this falling in. Now, the right hon. Gentleman had also in 1857 expressed himself as follows:—

> "I protest . . . . on behalf of what I regard as sound, straightforward, and, if I may venture the expression without offence, honest modes of dealing with taxation and expenditure. The hon. and learned Member for Newcastle (Mr. Headlam) says that the only way to keep the income tax under our control is to vote it from year to year. Now, I beg leave to differ in opinion altogether . . . because the annual voting of the income tax tends to take away the solidity and stability of our finance." [3 *Hansard*, cxliv. 2067–8.]

Such was the language used by the right hon. Gentleman in 1857, and yet he now proposes, regardless of the opinions which he then enunciated, to impose the income tax from year to year. He appealed the other night to what he had accomplished in 1853. His principles then were good, his system then was sound, but what was it? To let the revenue depend on indirect taxation, and to "call out the giant to aid us in time of war." And on *ap.* 18, 1853, in speaking of the income tax he complains of—

> "The tendency to immorality, which is, I fear, essentially inherent in the nature of the operation." [3 *Hansard*, cxxv. 1364.]

Lord Robert Montagu

To borrow the simile to which the right hon. Gentleman himself on Monday last had recourse, he in 1853 paid his addresses to a sister of retiring disposition and modest mien; in this year 1861 he kept company with the sister of bold and forward manner and demoralizing tendencies; and next year he may have to sing the wrath of Achilles, and the woes of Helen, which sprang from her commerce with Paris. The paper duty which he asked Parliament to repeal was commonly spoken of by Members sitting on the Ministerial side of the House as a tax upon knowledge, but it was no such thing; this is merely a term invented to prejudice the judgment; it simply begs the question. The issue before the House is whether it is wise to impose an income tax of 9*d.* and war duties on tea and sugar in order to repeal the duty on paper; or whether we should retain the paper duty, a tax collected without difficulty, not felt to be a burden, and which in no way hampers trade, but is a source of national power. This was proved by a return furnished to Lord Monteagle in 1860, in which it was stated—

> "There is no article subject to Excise survey in which the increase in the quantity charged has been so constant and so great in each successive year."

And in a Return moved for by Lord Camperdown, it is stated that—

> "The net produce of the duty was £1,103,754, in 1858; £1,321,105, in 1860. The net produce of the Customs duty on paper imported into this country was £9,886 in 1858; and £27,236 in 1860."

Lord Monteagle's Return says also—

> "There is scarcely any duty in the collection of which our interference is so little felt."

And after speaking of the magnitude of our trade in paper—

> "We are entitled to regard this as some evidence that our fiscal regulations do not press unduly upon the manufacture of paper."

Now, he need scarcely remind the House that the revenue on tea, sugar, and tobacco had fallen off to the extent of £52,000, so that it was evident the taxes on those articles pressed heavily on the production. But it was contended that the duty on paper ought to be repealed in preference to those on tea and sugar, upon the ground that by taking that course collision with the House of Lords would be avoided. In his opinion, however, no course better calculated to renew that collision could be pursued. The action of the Government in repealing the duty looked, indeed, somewhat in the light of bravado, they "dared" the Lords to resist; while, if we leave matters alone, there can be no collision. It must also be taken into consideration that, in order to effect their object, they asked the House to sacrifice that which was the source of employment to 50,000 workmen, and which produced a large amount of revenue, all for the purpose, as it would seem, of conferring a boon on the penny newspapers, which misinform, misguide and mislead the million. In making these observations he must not be supposed to be the advocate of keeping up the paper duty in the face of an overflowing Exchequer; that for which he contended was that if there were certainly a sum at the disposal of the Chancellor of the Exchequer the tax upon paper was not the first to the remission of which it ought to be applied. The war duties upon tea and sugar called, in his opinion, more cogently for repeal. Upon that point he might quote the right hon. Gentleman the Chancellor of the Exchequer himself. In 1857 he said—

> "When war taxes are granted they are invariably granted by the Parliament for the purposes of war in time of war."—[3 *Hansard*, cxliv, 989.]

Again—

> "Before the Speaker leaves the chair, if health and strength be spared me, I shall invite the House to declare that, whatever taxes we remove, we will not impose more duties upon the tea and sugar of the working man."—[3 *Hansard*, cxliv, 1016.]

Upon the same point the noble Lord the Member for the City of London had also committed himself, when, on the occasion of the debate with respect to the paper duty in 1858, he said—

> "It was, therefore, almost a matter of good faith, when next there was a reduction in taxation, that the duties on tea and sugar should be reduced, which were, in fact, war duties; and there could be no greater claim for reduction of taxation than in those articles of consumption which entered so largely into the comforts of the people. . . . He was sure that if there was a duty of 1*s*. on tea the increased consumption would soon bring up the revenue."—[3 *Hansard*, cli, 134.]

Such was the language used by the noble Lord; and there were, he thought, few hon. Gentlemen in that House who would seriously contend that the reduction of the war duties upon tea and sugar would not be more acceptable to the humbler classes than the remission of the duty on paper. Could anybody suppose that when the working man returned to his home weary after the toils of the day he would not prefer to a penny paper an exhilarating beverage? From the one he would derive refreshment and enjoyment; over the other he would in all probability doze. He might further observe that of all the sugar used in the country, 40 per cent, and of all the tea 45 per cent, was consumed by the poorer classes, who would in no way be benefited either by the repeal of the paper duty or the imposition of a reduced income tax. Independently of that fact, there would, if the war duties on tea and sugar were repealed, be an increased consumption of those articles; and as a consequence it would be found that the revenue would ultimately be in no material degree affected by their remission. But if those taxes were not remitted, it would still, he maintained, be sound policy in the event of a reduction of taxation being decided upon to deal with a duty which might be easily reimposed rather than with one to which it would be difficult, if not impossible, again to resort. A charge coming within the former category was the income tax, which the right hon. Gentleman might have taken advantage of his surplus to reduce by an additional penny in the pound, instead of taking the course which he had adopted. In speaking of that impost in 1857 the right hon. Gentleman said—

> "The income tax is an admirable instrument for national purposes upon a great and adequate emergency; but it is a dangerous instrument to retain in time of peace."—[3 *Hansard*, cxliv. 148.]

He then went on to say that he looked upon the arrangement of 1853 in the light of a compact, adding that it was the duty of the House to adhere to the pledges then given with respect to the extinction of the tax in 1860. And again he said—

> "How it is that hon. Gentlemen sitting on those (the Treasury Benches) find such facility for giving assent to contradictory propositions, it is not for me to say. But of this I feel convinced, that if I may assume to exist in this House of Commons the same feelings which existed four years ago, . . . the express pledges which were given to the country on the subject of the income tax will be rigorously maintained."—[3 *Hansard*, cxliv, 985.]

And he continues to assert that even—

> "The taxing and borrowing occasioned by the Russian war could not absolve them from the promises held out to the people of England in 1853."—[3 *Hansard*, cxliv, 995.]

That being the opinion which the right hon. Gentleman entertained on the subject of the income tax, he might be permitted to refer to another eminent authority, Mr. M'Culloch, who, after mentioning the paper duty, and saying that Excise taxes were by much the fairest, most equal, and least burdensome of all taxes, added—

> "To repeal a tax, especially if it press on an article in general demand, is always an acceptable measure, and is apt to be hastily agreed to by a weak or popularity-hunting Government."

Now, those words had been written some time ago, and could not, therefore, be construed as containing any personal allusion. But, setting aside all that could be said against the remission of the paper duty and in favour of a reduction of the income tax instead, was it, he would ask, certain that there would next year be a sufficient amount of money in the Exchequer to meet the expenses of the country? Will not new taxes be required again this year to meet the ordinary expenses of the year? Is it so certain that there will be no extraordinary expenses? In 1858, when the financial horizon was comparatively clear, the right hon. Member for Ashton had proposed to the House a merely theoretical condemnation of the duty on paper, and had not pressed for its immediate repeal. Were our financial prospects now so much better than then, that we could pursue with greater safety now a path which we had in 1858 declined to tread? Would the sacrifice be less dangerous now than it was then? Last year the Chancellor of the Exchequer had promised that the treaty with France should inaugurate a reign of peace and tranquillity. But war and expenditure were rising, like dark and threatening clouds, and obscured the horizon. France had lined the southern shores of the Lake of Geneva; she had seized positions in Syria and on the Red Sea; she sat on the seven hills of Rome, and held the destinies of Italy in her grasp, and at any moment she might with her iron hand crush those new-born liberties. She had sown animosity in Syria and Hungary, and had fomented discord in Poland and in Schleswig. That might lead her to make fresh annexations and new "revendications," as guarantees against the aggrandisement of other Powers. There was no commercial confidence in the Dis-United States of America, for there was impending

> "The intestine shock
> And furious close of civil butchery."

So that our trade with the North would be impaired and our imports from the South would be diminished. The tramp of "war's fiery-footed steeds" shook the earth, and the busy note of preparation was heard. Was this, then, the time to endanger the revenue because of some romantic visions of an over-sanguine Chancellor of the Exchequer? Last year the House was three times called upon to patch up an inadequate Budget. Let it now, profiting by experience, demand that every source of revenue should be nursed and fostered to bear the coming strain.

MR. BAXTER said, that he would not follow the noble Lord who had just sat down in his arguments in connection with our foreign policy and the present state of the Continent; but there were one or two remarks which fell from the hon. Gentleman opposite (Mr. Baring) which called for a reply. They must all feel that there was no man in that House more competent to give an opinion on a question of this nature, and they must likewise admit that there was no higher commercial authority. At the same time he (Mr. Baxter) could not forget that the hon. Gentleman was one of those representatives who resisted those great free trade measures which had saved the country from revolution, and the benefits of which even the most sanguine of their supporters never for a moment realised. He had listened with regret that night while the hon. Gentleman attacked the Budget, as he (Mr. Baxter) believed that the more it was examined the more it would be found to be based on the truest principles of financial legislation, and on sentiments the practical adoption of which by that House would add immensely to the comforts and contentment of the industrial classes. He had viewed with a good deal of curiosity and interest some of the statements that had been put forth from time to time with regard to the present financial condition of the country. They all knew that a great organ of public opinion had prophesied a deficit of something like £3,500,000, and the fact that the Vote for China last year of £3,800,000 was a special and extraordinary Vote, and would not, as a matter of course, be repeated in 1861-62, seemed to have been overlooked. He was quite sure that every hon. Gentleman who had all along been a warm admirer and advocate of the principles of free trade must have listened with mingled feelings of gratification and surprise to what he must characterize as the triumphant vindication of the financial policy of last year, which the Chancellor of the Exchequer addressed to the House a week ago—a vindication in which the doleful prophesies to which he had referred were scattered to the winds. Even the most ardent Freetrader must feel surprised at the wonderful results of that free trade policy which the hon. Member for Huntingdon (Mr. Baring) had steadily and continually opposed, but the extension of which the right hon. Gentleman below him (the Chancellor of the Exchequer) so manfully and nobly carried out, and for the inauguration of which they must not forget that the country was indebted to the political sagacity of Mr. Cobden, and the high-minded patriotism of Sir Robert Peel. The hon. Member for Huntingdon spoke as the representative of the gentlemen in the City who preferred a safe Chancellor of the Exchequer. What did they mean by a safe Chancellor of the Exchequer? It struck him that they really meant a thorough Tory Chancellor of the Exchequer, who would do nothing, but be quite contented with preserving and keeping their accounts; in fact, with acting as a kind of head bookkeeper to the State, without adapting, as the right hon. Gentleman had continually done, his financial arrangements to the progress made in the science of political economy, and to the ever-varying wants and circumstances of this great commercial nation. Two main objections had been taken out of doors to the Budget of the right hon. Gentleman. He understood the hon. Gentleman, the Member for Huntingdon, to admit the Estimates for the ensuing year were not founded upon an over-sanguine view of the resources of the country. But he went on to advert to the state of our trade with Turkey and the United States, in order to show why the revenue for the ensuing year would not be so large as was calculated by the right hon. Gentleman. The statements of the hon. Member on this point were somewhat contradictory. In looking into the figures it did not appear to him that the Budget was open to the criticism which had been passed upon it by the hon. Member for Huntingdon, that the Estimates of the Chancellor of the Exchequer for the ensuing year, though they might be correct enough in a time of ordinary prosperity, could not be depended upon in the actual state of political and commercial affairs throughout the world. That criticism, in the first place, was contrary to the opinion of the heads of departments, who seldom made errors in their calculations. But what were the figures themselves? The Customs produced last year £23,305,000, and all the Chancellor of the Exchequer calculated for in the ensuing year was £23,585,000, being an increase of only £280,000, which he thought was a very moderate amount of increase to expect, considering the bad harvest and other adverse circumstances of last year. In the Excise the Chancellor of the Exchequer looked for an increase of only £28,000, and in the Stamps an increase of £112,000. Taking those figures, and making allowances even for commercial disasters which might occur in the year, he did not think his right hon. Friend (the Chancellor of the Exchequer) could be fairly charged with an exaggerated estimate. He (Mr. Baxter), on the contrary, had heard gentlemen of great mercantile authority state that in their opinion the right hon. Gentleman had understated the amount of revenue likely to be yielded in 1861-62. But the hon. Member for Huntingdon had called upon the Chancellor of the Exchequer to guarantee a state of peace. Everybody knew that the right hon. Gentleman was a bold man; but Chancellors of the Exchequer, when preparing their financial statements, should not be required to take into account remote contingencies. We were subject to visitations of Providence, and, if we were to arrange our financial legislation upon the probability of a foreign war breaking out, it would be impossible for the Chancellor of the Exchequer to bring forward a Budget which could reasonably be discussed either in that House or out of doors. He might be allowed, in conclusion, to express his gratitude to the Chancellor of the Exchequer for his admirable remarks on the subject of our national expenditure—a subject which could not too frequently engage the attention of the House. There was a steady and growing conviction in the public mind that the expenditure ought to be considerably, though gradually, reduced. His fear was that if the present enormous expenditure were continued in a time of peace there would not only be very serious discontent among the taxpayers, but Parliament would be driven against its will to a more sweeping reduction than prudent men would approve. The whole expenditure of the United States was under £20,000,000 for a population of about 32,000,000, whereas our expenditure verged upon £70,000,000 for a population of 80,000,000. He admitted that the salaries and financial arrangements of the United States were low, and might with advantage to the country be increased; but at the same time there was a wide margin between £70,000,000 and £20,000,000, and he did hope that what had been so eloquently said by the Chancellor of the Exchequer would be borne in mind. To one other subject he would allude — namely, the Commercial Treaty with France. He was very glad to hear the statement of the right hon. Gentleman as to the eventual success of that treaty. Every one who had paid any attention to the negotiations which had been carried on with the French Government, after Parliament was prorogued last year, must cordially concur with the right hon. Gentleman in the eulogium he passed on the good faith, the liberality, and excellent feeling, which from the beginning to the end had characterized the Government of the Emperor. The merchants of this country were beginning to find out the advantages they would derive from the treaty. He met the other day a large manufacturer on his way home from Paris, where he had been establishing a house for the sale of his goods; and before a dozen years had passed over their heads they would look back with astonishment on the little commercial intercourse which had existed between the two countries before Mr. Cobden undertook his most beneficent, but at the same time very difficult and laborious task.

Mr. BANKS STANHOPE said, he could not help paying a passing tribute to the good sense, good feeling, and good taste which characterized the speech of his hon. Friend the Member for Huntingdon. While in his speech on the Budget, the Chancellor of the Exchequer had stated, in one manner, things which he (Mr. Stanhope) would have put very differently. He for one should oppose that part of the Budget which related to the remission of taxes, on the ground that he did not believe that the Chancellor of the Exchequer had any real surplus at all. The right hon. Gentleman alleged that he had a surplus of £1,930,000, out of which he proposed to give up £850,000 for the reduction of the income tax, and £650,000 for the reduction of the paper duties. If there were a real surplus, no doubt it might be divided in that way, though he should contend even then that it might be better applied. But before he could say that there was a real surplus, he must ask them to consider what a surplus was. He had always thought a surplus was the balance between the estimated expenditure and the amount to be derived from taxes already in existence, and voted by Parliament, and which, therefore, were under the control of the Chancellor of the Exchequer. What, without intending anything uncomplimentary to the Chancellor of the Exchequer, he should call a fictitious surplus, was a surplus on which the taxes already established by law did not enable him to count, and which was not therefore under his control. If he ventured to set up his opinion on this point against that expressed in the eloquent speech which the Chancellor of the Exchequer had delivered on Monday night he did so on authority which the right hon. Gentleman, least of all hon. Members in that House, could deny, namely, the authority of the right hon. Gentleman himself, and of his own speech in 1860. What was the way in which he (Mr. Gladstone) then treated the financial position of the year? He then said, and no one who had heard that speech could well forget it, "I must take those taxes to which I am by law entitled, and I find then that there is a deficiency of several millions." But the position was the same and the figures were the same to a certain degree. He, therefore, could not admit to even so talented an orator as the Chancellor of the Exchequer the right to take as existing those taxes which would expire if not reimposed, or give him the right to say—"I will take those taxes that you gave last year, and if you reimpose them they will give me a surplus." As far as he could see there would be, taking the taxes which were in existence, a deficiency of several millions. That could be made up by the renewal of an income tax of 8*d.* in the pound, which would leave a surplus of £200,000. It was not from any niggard feeling that he (Mr. Stanhope) objected to give the 9*d.*, but he must remember that the right hon. Gentleman claimed the merit before the country of giving a reduction of the income tax. Now, if he (Mr. Stanhope) was right in the statement, that at present the income tax did not exist, and that an 8*d.* income tax would be sufficient, then, there was not only no reduction, but the Chancellor of the Exchequer was adding an unnecessary 1*d.* to the income tax in 1861-62. A similar argument was used in 1857 by a member of the present Government, who, when it was proposed to reduce the duty of 1*s.* 9*d.* on tea to 1*s.* 7*d.*, contended that, as the expiration of the additional duty would have left the duty at 1*s.* 3*d.* if no reimposition had been proposed, the change was, in point of fact, an addition of 4*d.* and not a reduction of 2*d.* But before all other considerations he would have regard to the safety of the finances and honour of the country, and he would cheerfully give an additional 1*d.* or 2*d.* of income tax provided it were actually necessary. But with regard to the additional 1*d.*—for we were asked for 9*d.*, while 8*d.* was all that was necessary for the service of the country—he wanted to know how it was to be applied. Last year was a disastrous one. Between the actual revenue and expenditure there was a deficit of £2,200,000. He was, therefore, prepared to say at once that if the Chancellor of the Exchequer had come down to the House, and told them that last year had been disastrous, for reasons over which he had no control, and that he had actually been obliged to take from the balances in the Exchequer, and that he wished therefore to have a greater amount in hand than appeared absolutely necessary in order to supply that deficiency, then he would most cheerfully have agreed to give the penny. So he would gladly have given it if the Chancellor of the Exchequer had said that there were a million of bonds which it was necessary or expedient to pay off as they came in, or if he had said, "Though with 8*d.* in the pound I shall still have a surplus of £200,000, yet, with another million added, I should feel more safe, and should be assurred that I shall have a real surplus next year; and this will so far add to our resources, that in 1862 I shall be prepared to meet you and say, 'This is an actual balance in hand; a substantial surplus, from which I can give relief to tea or to paper.'" If he had said that, he (Mr. Stanhope) would have given the 1*d.* But as one of those representing the payers of income tax, he objected to give an extra penny of income tax to reduce any permanent tax of any sort, whether it was on paper or on hops; for, though he did not suppose anything could be more thoroughly objectionable than the tax upon hops, and though he had great sympathy with the agriculturists, on whom it pressed so severely, yet he would not impose an extra 1*d.* on those who paid income tax to relieve any other class of the community whatever. Now, he confessed he was at a loss to discover why they were called on to take off the duty on paper. They were generally referred to a Resolution of the House in 1858, but if he was right in what he collected from the debate on that Resolution, he was perfectly willing to abide by the opinion of the House as then expressed, and to carry out the idea expressed in that Resolution. He would call their attention to the Resolution passed, the Resolution rejected, and what was said in the debate. The Resolution relating to the paper duty passed by the House in 1858 was—

> "That this House is of opinion that the maintenance of the excise duty on paper as a permanent source of revenue would be impolitic."

He was quite ready to admit that proposition, but he denied that it in any way bound them to impose an additional penny on the income tax in order to take off the paper duty. Still less did that Resolution require them to keep on the war duties upon tea and sugar, with a view to repeal the duty on paper. The Resolution of 1858 as originally proposed by the right hon. Member for Ashton contained these words—

> "That such financial arrangements ought to be made as would enable Parliament to dispense with the paper duty."

Those words, however, the House rejected, and not a single speaker supported them in debate. Yet the House was now called upon to do the very thing which it refused in 1858 to pledge itself to do—namely, to make such financial arrangements as would enable them to dispense with the paper duty. The right hon. Member for Buckinghamshire, who was Chancellor of the Exchequer when the right hon. Member for Ashton's Motion was discussed, said the duty on paper was one of those taxes which should be got rid of at a favourable opportunity, but he declared at the same time that it was then impossible to repeal it. The hon. Member for Birmingham (Mr. Bright) then wished the House to affirm that when the state of the Treasury would permit of it the duty should be repealed. That of itself amounted to an admission that in 1858, at least, the duty could not be remitted; and certainly the circumstances of the Exchequer were not now more favourable for such a measure. The noble Lord the Member for London, in the same debate, spoke in favour of the reduction of the duties on tea and sugar. What was the rate of the income tax in

1858? Why, only 5*d.* in the pound; and yet the House then unanimously rejected a Resolution declaring that arrangements should be made for taking off the paper duty. He maintained that when they had a surplus they ought to remit such taxes as pressed most severely on the people, and, if it were necessary, even to continue the late amount of the income tax in order to dispense with the war duties on tea and sugar; that would be infinitely preferable to abolishing the paper duty. The House was bound in honesty to remove from the people the heavy burdens imposed in time of war, and then, if a future emergency arose, they could fairly ask the nation again to submit to increased taxation. Then, again, what was to be the state of affairs during the next year? Not even the noble Secretary for Foreign Affairs, nor the noble Lord at the head of the Government, would venture to assure them positively that there was no chance of war in Europe. In order to be prepared for that contingency, the Chancellor of the Exchequer ought only to reduce those taxes which would be likely to give springs to commerce by an increased consumption, and not to abolish them. If the paper duty was abolished the Exchequer would lose £1,300,000. If the tea duty were reduced by, say one penny, the Chancellor of the Exchequer himself could not say that they would lose the full amount of the reduction, as the increased sale might make it up; and if war should break out, he could re-impose it, and it would be cheerfully paid. The course now proposed by the Government was to take a penny more than they required from the income-tax payer, and in order to console him for his loss they gave the penny to somebody else. That reminded him of an incident which happened to two friends, one of whom owed the other a sovereign. They both went to the opening of a church, and, a collection being made after the service, the one friend said to the other "You know I owe you a sovereign?" "Yes," said the other, pleased at the prospect of payment. "Well," continued the first friend, "I'll tell you what I'll do for you; I'll put it in the plate." That was very much what the Chancellor of the Exchequer proposed to do with the unfortunate income-tax payer. What the right hon. Gentleman took from him was to be bestowed on the newspaper proprietor. In conclusion he would only observe that he agreed with the hon. Member for Huntingdon that a modification of the financial arrangements need not involve a change of Government, and neither his speech nor his future votes would be directed in hostility towards the right hon. Gentleman. But he could not silently assent to a system of finance which he believed must lead to one of two dangerous alternatives—either that by trusting almost entirely to the income tax as a source of revenue they might seriously, and perhaps fatally, affect the industry and real property of the country, or they would arrive at the other alternative, which he regarded with still greater dismay—that some day, goaded by the incessant pressure of that tax, the nation would make a hasty and unconsidered step, suddenly strike off some millions from the expenditure, undo the work of former years, and by a spirit of false economy create a necessity for future Governments to have recourse to violent legislation or else to affect injuriously the army and navy of Great Britain, upon which she must rely to maintain her own honour and to preserve her power unimpaired among the nations of the world.

MR. DODSON said, the Budget was an audacious Budget beginning with deficiency and ending with deficiency, for the Chancellor of the Exchequer had no sooner shown a surplus than he proceeded to annihilate it by reducing taxes. Still, for his part he was prepared to say that the proposition of the right hon. Gentleman was characterized not only by audacity, but by foresight. Putting last year's deficiency out of sight, he had shown that, for the current year, if he assumed the expiring taxes to be continued, he should arrive at a surplus of £1,900,000 which he had no sooner told the House than he proceeded on the strength of it to reduce taxes to the amount of £2,500,000. Still as the reduction of the income tax was only to be for three quarters of the financial year, and the paper duty for the last half year, the full effect of the reduction was thrown on the year 1862-3, so that the right hon. Gentleman, by his own Estimates, would have a surplus for this year of £400,000. As to the policy of making a prospective reduction of taxation he could not gather that any of the Gentlemen on the other side had a right to object to that principle, for, though they cavilled at the remission of the paper duty, they did not say what they would propose, or offer any distinct opinion, except that some said they should like to take another penny off the income tax, and some said that they should like to remit the war duty on tea or on sugar. But if the Chancellor of the Exchequer had done that, he would have made a still greater gap in our financial resources, so that, in fact, his opponents wanted him to go further in remitting taxes by anticipation. He saw no occasion to mistrust the calculations of the Chancellor of the Exchequer, whose calculations of last year had, he thought, been fulfilled as nearly as could be expected. The hon. Member for Huntingdon had alluded to the bad harvest, and expressed an opinion that we had not yet experienced the full weight of that misfortune, but no doubt the Chancellor of the Exchequer had not omitted that circumstance in his calculations. Then, as to the £750,000 expected from China, which was said to be uncertain, he could not see why they should doubt the payment, especially as the Customs in the Chinese ports were received by English collectors. The hon. Member for Huntingdon had raised a doubt as to whether they should get the money for the Chinese indemnity, on the ground of an observation in a despatch of the Earl of Elgin. But in that despatch the Earl of Elgin recommended the Government not to insist on a larger indemnity, for fear they should so distress the Chinese Government that they would be unable to pay, which surely implied that if the smaller amount only were insisted on, they would be able to pay. The right hon. Gentleman's calculations for last year had proved remarkably correct. He had estimated the receipts from income tax, post office, miscellaneous, and Customs at £50,887,000, and they had produced £50,847,700, so that, in a calculation of £50,000,000, he was only out £40,000. The total revenue from the Excise certainly fell short of the calculation by about two millions, being about nineteen millions instead of twenty-one millions. But this was mainly owing to the decrease in the items of the malt duties, which fell short by £800,000; the spirit duties, which fell short by £900,000; as that was a superfluous article of luxury, its consumption was checked at such a time; and lastly, the hop duties, estimated at £300,000, had entirely disappeared. It was satisfactory that the consumption of other articles, such as tea, coffee, cocoa, raisins and currants, and tobacco, all belonging to the comforts of the people, had increased during the year, and the decline in sugar was but very small. The hop duty, as he had said, had entirely failed, and that showed the folly of levying a tax on an article so exceptionally uncertain and unreliable as hops. The crop of wheat or barley might vary from one season to another, but only within certain limits which could be reckoned upon. It was very different with hops. He saw no reason to question the calculations of the right hon. Gentleman with regard to his estimate of income. As far as he was aware no one on either side of the House found fault with the remission of the penny income tax. There was a greater variety of opinion with respect to the proposed remission of the paper duty; and however desirable that remission might be in itself, it was a question whether other interests had not a greater claim for consideration. It was not the remission most acceptable to himself, and he should reserve to himself full liberty to discuss its merits when it came specifically before the Committee; but he thought it advisable to go into Committee as soon as possible, for the purpose of enabling the House to discuss the various propositions which would then be brought forward.

Mr. BLACKBURN said, that they had two questions to consider upon that occasion, the first of them being whether they were likely to have such a surplus as would justify them in repealing any tax, and the second, whether the mode in which it was proposed that they should apply that surplus was the best that could be adopted. Upon the first of those points he had to observe that the Chancellor of the Exchequer had no doubt the best opportunities of forming a correct judgment; but he (Mr. Blackburn) could not help thinking that past experience justified them in looking with considerable distrust at the Estimates of the right hon. Gentleman. Taking the expenditure and the revenue together the expectations formed by the right hon. Gentleman last year had been erroneous to the extent of not less than £2,000,000. The right hon. Gentleman at present anticipated an increase of £270,000 in the income tax; but he (Mr. Blackburn) did not see any grounds on which that anticipation could be based. So also he calculated upon an increase of £1,000,000 in the ordinary revenue of the year; but if he did not get that increase what became of his surplus of £1,900,000? Unless the right hon. Gentleman could clearly prove he would have the surplus it would not be prudent to apply it to the repeal of a tax. The repeal of the paper duty was to be deferred for six months; would it not be better to defer it for six months more, when the surplus could be shown actually in hand? The hon. Member for Lincolnshire (Mr. B. Stanhope) had clearly shown that the right hon. Gentleman was specially pledged to avail himself of the very earliest opportunity of reducing the duties on tea and sugar; and he (Mr. Blackburn) felt confident that such a measure would be more acceptable to the country, and was more desirable in itself than a repeal of the paper duty.

Mr. POLLARD-URQUHART said, that if the debate closed without some remarks from an Irish Member it might be thought that Ireland was not interested in the question referred to in the financial measure now under discussion. If, however, there was one part of the United Kingdom which ought to be grateful to the right hon. Gentleman for his proposal to repeal the paper duty it was Ireland. That country had undeveloped water-power facilities to a greater extent than any other part of the British Islands. Sir Robert Kane had estimated that there was distributed over the surface of Ireland a water-power capable of acting night and day, without intermission, from the beginning to the end of the year, to the extent of 3,227 horse-power per foot of fall, or for the entire average of 387 feet, amounting to 1,248,849 horse-power, which, taking 300 working days of twelve hours per day, would give 3,038,865 horse-power. A vast number of the poor persons in Ireland would find employment, and a large amount of machinery now lying idle in that country would be brought into use. He repeated that, if there were any portion of the United Kingdom that would be benefited by the repeal of the duty, it would be that depressed and unfortunate country. They had heard a great deal of the former oppression of Ireland and her people. If the noble Lord at the head of the Government and the Chancellor of the Exchequer had put into the Queen's speech a proposition to benefit Ireland they could not have adopted one more calculated for that object than the repeal of the paper duty. He believed that more than one-half the Members from Ireland were Conservatives. He asked them as proprietors in Ireland to accord this boon to the people of Ireland. It had been said, in opposition to the proposition, that there had been a bad harvest, with a period of commercial distress, and consequent want of employment by the working and manufacturing classes; but that was the very reason why a bold measure should be taken for the extension of trade and an increase of employment. During the commercial distress which existed in 1842, Sir Robert Peel came into office, and, by making a large reduction of indirect taxation and a total repeal of some of the Excise duties, he gave a vast increase of employment to the working classes. He referred especially to the Excise duties on bricks and glass, and he would give the House figures. In 1841 the number of persons employed as bricklayers was 39,806; in 1851 it had risen to 67,988. The number of bricklayers' labourers in 1841 was 18,363; in 1851, 31,168. In 1841 the number of glass-makers was 7,407; in 1851 it had risen to 12,005. These figures showed an increase of from 40 to 80 per cent, a much greater rate than the increase of the population itself. The population, in 1841, was 18,844,439, and it had risen, in 1851, to 20,959,477, being an increase of 12 per cent. So that the abolition of the duty on bricks and on glass had stimulated employment in those branches of trade to such an extent that while the increase of population upon the Census Returns of 1851 was 12 per cent, the increase of employment in the brick and glass trades varied from 40 to 80 per cent as compared with the Census of 1841. In the same way he believed that the abolition of the paper duties was likely to promote employment in that particular manufacture. The hon. Member (Mr. T. Baring) had said that a full Exchequer was necessary to our power abroad. But the best way to insure a full Exchequer was by reducing expenditure. Enormous armaments did more than anything else to check our industry and to cripple our trade, and he hoped sincerely, with the Chancellor of the Exchequer, that the time would soon come for a diminution in our present enormous Estimates.

Mr. H. BAILLIE said, he agreed with the hon. Member for Huntingdon that they were much indebted to the other House for having given them an opportunity of reconsidering this subject. The Chancellor of the Exchequer had felt it to be his duty to place that opportunity within their reach with as little delay as possible.

Last year his proposal was to abolish the paper duties at a time when he himself admitted that there was a large deficiency in the Exchequer. That was, to say the least, a very unusual mode of finance. But now a totally different proposal was made. The Chancellor of the Exchequer now told them that he had a surplus of £1,900,000, and proposed to divide his favours between those who were anxious to repeal the paper duties and those who wished to reduce the income tax. If this alleged large surplus could be depended upon the proposal would be a plausible one. Unfortunately, however, that was not the case. The surplus revenue was practically a delusion. The right hon. Gentleman seemed to have adopted a system of finance which was very common among certain classes in this country, that of raising money in order to pay debts—in other words, issuing bills, and when they became due renewing them. That was the way in which the Chancellor of the Exchequer obtained his surplus. He had issued Exchequer bills, now proposed to renew them, and then declared that he had a surplus revenue to dispose of. If that mode of obtaining a surplus was to be adopted, it was clear that no Chancellor of the Exchequer need ever fear a deficit or the want of a surplus. To the repeal of the paper duties he (Mr. Baillie) had no great objection, although he certainly did think, with many who had preceded him in the debate, that, looking at the present critical state of Europe, it would be far better to reduce duties which would give an increase to consumption, and thus would be likely to recover themselves afterwards. But, if we were to repeal the paper duty, we ought to do it with our eyes open. We ought not to be under the impression that we had a surplus, nor ought we to do it with the idea of conferring a great advantage on the public. There were but two modes by which the public could benefit from the repeal of the paper duty—either by cheap newspapers or cheap books. But at the present moment we had the greatest possible number of penny newspapers, and no one could pretend that we should have newspapers any cheaper than they were now. These penny newspapers all appeared to be in a very flourishing condition—they were daily increasing, and were pushing the others out of the field. It was but the other day that one of the oldest high-priced papers in the country—the ancient organ of the Whig party—the *Morning Chronicle*—had been compelled to become a penny paper. Newspapers, therefore, would not be any cheaper than they were now. On the other hand, the duty on paper formed but an inappreciable part of the cost of books; the labours of the author and publisher were the chief items. If they took the case of Macaulay's *History*, which sold at 18*s.* 6*d.* a volume, they would find that the duty was only 3*d.* The abolition of the duty, therefore, would not make books any cheaper. Generally speaking, manufacturers were the best judges of their own interests, and in this case the great body of them did not want the abolition. They said that it would put them into competition with the French manufacturers, who had a great advantage over them in getting the raw material at half the cost. Give them free trade in rags and they were ready to accept free trade in paper. The manufacturers, therefore, would not benefit by the repeal, but there was one class which would, and, though small, it was a powerful one. The proprietors of the penny newspapers would benefit by it. Though the class did not comprise more than 100 individuals, they were powerfully represented in that House. They were represented in the Cabinet even, and they had supporters enough in the House to enable them to give a casting majority against the Government. They had used their power to force this measure on the Government, and the House was now called upon to sacrifice some £1,300,000 of annual revenue for their benefit. That was the literal state of the case. That they had only lately succeeded in forcing the measure upon the Government was perfectly obvious, because a few weeks ago the noble Lord at the head of the Government told a deputation which waited upon him on the subject that in the present critical state of Europe the Government had no intention of proposing the abolition of the duty. The change of opinion in the Cabinet, therefore, must have been occasioned by some extraordinary pressure, because certainly there had been no change in the state of Europe since that time. But not only must the noble Lord have been surprised at the repeal of the paper duty, but there were other parts of the Chancellor of the Exchequer's speech which must have surprised him. The hon. Member for Montrose (Mr. Baxter) had just now highly eulogized the right hon. Gentleman for his denunciation of the extravagant expenditure of the country. It certainly was somewhat extraordinary to hear the Minister who was specially responsible for the expenditure of the country denounce its extravagant character, coming forward like Pilate to wash his hands of the sin which the House of Commons was about to commit in passing his Budget, and insinuating, as he had, that this extravagance had been forced upon him by the reckless conduct of his colleagues. If there was any one individual who was responsible for this extravagance it was the Chancellor of the Exchequer, for since he had been in office each Budget which he had produced had been the most extravagant ever proposed in the history of the country in time of peace, and yet he wished to shift the responsibility from his own shoulders to those of his colleagues. This was not the first time that the right hon. Gentleman had taken upon himself to denounce his colleagues. All must remember in the last Session of Parliament a very remarkable occasion, when he came down to the House and, in the most vituperative language, denounced "the most gigantic innovation of modern times," and at the same time his colleagues, who were prepared to condone the offence. Some might deem that conduct an eccentricity, others would look on it as showing a desire to gain popularity; but no one would be disposed to say that it was either generous or chivalrous, or calculated to raise in the estimation of the people either the sincerity or the political morality of public men.

Mr. W. EWART said, he admitted that it was desirable, in effecting reductions of taxation, to effect them in such a way that the consumer would benefit without any ultimate loss to the revenue, and on this ground he acknowledged that the tea and sugar duties had strong claims on the attention of the Chancellor of the Exchequer. But the argument did not altogether apply to the case of the paper duties. It had been shown that wherever a reduction had been made in the excise duties the consumption of other excise articles had greatly increased. The Excise revenue now was much greater than before the remission of the duties on soap, glass, bricks and other articles. The removal of the paper duty, therefore, would come under the *dictum* of Mr. Pitt, who said, "Increase by reduction may seem a paradox; but it is essentially true." The arguments in favour of the repeal might be included in three propositions:—First, it was a commercial benefit; next, it was a literary benefit; and finally, the reduction was recommended to them by the political interests in the country. The repeal would benefit the commercial classes, as it was an important branch of our manufactures. An abolition of the paper duty would be followed by an enormous increase in the manufacture of paper, as had been the case with regard to other articles which had been liberated from taxation. If the duty on paper were abolished, paper would be extensively used in the manufacture of a variety of articles to which it was not at present applied. He had himself seen large tubes and various other articles which, but for the duty would be composed of paper. With regard to the second point, the hon. Gentleman opposite had denied that in a literary point of view the removal of the paper duty would produce any material effect. With regard to such works as Macaulay's *History of England,* he (Mr. Ewart) did not deny that the removal of the duty would not materially diminish their price; but with regard to the cheapest literature, the price would be considerably diminished. It appeared twenty-five years ago from the evidence of Lord Brougham and others before the Excise Commission, such publications as *The Penny Magazine* could only be sold at a profit when the sale was extensive. The removal of the paper duty was of great importance to the publishers of literature of that class. The poorest classes were, therefore, much interested in the abolition of the paper duty, and every species of cheap literature, would derive great advantages from it. But the strongest argument in favour of its abolition was, in his opinion, the political aspect of the question. He deprecated the country being left in the state in which it was last year. He thought it was the highest wisdom to remove all cause of irritation in the body politic as in the body physical; and to invite the Commons and the Lords to cast off the temporary irritation which had arisen between them on the subject of the paper duty. His right hon. Friend had, therefore, wisely taken the first opportunity of redeeming the promise which he made last year. Hon. Gentlemen had talked about pledges with respect to the income tax, but the pledge to abolish the paper duty dated so far back as the reign of Queen Anne. The Act of Parliament which imposed a duty on paper in 1711, stated that the reason why that duty was imposed was "to raise money to carry on the present war until Her Majesty (Queen Anne) should be able to establish a good and lasting peace." Therefore, according to the original pledge given to the people of this country, the expiration of the duty ought to have taken place so long ago as the conclusion of the war conducted by the Duke of Marlborough. Coming to later times he found that Sir Henry Parnell and other eminent men, Commissioners of Excise, about twenty or thirty years ago, in the year 1836, had said it was desirable, if it were possible, that the duty on paper should be abolished. There was every reason for thinking that the time had now come when this duty should be swept away; and he thanked his right hon. Friend for the bold and consistent manner in which he had redeemed the pledge he had virtually given during last Session. During this debate the question of direct and indirect taxation had been referred to. The Chancellor of the Exchequer had compared them to two attractive young ladies of modern times, the daughters of invention and necessity. For his part he thought one of them (direct taxation) was a female of considerable antiquity, born so far back as in the feudal ages. The other was the younger child of commerce and manufacture. The latter of the two had been somewhat unjustly treated. Both he thought ought to contribute their due proportion of taxation; or, if he might parody the lines of Goldsmith—

> "All that Finance's subtlest art can teach,
> Is, but to lay proportioned loads on each."

Several hon. Gentlemen had expressed their approval of the recommendation of the Chancellor of the Exchequer that there should be greater economy in our expenditure. He cordially agreed with them. He thought there ought to be a most rigid examination of our expenditure, which he believed was capable of reduction. The French estimates had a more business-like arrangement than ours. We were too unsystematic. He knew not how it happened that our soldier cost infinitely more than a French soldier; of course, in France articles were cheaper, but the difference in the cost was far beyond that. Justice would not be done to this country until our expenditure was thoroughly examined. He cordially supported the Budget of the Chancellor of the Exchequer. He believed it was not only a right but an indispensable Budget, because the first duty of the House was bound to redeem the pledges which it gave to the country last year.

Mr. LONGFIELD said, that notwithstanding the puff direct as well as the puff inferential, by which the Budget of the Chancellor of the Exchequer was sought to be supported on the Ministerial side of the House, he for one regarded it with very decided abhorrence, both in its substance and its spirit. He disapproved it because he could not but feel that it had been introduced in subserviency to the wishes of hard taskmasters—the Manchester school, and to appease the temper of the right hon. Gentleman the Chancellor of the Exchequer, who sought to involve both Houses of Parliament in a quarrel, from which they had been saved by the good sense of the noble Lord at the head of the Government. To the cause which he had mentioned, then, and not to the fact that it embodied in itself measures which were either wise or good, was it to be attributed that such a financial scheme as that under discussion had been submitted to the House. What, let him ask, was the substance of the scheme? The right hon. Gentleman who brought it forward professed to deal with a surplus, when, in reality, he had to supply a deficiency. A surplus in all sound financial estimates could be based only on known and fixed revenue, which would be available whether Parliament were prepared to assent to the imposition of additional taxation or not; but in the present case the alleged surplus meant, in truth, a deficiency of some £8,000,000 or £9,000,000. It was quite an easy task, no doubt, to create, as the right hon. Gentleman had done, an imaginary surplus, and to dispose of it afterwards as he pleased; but then he had placed himself in a position to remit the paper duty simply by levying upon the country an income tax of ninepence in the pound, without which his surplus would be converted into a deficiency considerable in amount. It was idle to tell him that the abolition of the paper duty would regenerate Ireland. Nothing of the kind. He remembered the circumstances connected with the attempted establishment of several small paper mills in Ireland; but, though the Excise had dealt with them in the most liberal manner, even allowing the owners to smuggle to a considerable extent, they had all died a natural death without their end being hastened by the exciseman. He denied, therefore, that the abolition of the duty would be any boon to Ireland. The present was a time of cants. There was the cant of Liberalism, and there was the cant of Reform, but the greatest of all cants was the cant of what were called "the taxes on knowledge." The truth was, those taxes were so small in amount that they never yet prevented a man from being wise or good, generous or great. In the admirable Report of the Royal Commission on Education there was an account given of the expenses of a certain number of National Schools. To upwards of 5,000 schools the contributions made by the State in the shape of salaries amounted to £458,350, in miscellanies to £143,245, and in books to £43,653. The amount spent in books, therefore, was only about one-tenth of the sum paid for salaries; and of the £43,653 paid for books not more than £2,000 or less than 10*s.* for each school was returned to the State in the shape of paper duty. The cant about "taxes on knowledge" saved a good deal of argument; it was an excellent watchword for those who voted with their eyes and ears closed, but there was really nothing in it. While he was upon this question he would refer to the opinion of an eminent political economist, Mr. McCulloch, who, in his work on taxation, thus delivered his opinion upon the impost—

> "A duty on paper entails a peculiar grievance on the arbitrary publishing of books by making them pay a tax on their works previously to their being brought into the market before it can be ascertained whether they will sell. This is rather unfair. The *furor scribendi* is such, however, that this treatment, though it may add something to the cost of successful books, has no influence in checking publication. But except in this respect now mentioned, which is of no great consequence, the existing duty on paper does not appear open to any good objection. Writing paper would probably be sold to the public by retail somewhat cheaper were it repealed, but the difference would be so very trifling that it would be of no importance to any one; and in as far as regards books, newspapers, and other periodical publications, the repeal of the duty would not make the slightest difference in their price. The duty on a copy of the double sheet of *The Times* is about ¼*d.* On a number of *The Edinburgh* or *Quarterly,* which sells at 6*s.*, it is only 2*d.* On Macaulay's *History of England,* which sells at 32*s.*, the duty does not exceed 6*d.*, and on the *Commercial Dictionary,* which is a very large volume of above 1,800 pages, selling at 50*s.*, the duty is only about 7*d.* It is idle, therefore, to pretend that the existing duty on paper is any obstacle to the circulation of literature, or that books would be cheaper were it abolished. It is customary, indeed, in the cant of the day, to call it a tax on knowledge, but the larger portion by far of the coarser description of paper on which the tax is heaviest is not used either for letters or books, but is employed in the humbler, though not less necessary, functions of wrapping and packing up parcels. And with respect to the paper used in printing, the duty presses on all publications alike, on the bad as well as on the good, and is quite as often a tax upon nonsense as upon sense. Assuredly, therefore, this is about the last tax which should be repealed."

That was the opinion of a writer who looked upon this question, not as a partisan, but as a political economist, and it was impossible to say, after such an opinion, that there was any ground whatever, except in deference to the cant of the day, for repealing this "tax," as it was called, "on knowledge." He admitted that the right hon. Gentleman the Chancellor of the Exchequer had, by his great talents, made his Budget most enticing and attractive until it was examined. But there were such things as memories. They remembered the predictions he had formerly made of the expenses of the China war, his estimate of the probable production of the duty on dock warrants and contract notes. Had any one of his anticipations been fulfilled? It was not till the House of Lords refused to repeal the paper duty that the demand was made for £3,300,000 for the expenses of the China war. He did not say the right hon. Gentleman had known that would be wanted before. Sanguine dispositions were proverbially shortsighted. The right hon. Gentleman was a most brilliant orator, but he saw through a haze—a mirage, tinted with the rosy hues of summer. He indulged in beautiful promises, which were realized in most scanty performances. He must withhold his assent from the Budget of the right hon. Gentleman. He thought it imprudent. The mode in which it dealt with an imaginary surplus was also objectionable. It did not give them cheaper malt, or tea, or sugar; it proposed to regenerate them through small paper mills on purling brooks. It was most objectionable in every way, particularly in the temper with which it was brought forward, for it was obviously intended to wipe off the sense of the victory obtained ed last year by the House of Lords, and though it had been plentifully puffed by hon. Gentlemen opposite it was not the less likely to be deceptive.

Mr. NORRIS said, he rose to correct the very erroneous statement of the hon. Member for Inverness-shire (Mr. H. Baillie) that the manufacturers of paper were not anxious for the repeal of the Excise on that article. When the remission of the Excise duty upon paper was discussed in that House the trade met, and appointed a committee to watch the proceedings of the House and promote the repeal of the duty. During the progress of that measure through the House, the Treaty with France disclosed that there was an engagement for the equalization of the Excise upon paper made in England and the Customs' duty on paper imported from France. That immediately called the attention of the paper-making trade, that whilst the equalizing principle of free trade was to be applied to the competition between home-made and foreign paper, there would still remain, unless by negotiation an arrangement were made for the removal, an export duty on foreign rags. To that subject the trade had addressed themselves, but they had never lost sight of, or been indifferent to, the advantage the public would have, or they themselves would gain, by a repeal of the paper duty. In the present year a meeting had taken place on the subject of the export duty on foreign rags, which had been attended by sixty or seventy gentlemen, who paid more than half the Excise duty, every one of whom had expressed the opinion that there was nothing so much to be desired as a fair adjustment of the export duty on foreign rags, and with it the repeal of both the Excise and Customs' duties. He had attended the deputation which had waited upon the noble Lord, and his impression of what had taken place then was, that the Government had not the assurance of any large surplus to deal with, and, therefore, the noble Lord was not in a position to say much on the subject of the repeal of the Excise on paper. There was no paper-maker who did not desire that it should be abolished during the present Session, for they all felt that it was a great oppression, and its repeal, and subsequent re-imposition by the other House, had left the trade subject from time to time to all the inconvenience and embarrassment which belonged to a great change, without any of the incidental advantages. It was not fair of the hon. Gentleman who had last spoken, when he referred to the incidence of the paper tax upon the literature of the country, to take the books which adorned his table and amused his leisure. If he had gone into educational establishments supplied with elementary books, printed from stereotype plates, he would have found that, on books bought at the rate of 7½*d.* a pound, 1½*d.* was duty. In many cases it was 15 or 20 per cent. It was not just to take books like Macaulay's *History*, and say that the incidence of the paper duty was so slight that no one need care. The general feeling out of the House, in relation to the Budget of the Chancellor of the Exchequer, amongst all classes—the traders, manufacturers, merchants, and bankers, and the general public—was one of deep satisfaction, combined with a determination to give it all the support which its merits deserved.

Mr. R. LONG said, he wished to apologise to the right hon. Gentleman the Chancellor of the Exchequer for some hasty words which he (Mr. Long) had uttered on the night when the Budget was introduced. He had complained that the right hon. Gentleman had not spoken one word of sympathy for the agriculturists, but he had had an opportunity of looking again at that speech, and he found that he had done the right hon. Gentleman some injustice. He therefore hoped that the right hon. Gentleman would forgive him for his hasty observations. To come now to the immediate question before the House. He had heard the able, lucid, straightforward, and argumentative speech of the hon. Member for Huntingdon with great pleasure, and as a young Member of the House he could not help being struck with surprise that, in the present state of public feeling, when there was a great impatience of taxation, and when a general outcry was raised against the heavy pressure of the taxes, a gentleman belonging to the mercantile body—a class by no means distinguished for a love of taxation—should rise and protest against the remission of a duty on one of the articles which produced a revenue to the country. If he felt regret at the rashness of the Chancellor of the Exchequer, he was at the same time much gratified to find that there was sufficient spirit, independence, and earnestness of conviction on the part of the Member for Huntingdon to have induced him to stand up and resist the repeal of a duty which as a taxpayer and the representative of taxpayers, he must otherwise have been only too glad to see got rid of. He confessed, however, he was much surprised to find that the speech of the hon. Gentleman had not been followed by a more active conclusion. He thought it would have been a more fitting conclusion to such a speech had the hon. Gentleman moved an Amendment in opposition to the Chancellor of the Exchequer's Resolution expressive of the opinion largely prevalent on that side of the House, and still more largely prevalent out of doors. He did not profess to be in the secrets of the leaders of his party, and, therefore, could not say why such an Amendment had not been moved. He could not but suspect, however, that the reason was that there was a firm persuasion on that side of the House that the occupants of the Treasury bench were fully conscious of the rashness of the course taken by the Chancellor of the Exchequer in respect to this paper duty, and that hon. Gentlemen opposite would not act with straightforwardness on the question, but that, disapproving it in their hearts, they would give it as insincere a support as they gave to the second reading of the Reform Bill of last year. The point, however, for their consideration was—what would be the result of the Budget proposed? Was it of a nature that they could trust? It appeared to him that it was of a nature the very reverse. He should not venture to follow the speech of the hon. Member for Huntingdon, who had already thrown such a flood of light upon the internal condition of the country, and had shown so clearly the critical state of affairs abroad and of trade at home. But he would ask what was the bearing of the Budget upon their taxation generally—how would it affect the financial system that remained? Did not the repeal of the tax proposed make the case for the repeal of others equally strong? Were they not obliged to propose the repeal of the paper duty in consequence of the agitation that existed on the subject? Upon the same principle how would they be able to resist the Motion of the hon. Member for Dudley (Mr. Sheridan) next year for the repeal of the duty on fire assurances, a tax on thrift and prudence which was ten times as objectionable as the excise duty on paper? How would they be able to resist the demand for the repeal of the duty upon hops? That was a duty which always appeared to him to be indefensible in principle and abominable in practice. Nothing more odious, more unjust, and indefensible than the duty upon hops was to be found in the fiscal systems of either the Czar of Russia or of Napoleon III. He was perfectly astonished that the farmers of England did not unite together and demand its repeal. Well, how would the Government resist the claim that would be made next year for the repeal of that duty? Did they think the world would become more pacific than it was at present? If they acted upon that principle, he asked, where would the Government stop, and what taxes would they have left? With all deference to the opinion of the right hon. Gentleman, it was a rash and unwise course to repeal the paper duty. The right hon. Gentleman, in his eloquent speech, which charmed the House on both sides, apologized for leading the House, as he said, through a wilderness of figures, and he went on to say that he paid his addresses to two fair ladies who were well dowered and full of charms, and whom he designated by the names of Direct and Indirect Taxation. The right hon. Gentleman, however, did not give them the whole of the story. No one for a moment supposed that the right hon. Gentleman spoke practically. It appeared, however, that he entered the wilderness with those bewitching young ladies a rich man, but returned a very poor man, having allowed one of the ladies to wheedle him out of £1,000,000, cash down, while the other had extracted from him a promise of £1,230,000, which must be paid on the 1st of October next. As an independent Conservative Member, he therefore protested against a Budget which would render it more difficult to uphold the public credit at home, or to maintain those establishments on which depended the honour and dignity of the country abroad, and if any hon. Gentleman would propose a practical Amendment condemning both the principles and details of the right hon. Gentleman's scheme he would give him his most hearty support.

Mr. BLACK said, it was not his intention to have spoken on this question, but the hon. Gentleman who had just sat down had thrown out a challenge, to the effect that hon. Members on the Ministerial side of the House were disposed to conceal their opinions on matters of reform, and with regard to the paper duty. Now he had never shrunk from giving his sincere opinions on both of those subjects; but he thought it was a waste of time to go back on what had been said and done five years before. Times had changed, and the circumstances under which they acted had changed; it was of little consequence to him what others had said formerly, and how inconsistently they had acted. What was the proper thing to do now? He would endeavour to take a pounds, shillings, and pence view of the case. A great deal had been said about taxes upon knowledge. He would not dwell upon that point, but would show how the paper duty acted. Hon. Members talked of it as if it was a matter only of books and writing paper. He believed one-half of the paper made was used as wrapping paper by wholesale houses and small tradesmen. He understood that upon the coarsest packing paper, the material of which cost 20*s.* there was added 14*s.* in the shape of duty. This was paper which was used in wrapping up various articles, and if they repealed the tax it would be a great relief to small tradesmen, and to a portion of the public in one way or another. What the Chancellor of the Exchequer got was £1,400,000, or more nearly £1,200,000. He should like to know how much the public paid of this £1,200,000; let him, at the same time, trace the tax as it affected books. Macaulay's *History* had been alluded to, but that was a high-priced book; not because of the printing and paper so much as for the copyright. Taking an ordinary book, of which the cost of the printing was about equal to the cost of the paper. Supposing that the amount of tax upon the paper used for such a book was 1*s.*, the manufacturer charged interest upon that shilling; the wholesale dealer did the same; the publisher, who reckoned three years as a moderate period for disposing of an edition, must have his profit; then the wholesale bookseller must have his; and then the retailer, so that by the time the book reached the hands of the reader the 1*s.* tax had become 2*s.* Probably the £1,200,000 paid into the Exchequer represented a cost of £2,000,000 to the public. In that way the tax became an extravagant way of levying money. He should like to see the duty on tea and sugar repealed; but the public did not pay so much in proportion upon these articles as upon paper. The whole amount of duty on tea and sugar went into the Treasury, whereas only a portion of the paper duty was obtained.

Mr. WARNER expressed his belief that the Budget would be received with satisfaction by the commercial constituency which he represented. As to the paper duties, he thought the Chancellor of the Exchequer had very little choice in the matter if he found that he had a surplus, for it had been condemned by a deliberate vote of the House, and given rise to an unfortunate controversy which it was desirable to stop. The more constitutional course for hon. Gentlemen opposite, who were in favour of the duty, to take, would be to move a Resolution to set aside that Vote. He had taken no part last year in the agitation against the House of Lords. He thought then, and he thought still, that no great harm had been done; for the Commons had the remedy in their own hands. But it was necessary to deal with the question now, unless they were content to sacrifice their privileges. The right hon. Gentleman had done right to reduce the income tax; but he was sorry he had given relief only in the amount and not in the form of the tax. He hoped there would be a revision of that tax next year. They could not expect to arrive at strictly equal justice, but they could approximate to equality. The fundholder ought to pay on his property as all other persons did upon theirs. At present he paid on the net income only, while the taxable income of all other classes was subject to large deductions before it became available for expenditure. If the tax were continued in its present form it could not fail to cause irritation and disaffection. He hoped, also, that the Chancellor of the Exchequer would abandon the present system of quarterly collection of the tax and collect it half-yearly, and he should be glad to have an assurance to that effect.

Mr. BENTINCK said, he wished to thank the hon. Member who had just sat down for the question he had put, and the opinion he had expressed with respect to the continuance of the quarterly collection of the income tax. He was also glad to hear from the hon. Gentleman that he saw no harm in what had been done last year by another branch of the Legislature, as it was clear that if no great harm was done then there was no great probability of any great good being done now. He would now approach that casket in which the financial gem had been presented to the House—he meant the eloquent speech of the Chancellor of the Exchequer. He had listened to that speech with the closest attention. He had admired its eloquence and its sophistry. But the social and financial morality of the right hon. Gentleman as laid down in that speech was of a somewhat remarkable character. Its social character had been adverted to by the hon. Gentleman who had just spoken

(Mr. Long), when he referred to the picture drawn of himself by the right hon. Gentleman as at the same moment addressing two beautiful damsels. The picture was remarkably well sketched by the right hon. Representative of one of our great seminaries of learning, piety, and virtue, but he (Mr. Bentinck) thought the right hon. Gentleman's constituents would be somewhat surprised when they were informed how he employed his leisure hours. In that glowing outline of two fair damsels, to both of whom it was, he said, not only his inclination, but his duty to pay his addresses, the right hon. Gentleman described them as the daughters of Necessity and Invention. He (Mr. Bentinck) was sorry to say that nearly half a century since he had had impressed on him the truth that Necessity was the mother of Invention. The right hon. Gentleman had thus led the House to a subject so painful that he was glad they had to deal with his financial and not with his social morality. The right hon. Gentleman commenced his great speech by expressing his gratification that protection had been finally disposed of. His constant reference to the fact showed the unsoundness of the position on which the right hon. Gentleman and his supporters stood. What he complained of was that the Chancellor of the Exchequer carried the principles of free trade to lengths which its promoters had never contemplated. The right hon. Gentleman rejoiced over the increased consumption of French wines, and referred to a supposed objection of his to those articles of import. But what he had objected to was not the light wines, but the bad wines. He regretted that the right hon. Gentleman proposed, not to repeal taxes on articles of consumption, which might afterwards become more productive, but to repeal taxes which could never be levied again—such as was the paper duty—and thus dry up altogether one important and essential source of revenue. The right hon. Gentleman had also boasted of the price of corn since the repeal of the corn laws. He (Mr. Bentinck) did not think the repeal had reduced the average below the point it was fifteen years before and since that event. The right hon. Gentleman said he regretted that the French Treaty was still a one-sided instrument. That was what the right hon. Gentleman was last year told by Opposition Members it ever would be, and he wished the right hon. Gentleman could have informed the House when it would have two sides. The right hon. Gentleman went on to assure the House that the extension of certain branches of commerce was to be ascribed to the existence of that treaty; but he (Mr. Bentinck) was at a loss to understand how such a one-sided treaty could have produced beneficial consequences to the commerce of this country. There were two views of commercial undertakings, one by which they gained, and the other by which they lost; and he should be much surprised to hear that the commercial transactions which had taken place in consequence of the French Treaty were of a beneficial character. The right hon. Gentleman talked of the country "electing" to be governed at an expense of £75,000,000, as if it was a pleasure to the country to be governed at a great expense. He (Mr. Bentinck), however, believed that many causes were to be assigned for the increased expenditure of the last few years; and although he did not see the way at present to reduction, there was no man in the House who lamented it more than he did. He should like to ask the right hon. Gentleman, however, when he talked of the country electing to be governed at an expense of £75,000,000, whether it had ever occurred to him what was one of the principal sources of that large expenditure? Had the right hon. Gentleman totted up the expense of the Russian war? And if he had done so, and had taken into account the increase in the national debt caused by that war, had it ever occurred to him to consider the causes of that war; and that one of the principal causes was the helplessness of that Government of which the right hon. Gentleman formed a prominent Member? Could the right hon. Gentleman recollect any event which, from the commencement of the differences with Russia, showed foresight and energy as characteristic of that Government? Did the right hon. Gentleman recollect the despatch of 10,000 English troops to Malta to intimidate the Emperor Nicholas, allowing him at the same time to understand that arrangements had been made for bringing them back? And yet that demonstration was to induce him to secede from a position which he had taken up in the East. Perhaps that Government more than any other was the great cause of the indispensable expenditure, though the right hon. Gentleman now charged the House and the country with desiring a large expenditure.

He should have studied the history of his own time before he taunted the people of England with desiring an expenditure over which they had no control, and for which he himself was largely responsible. Then he made a happy quotation from a speech of the right hon. Gentleman the Member for Coventry, delivered last year, to the effect that we ought not to repeal the paper duty so long as it involved the continuation of an odious tax. If it were possible to use one argument stronger than another against the repeal of the paper duty it was that the repeal would entail in perpetuity odious taxation. It was the very position in which they were placed, with this difference, that there were two odious taxes which were entailed upon the country by the repeal of the paper duty; perhaps the most odious taxes that could be laid upon the people of this country. He had wondered how it was that hon. Members opposite should, without explanation, have been induced to show such a marked difference between their professions and their practice. The House was in the habit of hearing a great deal from hon. Members below the gangway about the people, for those hon. Members arrogated to themselves more especially the position of "friends of the people." They professed to defend the rights, the interests, and the pockets of the people; but where were the "friends of the people" now? The right hon. Gentleman proposed to repeal the paper duty, but neither he nor any hon. Member opposite had attempted to show how the great masses of the people of the country would in any way be benefited by the repeal of the paper duty; and, indeed, if the assertion had been made, there was the satisfaction of knowing that it had been by anticipation disposed of. A penny paper would never cost less than a penny, and, therefore, the whole thing was humbug. If this was all that was involved in the repeal of the paper duty, he wanted to know where was the benefit; and, on the other hand, were they to be told that there was no benefit to be derived from the repeal of duty upon tea and sugar? Would not such a repeal benefit the poorer classes of the community? He wanted to know, then, what the "friends of the people" were about, and why they were in a mass prepared to support a financial arrangement by which the only persons to be benefited were those who had money interests in penny newspapers? On the other hand, would not every man in the country derive a certain definite benefit from the repeal of duty on tea and sugar? That, however, was not all. The paper duty had existed for a very long time, and might be considered a part of the permanent revenue of the country, whilst the additional tax on tea and sugar was admitted to be a war tax, and he wanted to know from the "friends of the people" on what ground they proposed to remit a tax which could in no way benefit the poorer classes, whilst they maintained war duties upon articles of every-day consumption, and which necessarily contributed to the comfort of the poorer classes? He hoped that they should have full explanations on these points, and then they would be able to understand what the "friends of the people" were about. It was a sort of friendship which he trusted that he should never receive from any man. There was another claim for remission which might fairly be urged. Why in all financial arrangements proposed by the right hon. Gentleman did he deal with the rural districts in precisely the same way as the hon. Member for Birmingham proposed to deal with them upon questions of reform—namely, by utterly ignoring their existence. In those localities large numbers of the people were suffering under taxes of an odious description, which were open in a threefold degree to all that might be urged against the paper duty—he alluded to the duty upon hops and that upon malt. The rural districts, together with the poorer classes generally, would be benefited by a repeal of the hop duty, and by a remission of a portion of the duty on malt. He wanted to know, therefore, why it never occurred to the right hon. Gentleman that there were such places as the rural districts in existence, and he trusted that the right hon. Gentleman might, during the debate, be brought to recognize their existence, and also the further fact that there were county Members in that House. They had adopted all the arrangements of the right hon. Gentleman so quietly for some years past that it was quite natural that he should have forgotten them; but it was high time for them to remind him that they were there. If the rural Members supported this Budget they would be doing all they could to ignore the interest of those they represented. They were bound to give their strenuous opposition to the right hon. Gentleman. It was impossible to say what the object of the repeal of the paper duty was; there were so many covert objects that it was difficult to say what the real object was. He confessed, for himself, that not being in the habit of diving into these mysteries, he was very much puzzled. He could see but two possible objects. One was that the measure was an attempt to reclaim the wavering allegiance of a certain portion of the supporters of the Government who sat below the gangway. There was no doubt that down to a very recent period those hon. Members used to make very able and eloquent speeches, but they were anything but flattering to Her Majesty's Government; and, in short, he might even apply a stronger epithet to the manner in which they used to address distinguished occupants of the Treasury bench. But lately "A change had come o'er the spirit of their dream," and for some reason it appeared that the repeal of the paper duty was so soothing to their feelings that all at once they became the strenuous supporters of the Government. Without saying how that had been brought about, seeing that no beneficial result was likely to follow to any one, it was impossible but to suppose that there was some kind of object such as he had stated in framing this measure. He merely threw this out as a suggestion. There was another reason. It was impossible for any man, with regard to what passed last year and what was passing now, not to believe that the present proceeding was neither more nor less than an attempt, or rather intention, to defy, not to say insult, the other branch of the Legislature. He, for one, could look upon it in no other light. He trusted that branch of the subject would be fully gone into before the debate terminated. He was at a loss to understand if that was not the object on what ground it was that the right hon. Gentleman proposed to depart from the course adopted last year, and embody the whole of his measures in one Bill in order to debar another portion of the Legislature from dealing with it? That appeared to him (Mr. Bentinck) so obvious, that he hoped before the Budget was disposed of there would be full and ample discussion of that question to elicit the opinion of that House as to whether they were prepared to sanction the course taken by the right hon. Gentleman, and that he would be called upon to show on what ground he thought it necessary to depart from the course of proceeding of last year. He was quite aware that he would be told that there were precedents for the course of proceeding. Precedents, he believed, there were; but without looking into the matter he was inclined to believe that the precedents were so rare that they were rather a sort of exception that proved a great rule. He was bound to say that it was impossible to characterize the Budget in anything but very strong language. He did not wish to speak with any discourtesy, personally, of the right hon. Gentleman. He was speaking of his measures, and the Budget was an act of bad faith. Speaking of his past financial measures and his present financial measures, it was an act of bad faith on the part of the right hon. hon. Gentleman, and founded on what he (Mr. Bentinck) for one believed to be a misconception of his position. He would not call it a mis-statement, because, no doubt, the right hon. Gentleman was fully impressed with what he said. It was an act of bad faith based on misconception. It was an act of bad faith because the right hon. Gentleman had been pledged, and pledged in the most solemn manner, for many years, as far as pledges could be called solemn—the right hon. Gentleman had been pledged for years past—repeatedly pledged over and over again that the whole financial object of his public life would be the repeal of the income tax. Therefore, coming from the right hon. Gentleman, the present financial arrangement was an act of bad faith. From what he (Mr. Bentinck) had been enabled to gather from the speech of the right hon. Gentleman, and the confirmation he had received from the admirable speech of his hon. Friend who opened the debate, his belief was that the misstatement was the assertion of the existence of a surplus. He did not believe in a surplus, and he thought when they came to discuss the details the right hon. Gentleman would be very much puzzled to show one. Why, upon the figures of the right hon. Gentleman himself, it did not amount to a million, because there was half a million of Exchequer Bonds, which in plain English meant borrowed money, and there was the £750,000, the Chinese indemnity, of which in all probability they would never see a shilling. Would any man in that House, would the right hon. Gentleman himself even, with his power of oratory and powers of persuasion, would he try to pursuade the House or any man in his senses that in the present state of affairs in China any one could calculate from day to day upon receiving a shilling? Why the Emperor's own throne was not worth a fortnight's purchase. And yet the right hon. Gentleman told them, in trying to prove the existence of a surplus on which to base a financial change, that they were to rely for a portion of the surplus on the Treasury of a country at the moment in a state of revolution. But, looking at the matter in a more solid shape, where would they be next year? Would there be a surplus then? Would it be possible for the right hon. Gentleman after repealing the paper duty—taking his own calculation, taking his own valuation, he (Mr. Bentinck) asked the House would it be possible for him in another year to fall back on the resource of the tea duty at the war rate? No, there was nothing but a larger income tax, and that was what the House and the country had to expect. He would now quote a few lines from a high authority, who said—

> "You must look over the existing duties calmly and candidly, and consider by what relief or remission you can do the greatest good to the consumer, to trade, and to the revenue. By that rule, and by that rule only, we can judge."

Now, he (Mr. Bentinck) would like to know whether the right hon. Gentleman had followed that good advice himself? The same person followed up that statement by another, referring to Sir Robert Peel—

> "Whatever Sir Robert Peel did with respect to commercial reform he did it always subject to the paramount obligation, of which he was conscious, to maintain the principle that ample sums should be raised in the year for the service of the year, and for the maintenance of a steady surplus of revenue above expenditure. He never allowed even his eagerness for commercial reform to make him deviate for one moment from that fundamental and yet more important view. All his operations were conducted subject to the control of that principle."

It was not often that he (Mr. Bentinck) found himself eulogising the financial views of that distinguished statesman, but he was bound to express his sincere regret that the right hon. Gentleman did not take him as his model on the present occasion. The same authority said—"These are not times when we ought to trifle with the revenue"—speaking of times much less uncertain, and in a much less disturbed state of things in Europe—"to trifle with the revenue. No economy is so good as that of maintaining the finances in a high state of credit." Was the present course likely to maintain them in a high state of credit? The right hon. Gentleman said yes, and all he (Mr. Bentinck) could say was that he envied the right hon. Gentleman his sanguine disposition. The authority from which he was quoting went on to say—

> "The Chancellor of the Exchequer has departed from the sound policy of supporting a surplus revenue, and no Minister will ever receive my support for his financial policy which proceeds on such a system. It is a principle most dangerous and inconsistent in a Conservative Government."

The House would be surprised when they heard the authority he had been quoting. He had been quoting a speech made by the right hon. Gentleman himself in commenting on a speech made upon his financial proposals in the year 1852 by the right hon. Gentleman the Member for Buckinghamshire. He (Mr. Bentinck) was not there to defend the financial views of the right hon. Gentleman the Member for Buckinghamshire; therefore do not let them be told that he was now defending a Budget to some details of which he had formerly taken exception. The right hon. Gentleman the Member for Buckinghamshire was well able to defend himself, but he (Mr. Bentinck) had a perfect right, when he found the right hon. Gentleman the present Chancellor of the Exchequer bringing forward financial proposals in 1861 diametrically opposed to the views he expressed in 1852, he had a perfect right to quote the right hon. Gentleman's own words against himself, and he asked the House whether they believed what the right hon. Gentleman told them then, or what he told them now? The financial career of the right hon. Gentleman had always been a perfect enigma. He (Mr. Bentinck) had been at a loss to understand how any Member of that House could have failed to have observed the paradoxical course he had always adopted. The right hon. Gentleman was pledged more distinctly than any man in that House to the repeal of the income tax. When he remembered all he himself had heard the right hon. Gentleman say on that subject—it was fresh in his recollection—when he recollected the singular views, expressed in eloquent language, of the right hon. Gentleman, and yet found him perpetrating the most marvellous paradoxes, he could not help thinking that the right hon. Gentleman, in dealing with financial questions, had taken for his model that monarch who was described in some very old and well-known lines—

"A man whose word no one relies on,
Who never says a foolish thing and never does
a wise one."

He (Mr. Bentinck) had no wish to enlarge on this subject. All he could say was that he hoped the House would pause before they were induced to sanction the proposed measure of the Chancellor of the Exchequer, for he believed it to be equally impolitic, unjust, and prejudicial to the general interests of the country.

SIR JOSEPH PAXTON said, he thought that some of the statements of the hon. Gentleman who had just sat down were founded on very erroneous views. The hon. Member said that the only persons benefited by the repeal of the paper duty would be the proprietors of penny papers. The hon. Gentleman could not know much of the manufacturing interests of the country if he thought that paper was only used for purposes of literature. The repeal of the paper duty would be a great boon to his (Sir Joseph Paxton's) constituents. Every yard of ribbon made in Coventry caused the consumption of a yard of paper, and to his constituents the repeal of the paper duty would be a very great boon. It would also be a boon to Nottingham and other towns where great quantities of paper were used in making up parcels. He believed that the paper manufacturers were the only persons opposed to the repeal of the duty. That was not to be wondered at, for the manufacturers of glass and other manufactures had taken a similar course in respect to the duties on the goods which they produced. A great deal was said about the impropriety of admitting foreign paper without having at the same time a free importation of rags. He was very much astonished that paper makers had not endeavoured to get a supply of rags from India. A gentleman of his acquaintance imported a very considerable quantity of rags from India last year, and told him that he had made 30 per cent by the operation, and he intended to import rags from India on a much larger scale this year. If France should, therefore, deny to them the use of her rags, it was easy to get them from their own possessions in India. He claimed the support of the right hon. Member for Buckinghamshire on the question of the repeal of the paper duties. The right hon. Gentleman said that on commercial as well as in a moral and literary and educational point of view, he should be glad if he could feel it his duty to propose a remission of the tax; and he added those were the opinions he had always expressed. He would tell the right hon. Gentleman that it was now in his power to settle the vexed question of the paper duty, and to put an end to the yearly differences that must take place on the question. The hon. Gentleman the Member for Huntingdon (Mr. T. Baring) had adopted a very doleful tone in reference to our financial prospects. If, however, the hon. Gentleman had all the forebodings he had expressed to-night, it was somewhat surprising that he should connect himself with the proposed Exhibition of 1862, upon which, directly and indirectly, a million of money would be expended.

SIR STAFFORD NORTHCOTE said, he thought it natural the hon. Gentleman opposite should dislike to hear what the hon. Member termed doleful views respecting the state of the country. The realization of the Budget depended, in fact, upon the continued prosperity of the country, and hon. Gentlemen, therefore, might well be dissatisfied with any statements which tended to throw doubt upon the picture of prosperity painted by the Chancellor of the Exchequer. He was surprised that after the moderate and able speech of his hon. Friend (Mr. T. Baring) no Member of the Government—the right hon. Gentleman, the President of the Board of Trade, for instance, or some other Minister—had risen to dispel these rather gloomy reflections. But, whatever might be the opinion of the House on this point, he was sure they must be gratified at the tone and temper in which the debate had been conducted. With regard to the Budget, it had its political as well as its financial side. Upon the whole, and very properly, the discussion had turned upon that part of it which was really the more important—namely, its financial aspect; and to that he would confine himself. Now a private Member always laboured under a disadvantage when he rose to throw doubts upon the calculations of a Cabinet Minister. But he was encouraged by the fact that the events of last year showed that the calculations even of Cabinet Ministers were not infallible; and there were instances in which calculations made on the Opposition side of the House, replied to authoritatively from the Ministerial bench, nevertheless, turned out correct, while the authoritative contradiction was proved to be fallacious. He would refer to one of these instances—the controversy which had taken place between his right hon. and gallant Friend (General Peel) and Lord Herbert with regard to the sufficiency of the amount taken for the Army Estimates. When the amount was aked for the right hon. and gallant Member expressed his firm conviction that it was insufficient, and the noble Lord, the Secretary of State for War, several times replied to him, founding his statements on official information, and maintaining that the amount was sufficient. How had it turned out? His right hon. and gallant Friend was right, and the Secretary of State was wrong; for a further sum of no less than £450,000, or nearly half a million more, was found to be required. The right hon. Gentleman, the Chancellor of the Exchequer, shook his head at this statement; but he (Sir Stafford Northcote) was prepared to maintain the literal correctness of his statement. When the accounts were delivered at the beginning of the year it was found that £250,000 of the amount allotted to the navy had been given up by that department, and handed over to the army, because it was found that the army wanted more money than had been asked for on account of it; and, still more lately, the House had heard of a further sum of £200,000 for the excess on the army expenditure of 1859-60. These points were not immaterial to the question before the House, because they justified the presumption of those who questioned statements which they were told they ought to take on trust. He could besides mention other instances, but he would content himself with one. Last July the Chancellor of the Exchequer, when presenting his supplementary Budget, told the House that he was about to take out of the balances in the Exchequer a certain sum for the supply of the war just expired. In justifying the course of taking so large a sum as £1,286,000 out of the balances he said those balances were very satisfactory, that they had amounted to a certain sum in March, in June to something less, but that in September he expected they would be rather more satisfactory. Instead of that, however, they turned out to be less satisfactory, being in September £2,500,000 below what they were in June. That was an instance pregnant with results, for it showed that the balances in the Exchequer were by no means in a state to be trifled with, and that his right hon. Friend must be cautious how he dealt with them. In that case he had been deceived to the extent of £2,500,000, and if the House looked carefully at the accounts before them, they would see that the balances last year must at times have been inconveniently low; and his right hon. Friend had had to resort somewhat largely to borrowing on deficiency bills. Such instances as these justified doubts of his right hon. Friend's present calculations. It was said, however, both in and out of the House that the calculations made on the Opposition side of the House as to the probable results of last year had not been borne out, and that the financial results of the year were thoroughly satisfactory and quite justified the policy of the Government. Such statements occasioned him the greatest surprise. Why, the calculations made on the Opposition side of the House had been justified almost to the letter. They said that the provision made by the financial arrangements of last year was insufficient, and it had not proved sufficient. The right hon. Gentleman, the Chancellor of the Exchequer, had made a statement perfectly and literally correct in one sense, but it was taken up by the world at large in a sense which was not correct. The right hon. Gentleman had stated he had a surplus, but how had he got it? As the hon. Member for North Lincolnshire (Mr. B. Stanhope) had well shown, the House had at that moment to deal with a deficiency. If they should decline to vote the taxes proposed, there would be a deficiency upon the year of something like £8,500,000. [The Chancellor of the Exchequer: £20,000,000.] His right hon. Friend was right; for if the tea and sugar duties were not renewed, the deficit would be to that amount. But it would be only fair to take the calculation upon the same principle on which it was taken last year—that is to say, they should take the tea and sugar duties at the rate at which by law they ought to stand; and he would remind the Chancellor of the Exchequer that last year he thought it fair to assume that the extra duties on tea and sugar should be matter of consideration by the House. Thus the House had at that moment a large deficit to deal with, and that ought not to be forgotten by the country. The right hon. Gentleman said that hon. Gentlemen on that side of the House had predicted a much larger deficiency than had occurred. They were perfectly justified in doing so. They spoke of the circumstances as they then stood for their consideration, and of the proposals as they were originally made. They spoke with the duty on spirits at 8*s.* per gallon, which was now 10*s.*; and with the repeal of the paper duty in prospect, which had not taken place. The difference between the spirit duties at 8*s.* and 10*s.* was £1,500,000, and the paper duty, £1,300,000, made up £2,800,000, which brought the deficiency up to between £11,000,000 and £12,000,000, which they always said would have to be dealt with. He thought it right to remind the House of the position in which we stood, because it was quite time that they should consider fully and fairly, without excitement, the financial position of the country, and that they should disembarrass themselves of the false impression that the financial scheme of last year had turned out better than was anticipated. He freely granted that in some respects the policy of his right hon. Friend had turned out satisfactory, and he begged leave to congratulate him particularly upon the results which he had stated of the Treaty with France. He was not surprised at those results. He had always expected and always said, that taking off duties would increase our trade and would increase the imports and exports of the country. But at the same time they must look at their finance as a whole, and accept the consequences to which it led. It would not do to look only on the bright features, particularly when there was reason to believe that some of the brightest would not present so favourable an aspect next year. Last year they had a deficit, which had been variously stated, but the fairest estimation of which seemed to be about £2,500,000. His right hon. Friend told them that there was a sum of £300,000 which properly belonged to the last year, but on reflection he would probably hardly care to calculate the matter in that way, because if they were to take the benefit of £300,000 in 1860-61 on account of wine drawbacks which arose out of the financial arrangements of that year, but which he said properly belonged to the year before, then he must also take into account expenses which might belong to that year but which would fall due this year, namely, the sum of £750,000 with respect to the China war, which they knew was still standing over. Taking the deficit at £2,500,000, as stated by his right hon. Friend, he wished to know how that deficit had been met. The right hon. Gentleman told them the other night that that deficit had been met partly by taking £1,450,000 from the balances in the Exchequer and partly by adding £460,000 to the unfunded debt. But the two did not make up the £2,500,000.

The CHANCELLOR OF THE EXCHEQUER said he had not attempted to explain the other night how the deficit was met.

SIR STAFFORD NORTHCOTE said, that if that were the case, the House had a right to complain that the right hon. Gentleman had not explained the matter. He had not seen a corrected report of his right hon. Friend's speech, and he spoke only from the notes which he had taken at the time; but the only figures which at all attempted to explain how the deficiency was met were those two items, and when he saw the papers next morning he was puzzled, in common with several other gentlemen, to make out how the difference arose. Of course, he did not mean to say that his right hon. Friend would make such a blunder as to pretend to account for the matter in that way, but these were the only figures which he referred to on that point, and it was not until he saw the account of the income and expenditure just published that he saw how the matter stood. That return, however, was by no means so satisfactory as an explanation from his right hon. Friend. Though he had had a short experience at the Treasury, he confessed that he was not thoroughly master of the principles of that paper, or of all its details, and no doubt there were many hon. Gentlemen who had not his advantages who would be equally unable to understand fully the intent and meaning of the entries in it. In order to understand the statement it was absolutely necessary to take into consideration what his right hon. Friend deliberately omitted from his statement the other night—the Vote for fortifications. The money borrowed on that head last year was small in amount—£200,000, and the sum expended was £50,000; and, therefore, though it complicated the account, it was not so very material. Still, the House ought to protest against any scheme of finance being brought forward, or any statement of our financial position being made, from which the account of what they had borrowed for fortifications was deliberately omitted. His right hon. Friend stood in a peculiar position with regard to that outlay, because he had abstained from taking any part in it; but though that might be a reason for his disowning it, it was no reason for the House, which had not abstained from discussing the question, but which had been a consenting party to the arrangement, putting it out of sight altogether in their calculations. He would take this sum, then, at £200,000, in addition to the increase of unfunded debt, £454,700, and reduction of balances, £1,300,731. Then there was a further sum, repayments of advances, £627,200, and he wished to know to what item of the account that was to be placed. He perceived that in a very able weekly paper that item was called "casual receipts;" but receipts from the repayment of advances could scarcely be called "casual," because they were continually occurring. He supposed, if he understood the matter aright, that they were repayment of advances for public works. Money having been borrowed to lend out for the purpose of public works, it was gradually repaid, to be lent out again; but it appeared that by one of the Returns, instead of being lent out again, this £627,200 had been applied to the expenses of the year. If that were the case it was the admission of a deficit at once. It was an addition to the public debt, though it might have been years ago since the money was originally borrowed. It might be very proper that the money should be applied to the purposes of the year, but it was virtually a new loan, and certainly it ought not to be used in that manner without application to Parliament or without any explanation being given of what had taken place. His right hon. Friend seemed to smile ironically, but if he had fallen into any error in the matter he should be glad to be set right. If the matter were as he supposed, then we had last year added to the debt of the country £1,257,000, and, in another sense, we might be said to have added another million, because we had had to borrow that sum to pay the million of Exchequer bonds which fell due, so that it might not be unfairly said that we had added £2,500,000 to the debt last year. But that was not the worst, because it appeared there was an item of army excess, £200,000; and he should like to know whether that was to be paid out of the balances, or was it to be paid out of the Revenue of the year? He could imagine many hon. Gentlemen asking what these balances were, and it might be said that as they came in so conveniently all additional taxation might be dispensed with. Certainly it would be much more agreeable to take a million out of the balances to pay for the repeal of the paper duty than to put on 1*d.* on the income tax for the purpose. These balances were monies which arose partly from the accumulation of surpluses and the surrender of certain Votes; but to a great extent they consisted of monies already appropriated. It might be very satisfactory to have a balance at one's banker's, but if it were already bespoken for certain specific claims and there were out-standing cheques upon it, it was a very different matter. When the House was told that the balances in the Exchequer were £1,300,000 less than last year, they ought also to know whether the claims on those balances were also less. Before proceeding to throw away further revenue they ought to be satisfied with regard to the condition of their balances, because, when the position of the country was taken into account, it would be seen that of all moments the present was precisely that at which the balances of the country ought to be strong, in order that if unfortunately calls were made upon them before the end of the year they might be able to meet them. The right hon. Gentleman, however, had admitted that they were less by £1,300,000 than at that time last year.

In considering the income for the year he believed they might assume that in most respects it had been very fairly calculated. He had no reason to suppose that more sanguine Estimates than were justifiable had been formed either with regard to the Customs, Excise, or any other of the ordinary branches of the Revenue. Of course these were always subject to the risk of fluctuations, such as resulted in a great degree from the unfortunate harvest of last year, the effects of which it was difficult to foresee, though at the time his right hon. Friend's Supplementary Budget was brought forward it had become highly probable that its returns would be unfavourable. He was not disposed to find any great fault with the Estimates, but some more positive assurance than had yet been given was required with regard to the £750,000 indemnity on account of the Chinese war, as to which he confessed himself somewhat in the dark. He really could not understand the explanation given of its amount. The noble Lord the Foreign Secretary first spoke of the amount received as £600,000, and then reduced it to £200,000; and, finally, it was left in some uncertainty whether the merchants were to be paid next year, or whether their claims were to be settled in the first instance. In dealing with such a small surplus as was claimed, especially when doubt appeared to exist in the minds of the Government with regard to such an important item as £750,000, the fullest and clearest explanation ought to be given. He was told that means existed of calculating the outside sum which this country was likely to receive from a proportion of the Customs' duties, and that if the claims of the merchants were to be paid the first year the receipts would hardly be sufficient for that purpose. It would be unfair to expect an immediate answer on the point, but before finally committing the Government to a measure which could not be reversed, those financial questions ought to be thoroughly sifted, and it would be acting most rashly and unadvisedly to deal with the small surplus apparently at their disposal. On the other side of the account was the Vote of Credit outstanding to China. The answers which he had received on this head from his right hon. Friend were anything but satisfactory, and, considered calmly, he thought the House, likewise, would feel them to be far from conclusive. What was the position of the question? Last year the House granted £3,800,000 for extraordinary expenses in connection with the war in China. The right hon. Gentleman the Chancellor of the Exchequer stated the other night that of that amount he had not had occasion to pay away much more than £3,000,000, leaving, therefore, a balance of about £750,000 still unexpended. That £750,000, accordingly, made part of the balances in the Exchequer; and in estimating their value it became very desirable to know whether that £750,000 was a sum that could be relied on, or whether it was liable to be drawn out at short notice. But his right hon. Friend, in answer to the question which he addressed to him on that point, was obliged to reply that he was afraid it was not in his power to abandon the right of drawing that £750,000, but, on the contrary, that it must remain applicable to the service of the year now passed, as it was probable, according to the best estimates which could be framed, that about that sum would be required to cover expenses already incurred in the course of the last financial year. So that the £750,000 was as good as gone. How were they to dispose of that amount? If it belonged to last year the deficit was greater than they had been informed by £750,000—that was to say, it was £3,250,000 instead of £2,500,000; and if, on the contrary, it belonged to the present year, no provision had been made to meet it, except it were taken out of the Vote of Credit of £1,000,000 which was asked for the further service of this year. It was very possible that sum of £1,000,000 might not be required in the present year. But the money was voted and in the Exchequer, and was liable to be drawn. The same difficulty presented itself between this year and next which had been felt between this year and last. If the money was to be regarded as due this year there would be a deficit and not a surplus; while if it fell due next year what became of the surplus which had been promised to meet their engagements? He apologized for these dry and uninteresting details, which he feared must weary the House; but it was necessary to present them with the object of showing that the financial arrangements required careful scrutiny. So much confusion arose in dealing with sums from year to year that he would take a period of three years together. £3,800,000 had been voted for the expenses of the Chinese War, to which a Vote of Credit of £1,000,000 had since been added, making in all £4,800,000. Only £3,000,000 had been actually required, and that left £1,800,000 still unexpended. That sum might either be included in the accounts of the year 1861-62, or thrown over to 1862-63; but in one shape or other it would have to be provided for in one or other of those years. That was absolutely certain; and according as it fell due in one or other of those years the prospects of the right hon. Gentleman for that year were materially altered. The right hon. Gentleman told them that after making all the proposed remissions, he would have a surplus of little more than £400,000; he then said that he expected, it was not quite clear how, but in some manner or other he expected to gain on the Estimates next year £750,000 in connection with the Chinese War. Thirdly, he stated that from the natural progress of the Revenue and the natural elasticity of the country he expected a gain of half-a-million, making a total gain of £1,658,000. On the other side was to be set a loss by the paper duty of £520,000, and by the reduction of 1*d.*

from the income tax of £280,000, to which he begged his right hon. Friend would add £1,000,000 for the Exchequer bonds falling due in May, 1862, for he did not imagine that it was deliberately intended beforehand to postpone those claims. [The Chancellor of the Exchequer: Hear, hear!] He was glad to receive that assurance from his right hon. Friend that it was intended to meet these liabilities. But on that calculation it was evident that a loss amounting to £1,805,000 must be looked forward to as compared with the gain to the Revenue of £1,658,000, so that, on the showing of his right hon. Friend, there would be a deficit of £147,000 to begin with. Adding to that the £750,000 which would form the residue of the outlay for the Chinese War, and that deficit would be increased to £900,000. He did not deny that these calculations might be shown to be erroneous, but he had made them very carefully, and they established, at all events, that fuller explanation than they had yet received ought to be given to the House before it was called on to surrender permanent taxation.

The Budget, although on the whole of a provisional character, contained one permanent element—the abolition of the paper duties. Financiers of all classes were agreed for many years past that it was most undesirable to live on a system of provisional finance, and he could quote opinions after opinions, including those of his right hon. Friend himself, who called it "a shifting and unstable system of finance," to show the undesirable nature of provisional arrangements, especially with regard to the income tax. How much greater, however, were the objections with regard to imported articles of trade, such as tea and sugar. Must it not, in the nature of things, be most disadvantageous to persons engaged in commerce of that description not to know what the duties on those articles were to be and to have promises made to them year after year which were continually being broken? At that moment they had a peculiar interest in tea, because the payment of the indemnity from China depended on it. That indemnity was to be paid from the Customs' duties at the ports open to our trade; the amount of these duties depended on the extent of trade; and that, in turn, depended on the amount of duty which we ourselves imposed upon the article. If they did not facilitate the tea trade, they would injure and damage—he would not say kill—the goose which was to lay those 750,000 golden eggs. There was another remarkable circumstance to which he wished to call the attention of the House. While during the last year we had imported very large quantities of various articles, the imports of three—namely, tea, sugar, and tobacco—had been almost stationary. Now, the importation of eggs and butter, and other things, had increased, because the duties had been taken off; was it not probable that the importation of tea and sugar had remained stationary because the duties had been left on?

The CHANCELLOR of the EXCHEQUER said, that the consumption had fallen off.

Sir STAFFORD NORTHCOTE said, that the right hon. Gentleman's observation supplied him with another argument. The importation of articles was induced by an expected consumption, and if by the continuance of high duties consumption was discouraged, the merchants would not import such large quantities of tea as they would otherwise do, and thus our receipts would be diminished. He must say one or two words upon the condition of trade, because, strong as were his objections to provisional budgets, he thought that that condition afforded some reasons why the House ought to be content to vote some of the taxes for a period of only one year. The exports last year were stated by the right hon. Gentleman to have reached the satisfactory amount of £136,000,000. His hon. Friend the Member for Huntingdon stated, from his knowledge of the subject, that several branches of commerce were showing a decline, and that assertion was confirmed by the figures which had been laid before the House. In the first two months of the present year the exports had fallen short of those of last year by £3,370,000, showing a decline of 16¾ per cent. Supposing that upon the whole year they declined only 10 per cent, that would reduce them to £122,000,000, a point below that at which they had stood any year since 1857. If that was the case with regard to the exports, what was likely to be the result to the import trade? It was true that they were now importing large quantities of certain commodities, but those were articles of food, rendered necessary by the bad harvest of last year; and if they had to spend so much money upon food, it was clear that they would have less to spend upon other things.

Buying food, however important a transaction, was not reproductive in the sense in which buying raw materials for their industry was. During the last two months the import of raw cotton, instead of being 1,734,000 cwt., had amounted to only 1,184,000 cwt.; that of wool, instead of 9,033,000lb., had been only 6,229,000lb.; that of hides, instead of 485,000lb., had been only 294,000lb. The imports of almost all articles of manufacture had largely fallen off; and, connected with that, let him call attention to the remarkable decline of their trade with the United States. During the last two months the export to that country of, he might say, every article except coal had greatly fallen off. In cottons, instead of £965,000 worth, they had sent only £671,305 worth; of woollens, instead of £739,028 worth, only £525,991 worth; and upon the whole list of articles exported, instead of £3,594,239, they had sent only £2,274,975, showing a decline of no less than 37 per cent in these two months. In the face of these facts, and considering the uncertain position of foreign affairs, there might be a necessity for a provisional Budget, and for voting taxes for a short time only, because there might be an expectation of greater demind being made upon them, and of their necessities increasing. But was it consistent with these reasons that they should surrender a large permanent source of revenue? It seemed to him to be utterly inconsistent. Let them remember that they had yet to see what would be the operation of the Commercial Treaty with France—although he hoped and believed that its results would be favourable—and had yet to learn whether the increase of the spirit duties would prove remunerative; and until these points had been ascertained they ought not to part with any of their resources. Several of his hon. Friends had pointed out—what every one sufficiently knew—the difference between repealing a tax, such as the duty upon paper, and reducing such duties as those upon tea and sugar. If they took too much from the latter duties they could easily reimpose a part of it, but the paper duty once abolished could not be restored. More than that, if the paper duty was abolished no further sums could be received from it, but in the other case the reduction of the duties might so increase consumption as to prevent the Revenue sustaining any loss from the change. Therefore he entreated the House to pause before they committed themselves irrevocably to the proposed step. Considering the state of the Exchequer, that it was not strong, that their expenditure was still large, and that trade was uncertain, he had no objection to continuing the income tax at 9*d.*; but let them be cautious before they committed themselves to throwing away an important permanent source of revenue, and took a step which, whatever might be the circumstances of next year, they could not retrace. His right hon. Friend the Chancellor of the Exchequer had two answers to these arguments. In the first place, he said that in another year they might reduce their expenditure. That was really a hope in which the House had indulged too long. He did not mean to say that he did not hope the time would come when we should be able to reduce the expenditure, but let them wait until they saw their way clear to do it. Did his right hon. Friend think that he saw his way to a reduction of expenditure? He had been in office for nearly two years, but the House had yet seen nothing like a reduction of expenditure. He did not make that a charge against his right hon. Friend. Far from it. Circumstances had been too strong; the feeling of the country, the feeling of that House, and he dared say the feelings of his colleagues had been too strong for him, because the expenditure which the House had voted had been voted at the request of the Government, of which his right hon. Friend was a Member. When the right hon. Gentleman had reduced the expenditure let him take off the paper duty, but when they were asked to surrender that tax in the hope that the expenditure might in some years be reduced, they were asked to surrender the substance for the shadow; and he hoped that while the House would be ready to support the Government in any well-considered measures for the reduction of expenditure they would be firm in retaining the means of meeting any charges which might be made upon the country. Another answer which, perhaps, his right hon. Friend would make was that it was desirable to relieve the industry of the country as much as possible in order to enable it the better to bear the burdens which were necessarily cast upon it. With that argument he went the entire way; but the whole question was, what was the best mode of relieving the industry of the country. That result might be brought about either by reducing the income tax, repealing the paper duty, or reducing the duties on tea and sugar. The question was if they abolished the paper duty, would they leave themselves a sufficient number of channels through which the newly created wealth of the country might flow into the Exchequer, and what were the means by which it was proposed hereafter, in case of an increase of expenditure, to draw that wealth into the Treasury? His right hon. Friend told them that the chief sources of revenue to which they could resort were the malt duties, the spirit duties, the tea and sugar duties, and the income tax. The malt tax, they were told, was not productive, and what had taken place with regard to the spirit duties put a further increase of that impost out of the question. The consequence was there were only three taxes to which they could resort in order to obtain an increase of revenue—the tea and sugar duties and the income tax. Now they must contemplate the possibility of even further demands upon them in the event of their unfortunately being involved in hostilities. The three taxes he had mentioned were the only ones which could be used to meet the expenses of a war; but if in time of peace they kept up those taxes at a high rate in order to take off indirect taxation or to relieve the country of other burdens, what would they do in time of war? He held that they ought to maintain their revenue and expenditure on as equal a footing as possible, and reserve those taxes which were their only resort in time of need till their necessities compelled them to fall back upon them.

Mr. SEYMOUR FITZGERALD moved the adjournment of the debate.

Viscount PALMERSTON: Sir, at this hour of the night, when so many hon. Members probably wish to speak, we shall not object to an adjournment. I hope, however, that the announcement of an hon. Gentleman opposite that the debate will last for a great many nights before you, Sir, leave the chair, will not be fulfilled. I trust that on Thursday, when we shall resume the debate, you will be allowed to leave the chair. There will be many opportunities in the course of the Committee for hon. Members to deliver their opinions.

Mr. DISRAELI: The noble Lord says very justly that there will be many opportunities in Committee on the different Resolutions for hon. Members to express their opinions; but we must remember that this is the only occasion on which, according to the strict rules of the House, we can have a discussion on the whole project of the Government. It is not from any wish to delay the progress of public business that I make this observation, for I am quite convinced that if hon. Members are prevented from availing themselves of this opportunity for a general discussion, we shall not make that progress in Committee which the noble Lord contemplates. On each Resolution, instead of a discussion confined to its particular merits, there will be a discussion, not strictly regular, but of Parliamentary practice, on the whole plan of the Government. Therefore, I have advised, as far as I could influence the course of business here, that this opportunity should be taken for a general discussion. The discussion to-night emanated, not from this bench, but from what are called the independent Members of the House, represented on this occasion by one of the most eminent of their number. It is impossible for the Committee to form an opinion on any of the Resolutions without further information on various points of the scheme. I have, indeed, not made up my mind as to what course I shall take in Committee. Much will depend on the tone of the debate and the explanations which we receive from the Government. For instance, it is essential to a clear appreciation of our financial position that we should know how the last deficit has been provided for, what is the exact surplus upon which we can really count, whether we may legitimately assure ourselves that the sum of money will arrive from China, and so on. I mention this, because the noble Lord, from the tone of his remarks, seemed to think that it is an unusual course to take this opportunity of discussing the propositions of the Government. If the debate is continued in the same spirit and manner in which it has been pursued to-night, I have no doubt we shall arrive at such a result that when the House goes into Committee we shall transact our business with greater facility and effect.

The CHANCELLOR of the EXCHEQUER: I am sure, Sir, it was not the intention of my noble Friend to complain of the course which has been taken. I think that it is a legitimate and desirable one, for it gives to every one an opportunity of asking for information on the various points of the scheme, in their relation to each other. I share, however, the anxiety of my noble Friend that the discussion, without being in the slightest degree unduly abridged, should be proceeded with all the rapidity which is due to its importance. There are Motions standing for to-morrow, which prevent us from resuming the debate till Thursday. It is important, on account of the very complicated proceedings in the Revenue Department, which are connected with the renewal of the income tax in a year when a new assessment is made, that the discussions on this subject should be taken at as early a date as possible. We shall think it our duty, in case the debate does not terminate on Thursday, to ask for leave to go on from day to day with the financial proposition until the main subjects are disposed of, and we earnestly trust we shall receive the approval and support of the House in making that request.

Debate *adjourned* till *Wednesday*.

House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 23, 1861.

MINUTES.] PUBLIC BILL. — 2ª Marriage Law Amendment.

IONIAN ISLANDS.

ADDRESS FOR PAPERS.

THE MARQUESS OF NORMANBY wished to ask his noble Friend, the Colonial Secretary, Whether the papers he had formerly referred to on the Ionian Islands were forthcoming? and to make himself quite regular he would now move for them. He desired to take that opportunity of correcting a complete misunderstanding which prevailed in the Ionian Islands as to what took place when the subject was last discussed in this House. Since he spoke on that occasion he had received the copy of a letter addressed by Signor Dandolo to Earl Grey, in which the Signor gave a great deal of credit to himself (the Marquess of Normanby) and Earl Grey for advocating the cause of the Ionians in that House. Now, it would be in the recollection of their Lordships that he had done no such thing; that, on the contrary, addressing his noble Friend (the Duke of Newcastle) he expressed his hope that Her Majesty's Government would resist every attempt to deprive the Crown of the Protectorate of the Ionian Islands. The noble Marquess concluded by moving an address for "Copy of Papers and Correspondence in reference to or in connection with the Prorogation of the Legislative Assembly of the Ionian Islands on the 12th day of March, 1861."

THE DUKE OF NEWCASTLE said, that he had promised to produce these papers; but, finding that a Member of the other House had moved for them, he had requested his noble Friend (the Marquess of Normanby) to move for them in the usual way, as it seemed somewhat irregular that they should be produced on Motion in the one House and presented by command in the other. He should be sorry that any misapprehension should exist in the Ionian Islands as to the intentions of Her Majesty's Government, and would, therefore, take that opportunity of repeating that there existed no intention whatever on the part of this country of withdrawing from the responsibilities which were imposed upon us by the treaties of Vienna.

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

THE LORD CHANCELLOR, in moving the Second Reading of the Marriage Law Amendment Bill, said, that formerly the law of marriage both in England and Ireland was the same, and marriage celebrated by a priest at any place or any time was valid; and it was also in the opinion of many that a contract between a man and woman, *per verba de presenti*, was a valid contract, and conferred all the civil rights of marriage. As their Lordships were aware, by Lord Hardwicke's Act, a material change was introduced into the law of England; but in Ireland the old law remained as before with a few occasional alterations. At the beginning of the reign of George I., when the spirit of persecution against the Roman Catholics had not altogether ceased, an opinion prevailed that it was highly detrimental to the Protestant cause to admit mixed marriages. That was then the opinion of the Protestants, just as now in several Roman Catholic countries the opinion prevails that these mixed marriages ought to be checked as much as possible. Accordingly, at an early period of the reign of George II., an Act was passed which forbade Roman Catholic priests to celebrate a marriage between a Roman Catholic and a Protestant, making it a capital felony, but leaving the marriage itself valid—according to the principle "*fieri non debet, factum valet.*" Bad as this was, it was more reasonable than the course which was afterwards adopted, and which was especially cruel to the innocent parties, the progeny of the marriage. In the nineteenth year of George II., an Act was passed rendering all marriages celebrated by a Roman Catholic priest between a Protestant and a Roman Catholic absolutely null; and, moreover, the marriage was declared to be null, if at any time within twelve months before the celebration of the marriage either of the parties had been, or professed to be, a Protestant. Things continued in this state till the year 1849, when there arose the celebrated case of "The Queen *v.* Millis," which led to a material change in the law. Millis was a Presbyterian, and married a Presbyterian woman, and the marriage was celebrated by a Presbyterian minister. He became tired of the connection, left his wife, and married again; and being indicted for bigamy, he pleaded that the first marriage was null and void, because it was celebrated by a Presbyterian minister. The fact of both marriages was proved, and it was left to the consideration of the courts of law whether the first marriage was valid or void. A majority of the Irish Judges were of opinion that the marriage was void. The case was brought by appeal before their Lordships' House, where the opinions of their Lordships being divided, according to the Standing Orders of their Lordships, *semper presumitur pro negante*, the judgment of the Court below was not reversed, and the marriage was held to be a nullity. This state of things caused great excitement among the Presbyterians in Ireland, who found that by it they and their children were placed under a legal stigma. The Legislature came to their aid, and his noble Friend Lord Lyndhurst, with that promptitude which he had ever shown in the discharge of his duty, introduced a Bill to render valid all Presbyterian marriages which had theretofore taken place, and he introduced into Ireland, as far as he could, the English Marriage Act which was passed in 1835. According to that Act the members of different religious persuasions could be married according to their own rites and ceremonies. But the Roman Catholics of Ireland were not included in that Act. In England the Roman Catholics wisely submitted to the same regulations, which were intended to prevent irregular and clandestine marriages, which were imposed upon other religious denominations: but in Ireland matters were left with regard to the Roman Catholics in the same state as before. In consequence the Act of 19 *Geo.* II., which rendered invalid marriages between Protestants and Roman Catholics, remained in full force to the present time, and the question was whether such a state of the law ought to be continued? It was contrary to the principles of religious liberty, and put a force on the consciences of Roman Catholics. Why were these marriages to be restrained? Was it not most monstrous that a couple married in Ireland, one a Protestant, the other a Catholic, could not call in a Roman Catholic priest to bless their union? Yet, if that was done, not only was the marriage by law a nullity, but the priest was liable to be transported for the act. Surely the time was come when that blot should be removed from our statute book. The effect of this law was most monstrous. It gave an opportunity to the seducer to inveigle a virtuous young woman into a snare, and enabled him, when his passions were satiated, to get rid of her. This had occurred again and again; but what occurred more frequently was that a man who had entered into such a union with an intention that it should be valid, but in the course of a long matrimonial life quarrelled with his wife, was enabled by law to renounce the marriage, and represent his wife to the world in the character of his concubine. This state of the law had consequently been productive of great cruelty and mischief. Various efforts had been made to procure an alteration of the law. He himself when in the House of Commons had supported two Bills sent down by their Lordships for that purpose; but these Bills did not pass, and the reason was that at that time there existed no sufficient security against clandestine marriages; Lord Lyndhurst's Act had not passed, and there was nothing in Ireland to prevent a marriage being solemnized in any place and at any hour. Lord Lyndhurst's Act had remedied this. It required notice to be given, and a certificate of registration was necessary. This Bill did not ask their Lordships to do what former Bills forbade; it did not allow a marriage between a Protestant and a Roman Catholic, celebrated by a Roman Catholic priest to be valid at all events; but it only recognized such marriages where the preliminaries required by the Bill had been observed. Notice was to be given to the registrar and a certificate issued, as required by Lord Lyndhurst's Act, which certificate was to be delivered to the priest at the time of the solemnization of the marriage; the marriage was to be solemnized in a building set apart for Roman Catholic worship, and within the district of the registrar by whom the certificate was issued; it was required to be celebrated between the hours of eight in the morning and two in the afternoon, in the presence of two or more creditable witnesses. He hoped their Lordships would give their sanction to this Bill, and he now moved that it be read a second time.

LORD MONTEAGLE said, he heartily concurred in the second reading of the Bill, and congratulated the House that they were now approaching a time when the last fragment of the penal code against Roman Catholics would be swept away. He believed there existed in Ireland some misapprehension as to the nature of the Bill. It had been represented that the Bill interfered with the religious part of the question; but it did no such thing. The restraint that was provided by the Bill had no bearing whatever, directly or indirectly, on the religious question. It was as expedient for the Roman Catholic as it was for the Protestant that clandestine marriages should be prevented, and the check provided by the Bill amounted simply to the provision that a fortnight's notice should be given before the marriage ceremony was performed.

THE EARL OF DERBY wished to call the attention of the noble and learned Lord to the circumstance, that whereas in the first clause there was, among others, a condition that the marriage must be celebrated between eight in the morning and two in the afternoon; in the second clause, which made void marriages performed in wilful violation of the Act, no mention was made of the hours within which the marriage had been celebrated.

THE LORD CHANCELLOR said, the condition was omitted, lest twenty years after the marriage had been celebrated the validity of it should be called in question, merely because the hammer of the clock struck two before the conclusion of the ceremony.

After a few words from Lord CHELMSFORD as to the wording of the first and second clauses,

THE EARL OF ST. GERMANS said, that the Act which this Bill was intended to amend deprived Roman Catholic priests in Ireland of the benefit of the provisions of what was commonly called O'Loughlin's Act. The latter repealed the penal laws against priests who should perform marrying between a Protestant and a Roman Catholic; but the Roman Catholics objected to some of the provisions of the Bill, and a few words were inserted which, unfortunately, had the effect of reviving the 19th *Geo.* II., by which the penalties were provided. He could assure their Lordships that this was not the intention of the Government of the day, and he did not believe it was the intention of Parliament. Practically the penal enactments were not put in force; but every Roman Catholic priest in Ireland who celebrated a mixed marriage was subject to them, and that was a state of things which ought not to be allowed to continue.

THE MARQUESS OF CLANRICARDE said, that if there was one thing more monstrous than another it was to make the validity of a marriage depend upon proof of the religion of the persons married. When, on one occasion, he brought this subject before their Lordships he mentioned, by way of illustration, several cases of hardship which had arisen from that law. Among them was that of a young man who was entitled to considerable property, and who could obtain possession of it only by proving that his mother, who had been married in the north of Ireland twenty-one years previously, was a Roman Catholic. He would have been unable to prove this fact but for the accidental discovery of an old man who was able to testify to the fact. He heartily thanked his noble and learned Friend on the woolsack for the present Bill, which would, he trusted, meet with the ready approval of their Lordships.

Motion *agreed to;* Bill read 2ª.

THE HULKS AT BERMUDA.—QUESTION.

THE EARL OF CARNARVON rose to inquire of the Secretary of State for the Colonies, Whether any Measures have been taken to investigate the Truth of the Charges made by the Chaplain of the Bermuda Hulks against the Discipline and present Management of the Convicts confined there? The noble Earl said it was not necessary for him to go into details on the subject, which was one which he brought under the notice of their Lordships towards the close of the last Session. It was quite enough to say that the picture which the chaplain drew of the present management of that convict establishment represented as disgraceful a state of things as it was well possible to imagine. When he called their Lordships' attention to this matter on the former occasion the noble Duke the Secretary for the Colonies was absent from this country; but the President of the Council promised that it should receive the attention of Her Majesty's Government, and undertook that there should be a full and complete inquiry on the spot as soon as possible. After that promise, he must say, he was very much surprised at the despatch of the Governor. He was astonished at the easy and cursory manner in which the Governor spoke of this very distressing case, and at the little evidence on which, so far as the blue book was concerned, he seemed to have satisfied himself that the assertions of the chaplain were not borne out. He regretted, too, that the despatch from the Colonial Office implied an approval of all the Governor had said and done on the subject. And what had he done? He said that he had paid a visit to those hulks on three several occasions. But in the first place it would appear from his despatch that his endeavour was not to ascertain whether the statements of the chaplain were true; but to ascertain whether they were not false and erroneous. Again, there was a singular fact connected with the visits which the Governor paid on three several occasions, and during which he said he found the hulks in a perfect state of order. The noble Earl the President of the Council undertook that there should be a local inquiry after the discussion in that House; but these three visits were all antecedent to that discussion. In the next place the Governor said that there had been no intimation which could have reached the hulks of his intention to visit them. He could perfectly understand that so far as the Governor himself was concerned there had been no such intimation; but, without meaning to cast any imputation on the Controller and Deputy-Controller of the Hulks, he could not but think that the Governor had not acted prudently in selecting those officers to accompany him, they being the persons who were primarily responsible for any mismanagement there might have been. The chaplain in firm but temperate language re-affirmed the statement which he made last year; and he himself had received, in common, no doubt, with the Colonial Secretary, a large number of communications from unfortunate men who had been at various times inmates of the hulks at Bermuda, on reading which, and after making allowance for the misrepresentation and exaggeration which might naturally be looked for in them, it was impossible not to feel that there was a great substratum of truth in the statements of the chaplain. From official sources it appeared that the proportion of offences and punishments to the number of prisoners was greater than it ought to be, that there was a continual shifting and changing of the warders, whilst the mere practice of associating persons on board of the hulks without any classification of age or offences was enough to create a probability that abuses would ensue. With the experience of the den of infamy at Norfolk Island, the horrors of which had led to the suppression of the system of transportation there, there was a risk of Parliament wilfully closing their eyes to abuses of a similar character when they were pointed out. A step in the right direction had been taken when one of these hulks was broken up and the convicts sent into prison at Bermuda; but no permanent improvement could be looked for as long as the system of association continued; for there was the same want of classification in the prisons as in the hulks. It must always be remembered that such establishments in Bermuda, owing to the distance which separated them from this country, peculiarly required the vigilance of the Secretary of State for the Colonies to keep up to the mark the efforts of public servants, upon whom, in similar establishments at home, public opinion would exercise a beneficial influence.

THE DUKE OF NEWCASTLE said, he agreed that no duty could be more incumbent upon the Secretary of State for the Colonies than to watch over the conduct of the convict establishments in various parts of our Colonial Empire. With regard to the first branch of his noble Friend's statement, having reference to the complaints made last year by the Chaplain of Bermuda, he must say, that having read over all the documents, his impression was somewhat different from that arrived at by his noble Friend. The statements of the chaplain appeared to him, to say the least, considerably exaggerated. He did not impute blame to that gentleman, who at the time he made these statements doubtless believed them to be correct; but, both as regarded tendencies of prisoners to reformation and also with regard to abuses, chaplains were liable to be greatly imposed upon. But he by no means intended to affirm, as the noble Lord from the second part of his statement seemed to apprehend, that the condition of the convict establishment at Bermuda was as satisfactory as could be wished. He had hoped on his return from America with the Prince of Wales last autumn to be able to visit Bermuda, and to acquaint himself with the general condition of these buildings and hulks; but that was found to be impossible, and as soon as he came home he was called on to consider whether it would be desirable to send out a Commissioner to ascertain the truth of the complaints, or what other course would be most advisable. Having come to the conclusion that the same objections which were made to the visit of the Governor would apply more strongly to the visit of a Royal Commissioner, and, seeing that the period of office of the late Governor had expired, he thought the best course would be to send out as his successor a gentleman who had already filled the office of Governor elsewhere, and from his long employment in the service of Government as an officer of engineers and in civil capacities would be eminently fitted to investigate the subject. Colonel Ord before his departure was required to acquaint himself minutely with the arrangements of the various convict establisments in this country in order that such steps as could be adopted for introducing improvements into the discipline in the prisons, and especially on board the hulks might be carried out on his arrival. But he was bound to say that he believed many of the evils which were known to exist were inherent in the system of convict establishments abroad, which for various reasons it was impossible to maintain in as good condition as those in this country. In the first place discipline and classification could never be kept up on board these hulks as perfectly as in well regulated prisons on shore, while the extent of prison accommodation at Bermuda, to a certain extent, necessitated the occupation of hulks. Climate, moreover, interfered with the strictness of discipline. Everything depended on the efficiency of those who had the superintendence of the prisoners, and there was a great disinclination on the part of properly qualified persons to undertake the management of a convict establishment, under such circumstances as that at Bermuda, and therefore, persons of inferior capabilities to those holding similar situations at home had to be employed. He was sure the experience of previous Colonial Secretaries would bear him out in the assertion that it was impossible to find gentlemen of the same stamp as Colonel Jebb and others subordinate to him in this country willing to go out and take charge of convict establishments in the colonies. The true remedy, therefore, lay either in the reduction or abolition of the establishment at Bermuda. He had no hesitation in saying that it was possible to diminish the establishment, and in fact a diminution was already being effected, and he hoped shortly to be able to dispense with it altogether. By the alterations which had taken place in our criminal law a material alteration had been made in the amount of transportation; and at the present moment none of our convict establishments abroad were full, their maintenance, therefore, being attended not only with expense, but with evils such as those to which attention had been called. If it became a question which of these convict establishments should be abolished, for reasons which must be obvious to the House, it would be more desirable to abandon that at Bermuda than at Gibraltar. It would not be respectful to the Committee which was at present investigating the subject, to prejudge the question; but it was his individual opinion that if one of those depôts were to be relinquished, Bermuda was the one which ought to be given up. He had been in communication with the War Office and the Admiralty with reference to the works which were being executed at Bermuda. He learnt that those works were very considerably advanced, and that it would be possible to complete them within a very short time. In the meantime every effort would be made to correct the abuses which existed, and to prevent the recurrence of the frightful scenes which were represented by the chaplain to have taken place.

THE MARQUESS OF SALISBURY briefly contrasted the state of the convict establishment in Gibraltar and Bermuda, and the amount of work done at each, and contended that the former was in a better position in every respect than the latter, and that this was attributable to the maladministration of affairs at Bermuda.

House adjourned at Half past Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 23, 1861.

THAMES EMBANKMENT BILL.

SECOND READING.

Order for Second Reading read; Motion made and Question proposed, "That the Bill be now read a second time."

Lord JOHN MANNERS said, that although he did not intend to oppose the second reading of this Bill, he begged to say he reserved to himself the right of opposing it on a future occasion, if it should turn out that the Commission which Her Majesty's Government had appointed should recommend by their Report a scheme different from that proposed by this private Bill. He had now several times raised his voice, apparently in vain, against this system of piecemeal legislation on this subject. They would find railways running under their feet, and possibly over their heads; and after some years Parliament would be blamed for its inattention to the general question.

Mr. COWPER said, he objected to this Bill on principle, which purported to allow a railway company to take possession of what they all hoped would be a great public thoroughfare. He also objected to it because this company proposed to take a large sum of public money in order to effect their operations. He was willing that the Bill should be considered by the Commission and compared with the other schemes; but he could not agree to its being read a second time that day. He, therefore, begged to move, by way of Amendment, that the Bill be read a second time that day fortnight.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day fortnight."

Question proposed, "That the word 'now,' stand part of the Question."

Mr. MURRAY said, that as he had charge of the Bill, he had no objection to postpone the Motion for a fortnight.

Mr. W. WILLIAMS said, that a Bill which required public money ought to be a Public Bill. It was most objectionable that a Bill of this kind should be carried through as a private measure. He hoped that the plan of embankment should be carried out on the south side of the river as well as on the north.

Amendment and Motion, by leave, *withdrawn*; Bill to be read 2° on Tuesday, 7th May.

PROPOSED CATTLE SHOW IN HYDE PARK.—QUESTION.

Sir JOSEPH PAXTON said, he would beg to ask the First Commissioner of Works, If there is any truth in the report that the Royal Agricultural Society are about to hold a Cattle Show in Hyde Park; and, if so, to explain the reason why the Government have consented thereto?

Mr. COWPER said, that the Royal Agricultural Society had for some time been intending to place their exhibition of implements, or the chief portion of it, in the great building which was to be erected for the International Exhibition of the year 1862; and it appeared to many supporters of that society that a desirable opportunity would at the same time be afforded of exhibiting animals in some part of the Metropolis that would be within a convenient distance of the same edifice. The Exhibition of 1862 would no doubt bring to London a large number of people, not only from England, but also from every portion of the civilized world, and a favourable opportunity would thus arise for showing our own countrymen and foreigners what our farmers could do in improving the breed of agricultural stock, while some amusement would be placed within the reach of the inhabitants of London, many of whom probably had never seen a bull, or a prize ox or a well-bred sheep, except on the hooks of a butcher's shop. He believed that such an exhibition in some central part of the Metropolis would be an advantage and a boon to the public. But, of course, in affording that gratification to a vast number of people it was right to take care that it did not interfere with those purposes of recreation to which the parks were chiefly devoted; and all that had been done up to the present time was that it had been determined the Royal Agricultural Society should be at liberty to exhibit their animals in one of the Metropolitan parks; but no selection had yet been made of the precise spot which was to be employed for that purpose.

ROAD ACROSS HYDE PARK.—QUESTION.

Earl GROSVENOR said, he would also beg to ask the First Commissioner of Works, Whether he has any plan for making a road across Hyde Park, to connect Paddington with Brompton; and, if so, whether there is any intention of carrying it out?

MR. COWPER said, he felt very much the great convenience it would afford to a large portion of the inhabitants of this Metropolis to have a communication opened between the north and the south sides of Hyde Park and Kensington Gardens; but the noble Lord, he trusted, would agree with him that it would be undesirable to introduce any traffic in the Park, which would interfere with that primary object of recreation and amusement to which the Sovereign had devoted the parks; and, therefore, he thought that the way in which the convenience of the people of Brompton on the one side and those of Paddington on the other could best be served, without an unnecessary interference with the comfort of the public generally, would be by making an underground road or tunnel. At the commencement of the Session notice was given of a private Bill, by which the Metropolitan Railway Company proposed to carry a tunnel under Kensington Gardens, and if that Bill had been proceeded with an opportunity would have been afforded of supplying an underground carriage road in addition to a railway. That Bill, however, had not been pursued, and at the present moment he did not exactly see his way to attaining the object which the noble Lord desired without unduly interfering with the amusement and recreation of those who were in the habit of frequenting Hyde Park and Kensington Gardens.

PUBLIC AND ENDOWED SCHOOLS.

QUESTION.

MR. GRANT DUFF said, he wished to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to grant an inquiry into the state, discipline, studies, and revenues of the schools, commonly called Public Schools, as well as of those Endowed Schools in which the Latin and Greek languages are taught; and whether he would object to state generally what steps the Government means to take in the matter?

SIR GEORGE LEWIS, in reply, stated that Parliament had already recognized a difference of principle with respect to places of education which enjoyed endowments created by founders in former times, and proprietary or private schools which did not possess such endowments. Places of education of the former kind had been treated as subject to the supervision both of Parliament and of the Government, Royal Commissions had been issued for inquiring into the Universities of Oxford and Cambridge, and there had also been subsequent legislation with respect to those Universities. The principal class of endowed schools had likewise been brought under the jurisdiction of Parliament, and especially of the Charity Commissioners, whose powers were created by Act of Parliament. Under these circumstances the Government could not refuse to recognize the public endowed schools of England as a fitting subject for a public inquiry; and they were not unfavourable to the principle of such an inquiry as the hon. Member had indicated in his question—namely, an inquiry into the public endowed schools in which the Latin and Greek languages are taught. But a further question arose with respect to the manner in which that inquiry should be conducted; whether it would be most conveniently and efficiently conducted by means of a Royal Commission, or through some other machinery—for example, under the authority of an Act which might be passed by Parliament. Before the Government came to a final conclusion upon that point they were desirous of communicating with the heads and managers of the principal public schools, for it was clear that such an inquiry would be most effectively conducted if it were carried on in an amicable spirit with respect to these great foundations, and therefore he would ask the hon. Member to consider whether he would not postpone for a short time the Motion of which he had given notice for that evening, in order to enable the Government to communicate with the heads of public schools in the manner he had described?

SIR WILLIAM HEATHCOTE said, that seeing that Winchester College had been already dealt with under the Act relating to the University of Oxford—an Act which empowered the Commissioners to treat it as one of the Colleges of Oxford for the purposes of the Act; seeing that the Commissioners had issued an Ordinance revising the whole Statutes of the College, and seeing that the College was now engaged in carrying into effect the new regulations so made by the Commissioners, he would beg to ask the Home Secretary, whether he be disposed to exempt it from any inquiry which might be contemplated by the Government?

SIR GEORGE LEWIS said, he had been partially aware of the facts stated by the hon. Baronet, but one of the objects which he had, in suggesting to the hon. Member for Elgin (Mr. G. Duff) the propriety of postponing his Motion, was that he might be able to ascertain more exactly the nature of the regulations which had been issued at Winchester, and whether it would be desirable that any special exemption should be made in the case of that or any other public or endowed school which might recently have been subjected to an inquiry conducted under the authority of Parliament.

MR. GRANT DUFF said, he would postpone until that day week the Motion which stood in his name for that evening.

THE STATUE OF SIR HENRY HAVELOCK IN TRAFALGAR SQUARE.—QUESTION.

MR. CAVENDISH BENTINCK said, he rose to ask the First Commissioner of Works, Whether the Statue of Sir Henry Havelock has been erected in Trafalgar Square with his consent; and, if so, whether, before such consent was obtained, the cast or a model of the statue, and the design for the pedestal, were duly submitted to and approved by him?

MR. COWPER said, that if he were to answer the words of that question in their strict grammatical sense he should state that he doubted exceedingly whether that illustrious individual would have given his consent to the erection of such statue. But as his hon. Friend probably wished to know whether the statue had been erected with the consent of the First Commissioner of Works, he was happy to be able to inform him that that consent was given at the end of the year 1857, and that the model of the statue and of the pedestal had been approved by his predecessor in the beginning of the year 1858. All he could say for himself was that when he was asked to give the necessary orders for placing the statue he strongly objected to the form of the pedestal which had been adopted. He took the liberty of representing to Mr. Behnes, the sculptor, and the committee of subscribers that the pedestal was much too high for the position it was to occupy. Not only was the pedestal not very good in form, but from its extreme height it placed the statue in a position where it was not very well seen, and, when viewed in front, it diminished in proportion the height of the National Gallery, which was already quite low enough. Mr. Behnes, the sculptor, did not agree with him in those views, neither did the committee. They were perfectly well satisfied with the work and with having had the consent of his predecessor that the pedestal and statue should conform to that of Sir Charles Napier. Therefore he had himself no part whatever in the erection of the statue and pedestal to which his hon. Friend referred.

THE FAMINE IN INDIA.—QUESTION.

MR. H. BAILLIE said, he wished to ask the Secretary of State for India, Whether any previous steps were taken by the Government of India with a view to meeting the distress arising from the expected famine; whether there is now any general organization of the means at the disposal of Government for that purpose; whether the Government stimulated subscriptions by offering to contribute a sum equal to that which was subscribed; and whether it is intended to leave without assistance all who cannot be provided for by these means if they should prove insufficient?

SIR CHARLES WOOD: Sir, I am not in a position to give more than a general answer to the questions put by the hon. Gentleman. The attention of the Government of India had been for many months directed to the probable effects of the drought in that country, and measures were taken on their part to obviate, as much as possible, the evils resulting therefrom. Work has been provided to a considerable extent, and also, in some districts, contributions have been offered in addition to the subscriptions. I cannot, however, give any explanation as to the precise mode in which the measures have been directed for that purpose. I know that measures have been taken on a very large scale, in some shape or another, and that the estimate of the sum to be given in relief by the Government is of very considerable amount.

ELECTORS' PROTECTION—THE BALLOT.

LEAVE.

MR. H. BERKELEY said, he rose now to ask leave to bring in a Bill to protect the voters of Great Britain and Ireland in the discharge of that most important duty—the electing those Members who were to make the laws for the protection of life and property. Under existing circumstances they had not that protection, nor could they evade the law which required them to vote free and without intimidation. The Bill which he sought to lay before the House would prevent all intimidation of electors, and would, he believed, put an end to bribery and treating. He might have paused in bringing forward the question on account of what had taken place lately: but he could not understand why there should be some mysterious influence in the year 1861 which should prevent any hon. Member of the House from bringing forward the question of electoral reform. He had found the arguments used against such a course totally without sense or reason. He saw reforms of all kinds brought forward. When he saw legal reforms of a most extensive character carried through the House by the Attorney General; when he saw hon. and gallant Members rise on all sides to propose reforms in military affairs; when he saw the Admiralty subjected to the attacks of reformers of all grades, and crumbling away under the combined assaults of knowledge and ignorance; when he saw the civil service of the country open to reforms, and reforms proposed in the diplomatic service, he wanted to know why electoral reform was to be tabooed in that House. He saw no reason. It might be for the convenience of certain hon. Gentlemen, right hon. Gentlemen and noble Lords at the head of Her Majesty's Government, that it should be so; it might be for the satisfaction of the Opposition that it should be so; but he could see no valid reason why any hon. Member should not approach the question of Reform, and proceed with it as he had hitherto done. As regarded the arguments used by the noble Lord the Member for London, in bringing in his Reform Bill in 1860, and the arguments used by him why he should not bring in one in 1861, he (Mr. Berkeley) thought there was the greatest possible discordance between them. They were as unlike each other as two things could possibly be. In 1860, when the noble Lord, backed by a message from the Crown, brought in his Reform Bill, he said the country was tranquil and prosperous, that there was no excitement, and that, therefore, then was the time for hon. Gentlemen to approach the subject dispassionately. The same thing was said by those who followed in the wake of the noble Lord. They pointed out that there was no Joseph Parkes with 100,000 men at Birmingham threatening to march upon London—that Bristol was not in flames—that the country was quiet, and that then was the time to settle the question for a quarter of a century. Well, he need not follow that Reform Bill to its grave. Of it he should say no more, on the principle *de mortuis nil nisi bonum.* But the reason why the noble Lord refused to bring in a Reform Bill this year was of a precisely dissimilar character to that put forward in his arguments the previous year. This year the noble Lord said the country did not want reform, that there was no excitement in the country. He had a shopfull of reform on his hands at the service of the country; but what he required of the people was that they should knock in the door and break the windows before he would give it to them. So, having decided that it was necessary to bring in a Reform Bill because of the want of excitement in 1860, he would not bring in a Reform Bill because the country was not excited in 1861. The argument which seemed to be adopted by the noble Lord, and by other hon. Members, was, that now the noble Lord's Reform Bill had not been carried, no other Reform measure, however needful, should be passed. That argument, however, did not weigh with him in the least, and he should proceed as he had hitherto done. He felt that to attempt to persuade the present House of Commons to accept the ballot was a hopeless task; but it was not useless, for the sake of Reform to argue the question. He could not get rid of the fact that 160 of the largest constituencies in England had bound their Members to get for them the protection of secret voting; and that thirty-eight of those constituencies comprised more than 10,000 electors. Amongst those constituencies was the City of London, and all the metropolitan boroughs; and of all the metropolitan Members, the noble Lord (Lord John Russell) was the only one who refused to give the voter protection in the exercise of his franchise. He would venture to say, that were it not for the gratitude which the country entertained to his noble Friend for giving them the largest Reform measure they had ever had, and for the confidence that the administration of the foreign affairs was safe in the noble Lord's hands, the noble Lord would not be able to hold his position as Member for the City. The subject he brought forward had been so often and so completely sifted, and the arguments against it had been proved over and over again to be so futile, that he should not attempt to travel over the whole ground again. He looked upon the principle of the measure as sufficiently proven. He knew perfectly well the danger he incurred by taking that course. If he left any point unguarded that point would instantly be attacked. He had not brought the question so often before the House without knowing the various "dodges" which were put in force to get an answer of some sort. If he said little on the subject of intimidation he would be taunted with having given up that point, if he said little of bribery, that would be claimed as a point yielded. Then, there was his noble Friend the Member for Tiverton (Viscount Palmerston), that expert wrestler, fresh from his triumphs at Tiverton, dragging the unhappy Rowcliffe at the wheels of his chariot, and he knew perfectly well that any one who contended with his noble Friend as a wrestler in that House, if he left any point unguarded, straightway would find himself on his back with the Parliamentary knees of the noble Lord well into the pit of his political stomach. He knew what he had to expect from his noble Friend. If he found that a Government, comprised of noble and hon. Members from either side of the House, really would apply themselves in earnest to put down the evils of intimidation and bribery, he might pause in his humble endeavours to call the attention of the House, and of the country through the Press, to the subject. But nothing of the sort had ever been done. The Corrupt Practices Prevention Act of 1852 had been found utterly ineffectual. After the last election the subject was referred to another Committee, under the particular care of the late Member for Marylebone (Mr. Edwin James). He certainly thought that his name would have been placed on that Committee, but he was mistaken. His hon. Friend the Member for Finsbury (Mr. T. Duncombe) proposed to add his name; but the right hon. Member for Kilmarnock (Mr. Bouverie) objected on the red-tape plea that there were already enough Members on the Committee; and so he was left out. The next thing he expected the Committee would have done, considering it had to try the ballot question, was to call for the evidence of some of the gentlemen connected with the Ballot Society; but here again he was mistaken. The Committee, however, proceeded to take evidence, and the result was that they handed back the old Corrupt Practices Prevention Bill, and recommended it to the right hon. Gentleman (Sir George Lewis), who, getting behind the Report of the Committee, proceeded to construct a new Bill out of the old materials. That was the history of the Corrupt Practices Prevention Bill. He had before him, however, an analysis of the very short evidence the Committee took on the subject of the ballot. He had nothing whatever to do with the getting up of that evidence; neither had any other sinners of the Ballot Society with which he was connected; but short as was the evidence it was impossible to shut one's eyes to its force. He begged to call attention to the evidence of a few of the witnesses. Mr. James Vaughan, the chairman of the Gloucester and Berwick Commissions, was asked if there would have been any security against corruption if the ballot-box had been employed. His reply was, "I should say there would;" and he added that he could not conceive that any person would be disposed to give a bribe if he did not know whether the vote would be given. Mr. Welsford, another of the Gloucester Commissioners, said that in almost every instance in which he found that an elector had been bribed, the bribed was not trusted with the money before he voted, and that in a great many instances he was watched to see that he performed his promise. In answer to the question whether a system of secret voting would have prevented bribery in Gloucester, both witnesses answered in the affirmative. Voters, they said, were suspicious as well as canvassers, and many who took bribes would not vote until by some means they ascertained that the bribe they were to receive was safe. Mr. Serjeant Pigott, the chief Commissioner of the Wakefield Inquiry, referred to the system of intimidation by means of local committees at elections, and said he thought that undue influence would be put a stop to if the ballot were introduced. Mr. Edwin James, in his character of witness, assured the Committee that the ballot would not prevent bribery in small constituencies, but would, at any rate, be an effectual preventive of intimidation. Mr. Phinn, a St. Albans' Commissioner, and who had a large Parliamentary practice, was also of opinion that the ballot would be the best preventive of bribery, and stated that the late Mr. Coppock had expressed to him a similar opinion; and a person named Edwards, largely engaged in bribery at St. Albans, said that if the ballot existed his occupation would be gone. "Either," said he, "you must trust the corrupt or they must trust you; if you pay them before they vote they will probably not keep their promise; and if the payment is to be dependent on the event of the election, those who vote against you as well as for you will claim a reward." Mr. Rose, the agent for the Carlton Club, who managed the elections for the Tory party—while he had no particular regard for the ballot, bore witness that the Corrupt Practices Prevention Act had proved almost a nullity. Mr. Childers, formerly a member of the Legislature of Victoria, and now a Member of that House, gave his experience of the working of the ballot in that colony, and said there were now no means of ascertaining how the constituents voted, and that consequently that information was substantially a secret. He added that before the ballot came into operation corruption prevailed in the constituencies, and that in one constituency, which had been particularly notorious before the ballot system, bribery soon afterwards became almost extinct. Being asked by Sir FitzRoy Kelly how he came to the conclusion that bribery and corruption had ceased, he said that he did so from the notoriety of the effect produced by the ballot, and also by the absence of petitions against successful candidates. In reply to the Chairman the witness stated that the working of the ballot system had given universal satisfaction in Australia. In answer to Sir George Grey he said, he saw his way perfectly clear to the adoption of the Australian ballot in England. Till he went to Australia he was not an advocate of the ballot, but had been convinced of its utility by seeing it in practical operation there. Mr. Philpot, of Gloucester, was of opinion that the Australian ballot would be the most effectual mode of remedying the existing evils in this country arising from bribery and intimidation. Sir Frederick Slade, a Parliamentary counsel, doubted the efficiency of the ballot; but Captain Clarke, formerly a member of the Australian Legislature, said he entirely agreed with Mr. Childers as to the effect and usefulness of the ballot. In New South Wales it had been adopted without a dissentient voice. Captain Clarke said, that he did not think voters generally talked afterwards of the way they had voted. Mr. Wise, election agent of Norwich, who was examined, was not in favour of the ballot, but still he thought there should be some system of secret voting as a protection to the voter. That witness remarked that tenants of large estates did not want the ballot. They liked the landlord to know which way they voted; at all events when they gave their votes to the candidates favoured by the landlords. Such was the evidence, fairly quoted, that was given before the Committee on the subject of the ballot; but why the ballot formed no portion of the subject of their Report was not for him to explain. He would now proceed to quote a considerable number of cases of positive intimidation practised by landlords upon their tenants in England and in Wales. Farmers, householders, and tradesmen, had received notices to quit their holdings, and had lost custom entirely and directly for the reason that they had voted according to their own principles and consciences. In all the cases he had quoted on former occasions, he had given his authorities, and he was prepared to do the same if required that evening. He had an analysis of the elections at Cirencester, drawn up by Mr. Wakefield and confirmed by Mr. Cooke, a solicitor, and secretary to the Liberal Registration Association of Cirencester. In 1834 the hon. Mr. Ponsonby, now Lord de Mauley, stood for the borough upon Liberal principles, but, being the nominee of Earl Bathurst, he did not advocate the ballot. In 1852 the hon. A. Ponsonby announced himself as a ballot candidate, and was returned, beating Earl Bathurst's nominee. After the election notices to quit were given to tenants of Earl Bathurst who had voted for the Liberal candidate. In 1854 the Tories were successful, and no evil results followed; but in 1859 the Tories were beaten, and then again followed a number of notices to quit. Direct evidence on this subject they could not obtain; they must rely only on circumstantial evidence, but the conclusion *post hoc sed propter hoc* was irresistible. The hon. Member then read a letter from the county of Merionethshire, addressed to the Secretary of the Ballot Society, stating that tenants had been turned out of their holdings for the votes they had given at the election, and that eleven tenants of Sir Watkin Williams Wynn had had their rents raised for the same reason; yet he admitted that hon. Baronet was one of the most amiable of men, as he could testify from having enjoyed his friendship. He related the fact to show the essential viciousness of the system, and the necessity there was for the adoption of the ballot. The writer of the letter, a Dissenting clergyman, the Rev. Michael Jones, of Bala, had been removed from the register of voters by trickery, common in Registration Courts; and his mother had been given notice to quit her habitation, although aged seventy. The rev. gentleman's chapel which was the property of Sir W. Wynne had been sold, but was bought back by his congregation. Simply, because he had exercised his right to vote for whom he pleased had he been thus visited. At the Pembrokeshire election Colonel Owen was defeated, and in his speech to the electors after the election he asserted that the landlords had used their influence against him unfairly, adding, "They will pull the ballot down upon them." This prophesy was not made by an advocate of the ballot, but by one who spoke of it as of an avalanche that would descend and smother them all. The intimidation that at present existed converted the English elector into a mere voting machine—an automaton—or it consigned him to ruin. If that was a state of things the poor man rejoiced in, he (Mr. Berkeley) had no right to stand there; if not, he should persist in doing his duty in spite of all the opposition he might meet. He might now point out the importance of the ballot as a preventive to bribery; but he would not dwell upon this part of the subject, even at the risk of being chided from the Treasury bench when some hon. Gentleman rose to speak, because there was abundance of evidence before the House of the existence of bribery at elections throughout the land. He was told that he must be mad to bring forward this subject at the present time, when, in consequence of the state of Europe, so many of their countrymen had felt it necessary to fly to arms. But, instead of looking upon the Volunteer movement as adverse to the cause he advocated, he would point to it as one of the strongest arguments in his case. In the year of the Great Exhibition, when all the world was trembling lest something should happen amongst the masses of the people, he called on them to observe their order, steadiness, and loyalty, and as a test of their knowledge, to compare the conduct of those who attended on the shilling day with the conduct of those who attended on the five shilling day. The difference was most remarkable and extraordinary. He found that while on the five shilling day the visitors paid attention to the carriages, the silks, and the productions of fashion, the attention of the visitors on the shilling day was attracted to works of science. Were they afraid to trust that people with the exercise of their own franchise? Were such men as the Volunteers, who had laid such a tax upon themselves, and had taken so noble an attitude, to be so treated? They were not afraid to trust those men with rifles, why should they be afraid to entrust them with votes? He appealed to the House on behalf of a body of loyal men, many of whom were now deprived of their rights, but he might as well appeal to the floor on which he was standing. They might boast of it, but it was little to their credit. Again, in conclusion, he would ask the House to allow him to bring in this Bill. It was a measure which was not understood; and the House took especial care that they would not understand it. They would not read it a first time, they would not have it printed, they would not extend to this Bill, supported as it was by so many English constituencies, that courtesy which was extended to measures of not half so much importance. He repeated that a lamentable ignorance prevailed with regard to the Bill, and he would cite as instances of this ignorance the right hon. and learned Gentleman the Member for the University of Cambridge (Mr. Walpole) the right hon. Baronet (Sir George Grey) and Mr. Stuart Wortley. Those gentlemen believed that the ballot would introduce to the constituencies nothing more than a box into which electors would drop blue, black, or red balls; that those balls would be afterwards counted, and that so the poll would end, there being no possibility of providing an appeal against an undue election, and no means of detecting improper practices. Could anything be more unfounded than such an opinion? If such men fell into such errors, why not print this Bill in order to enlighten them a little? Why was he, who was put forward by some 230 Members to occupy no very agreeable position and to urge this question on an unwilling audience—why was he to be treated with less courtesy than was shown to other Members? Such conduct was neither respectful to the constituencies which they represented, nor was it respectful to themselves. It showed that the House was determined, right or wrong, to oppose the proposition to protect the voter, whenever it was made, and to put a stop to the measure at the earliest opportunity. He could not say what answer would be given to him that evening. They all knew there was an intimate connection between the Treasury bench and Printing House Square, and that in Printing House Square there were certain hon. Gentlemen who would scorn to give the protection of the ballot to the voter at the polling booth, but who did not hesitate to avail themselves of the irresponsibility of protected writing. If such a man were on the Treasury Bench he reflected no credit on it. It was, to say the least of it, an improper act for any hon. Member of the House to wait until he heard a speech, and instead of manfully getting up and confronting the Member who delivered the speech, to sneak away to a back place and write an article. He would say to that Gentleman on the Treasury Bench, if there be such a man amongst you get rid of him—he does you no credit, and the country believes that to be the case. He now thanked hon. Gentlemen who, though they disagreed from him, had heard him fairly, and he left the question with the House, only observing that he proposed for the elector a measure of justice, but feeling sure, at the same time, that he might just as well appeal to the Pope at Rome as to the present Parliament.

SIR CHARLES DOUGLAS, rose to second the Motion, and said he was well aware how fully and how often the question had been discussed, and how impossible it was to throw any new light upon it. But other measures had been more frequently debated over and over again before they were carried. Such was the case with regard to Catholic Emancipation, Reform in Parliament, and in later days, with Free-trade, which was for years supported by a right hon. Gentleman on the Treasury bench (Mr. C. P. Villiers) against an unwilling House and defeated by immense majorities; at length, with the assistance of another hon. Gentleman (Mr. Cobden) who was truly right honourable, though he refused to accept that title, that question was at last triumphantly carried. These instances encouraged him not to despair, and the question of the ballot would again and again be brought forward in that House, and sooner or later be equally triumphant. It was not worth while at that time of day, when so many eminent men on both sides of the House had changed their opinions on so many other great questions, to occupy the time of the House respecting any change on his part with regard to this. He (Sir Charles Douglas) had changed his opinion, because his reason was convinced. He had not done so from any interested motives nor even concurrently with any advantage to himself, and, therefore, he was not justly liable to any taunt whatever. It was no sudden change. Nineteen or twenty years ago he had voted against the ballot; during ten years he had not voted on it at all; and eleven years ago he had voted for it. He last year repeated that vote, and he now in compliance with the request of his hon. Friend was about to second this Motion. The question was whether forced publicity or the option of secresy was the better security for the exercise of the franchise? He should endeavour to show that influence which was the bane of all elections would be prevented by the ballot, and by so preventing it they would act fully and entirely in accordance with the feelings and practice of the people of this country. The noble Lord at the head of the Government had said that the franchise was a trust and not a right, for if the latter a voter could justly sell it; but it appeared to him (Sir Charles Douglas) that it was a trust to which every man had a right, but that no man could sell that right for no one could sell a right, the exercise of which he could not transfer. But be it a right, or be it a trust, all men were satisfied that it was an immoral act to sell it; or to attempt to influence it. He could not understand how any one could lay down the proposition that a man was not to be ensured the free exercise of that which he by law possessed. No influence, good or bad, ought to be exercised upon a voter; that influence which resulted in spontaneous action was the only influence that could be defended in that House. If hon. Members would consult that valuable book, *Dod's Electoral Facts*, they would see what was meant by the term "influence." According to that authority Bridgnorth had been represented by a Whitmore since James I.; Calne had been under the influence of the Marquess of Lansdowne since 1762; at Huntingdon the influence of Lord Sandwich was predominant; at Hertford Lord Cowper's influence was all powerful; and so on with other places—such as Leominster (where, however, it was said that a candidate's financial capabilities were highly valued). Newark, the Duke's influence returns one Member; Colchester, influence is money; in a short period five candidates were bankrupts after contests, and one fled the country; North Leicestershire, the Duke of Rutland returns one Member; in Droitwich, Sir John Pakington's influence returns himself; and, lastly, Tiverton, which, returned the noble Lord at the head of the Government was in the hands of Mr. Heathcote. [*Cries of* "Warwick, Warwick," *from the Opposition.*] He had not intended to refer to Warwick; but he was not ashamed of it, and what was more, he believed the men of Warwick were not ashamed of him. He would say, moreover, that men of all parties in Warwick expressed their earnest hope for his success at Banbury. And, therefore, when hon. Members asked him about what had occurred fifteen years ago, he could tell them that he then made a sacrifice, one of the greatest which he could make, from no paltry motive—he made it in support of the great principles of free trade—he rejoiced in being one of those who were called at that time "renegades" and "janissaries." The book said of Warwick, that

> "The influence there was possessed by the Ear of Warwick and Brooke, but it was not of a stable or permanent character, and since the Reform Act money influence had been more than once successful."

That such things should exist and be defended was a libel on the British Constitution; for according to Judge Blackstone—

> "It was essential to the very being of Parliament that all elections should be absolutely free, therefore, all influences upon electors are illegal and strongly prohibited."

And that learned Judge

> "Regretted that the depravity of mankind did not permit such influences to be sufficiently guarded against."

Now, it appeared to him (Sir Charles Douglas) that the arguments against the ballot were imaginary and speculative, whereas the evil to be remedied was positive and undeniable. From his own experience he knew of no place for the last twenty years in which the ballot would not be hailed by the people with satisfaction. He remembered hearing it said by the noble Lord at the head of the Government that if the ballot was established they must give up canvassing. But who that knew what canvassing was did not feel that it was degrading to both electors and elected? If the ballot would put a stop to the practices which took place when the candidate entered the borough and went round attended by the clergyman, or an influential banker, or the steward of the landlord, or any one who could exercise influence over the voters, that would be an additional argument why it should be established, and it would at least prevent such intimidation, the necessary consequence of canvassing, which, if possible, was a worse evil than direct bribery. In answer to the hon. Member who called out "money." He (Sir Charles Douglas) could declare that he had never bribed any man; but of the tyranny of influence he had many proofs. He, of his own knowledge, knew a small borough in the north, in which he had heard himself from the lips of many voters, that they dared not vote as they desired, because the agent had been round, and threatened expulsion from their holdings if the family candidate were not returned. In 1853, when a Committee of that House declared the seat for Durham vacated, it was determined that he (Sir Charles Douglas) should be the candidate, and that the election should be conducted on principles of purity. It was true that he lost the election, and it was equally true that he might have gained it if money had been spent. At an election, ten years previously, Mr. Bright had been defeated by the same means, for it was recorded that in 1843,

> "Without any other influence than that of principle upon the minds of the constituency, the free trade candidate headed the poll from first to last, and was returned by a majority of seventy-eight."

The *Morning Post* of August, 1843, at that time the Protectionist organ, stated—

> "That had the Marquess of Londonderry exerted his power the result would have been to defeat Mr. Bright."

Well, when he (Sir Charles Douglas) stood at the same place in 1853, it was decided that no money was to be spent by him, nor was there to be any canvass. At all previous elections it was usual that the expense of the hustings should be borne by the candidates; but on that occasion when it was understood that none of the expenses were to be borne by the candidate, the people of the place went to the mayor and said, "Why have hustings at all?" "Why not have the town-hall?" And so they got the town-hall. Thus, the moment it was proposed that the people should bear the expenses themselves, they resolved that the election should be conducted at the smallest possible outlay. Well, he was in a majority at about twelve o'clock; but about one, a body of 100 men, almost all miners, came in together—and the result was he was beaten, as he believed, by 108 or 110 people who were driven into the town, exactly as had been done ten years before to defeat Mr. Bright. He would read an extract from a letter which he had from Durham, dated the 12th of April, in answer to his inquiry if his recollection of what had occurred was correct—

"My dear Sir Charles.—No real representation of the feelings and opinions of the voter can be made manifest without the ballot. I am glad to think you look back with satisfaction to your visit to Durham in 1853, when you enabled us to demonstrate what could be done by spontaneous action and perfect purity of election. The interest was and is to this day overwhelming. You are certainly within the mark when you say 108 electors came in at twelve o'clock, and voted for your opponent to a man. You would be within the fact if you name 120. The usual practice with these voters is this: they are collected together from their different localities, have a liberal breakfast given them at some public-house, and then taken into the city, each lot having some sub-agent or overman with them. The head, and all the other, agents of the property are in the city during the day of election. The band of music of the property is in attendance to cheer and keep up the spirits of the party. You may not know the fact, but it is notorious, that a considerable number of freemen are placed at the collieries, within legal distance, many of whom are nearly worthless in point of labour value, but their votes tell thus on the day of election, and that is sufficient. You ask me what were the expenses of that election? They were very trifling, consisting only of two items:—The charge of the returning officer, and for printing your speeches, and the bills advertising when you would address the constituency. There were no paid agents, no tally or committee-rooms, no band, and no runners; £60 paid everything. It is greatly to be feared we shall not see the like again."

Let them not tell him that influence was exercised over only miners and persons of that class. A gentleman asked him one day if he could find out why it was that a friend of his (Sir Charles Douglas) in another borough had voted in a particular way? He wrote and got this answer. His friend was in a good position of life, with ample means made by the sweat of his brow, and as independent a man as any in that House; but what answer did he give? This was his reply—

"My dear Sir—I voted for Mr. ——. My vote was given irrespective of politics, for in the circumstances I am placed I dare not show any; but, had I followed the bent of my own inclination I should have gone straight for the Liberal side; but as every client and almost every friend I have are the other way, I know that would extinguish my professional prospects for ever, so I am compelled to act with duplicity and smother my opinions.

"For two or three years prior to the election I had not exchanged six words with Mr. —— on politics; but when the struggle came, he like others, tried to secure both my vote and services—the latter was entirely out of the question, as I did not hesitate to tell him; but as to the former, I told him, equally without reserve, that as my friend had withdrawn, and as neither Mr. —— on the one hand, nor Mr. —— on the other, had any right to force a stranger upon us to his exclusion, in need I would vote for him, without regard to the way it might tell against either of the other candidates."

"I confess to you that if admiration of the man, or of his qualifications for Member, were necessary to determine a vote, then the poll would have closed without mine.

"I did not intend to vote at all; I never took the slightest part in the election in any way; but at the last moment, just as the poll was closing, Mr. ——— came to me, and said that his friends had alarmed him by assertions that the last ten minutes would throw him over, and begged me to vote, and I plumped just before four o'clock. The vile lot who supported his colleague have done all in their power to ruin me. If I had yielded to their repeated solicitations (and thrown my friend overboard previously), I should have been the finest fellow in the creation; but, for the crime of refusal, I have been the object of their bitterest hatred, and my name has been held up by them to public execration through the length and breadth of the town and neighbourhood. A Tory friend, who has always taken much interest in my welfare, states that 'I have given deep offence to this party, and have lost brilliant opportunities of success.'"

How was it possible to defend open voting when its result was that a gentleman's professional prospects would be extinguished unless he acted with duplicity and smothered his opinions? He (Sir Charles Douglas) knew the case, could answer for its truth, and he called for a remedy for such a scandalous electoral grievance. [The hon. Member's speech was now so much interrupted by cries for a division as to render it difficult to follow his argument. He was understood to say.] It had been said that they were never to look to France, to any part of the Continent, to America, or anywhere else for examples to guide them. To a great extent he agreed, for it was true what might be good in France or America would be ill-suited to England. There was no denying that through the agency of the ballot peace and good order had been secured to France. If a despotism had been established it was because it was in accordance with the feelings and wishes of the people. He was not one of those who thought we differed so entirely in feelings, opinions, habits, and customs from other countries as to preclude referring to them for reasons why the principle of the ballot should be introduced. He could not forget the fact which had been mentioned by the hon. Gentleman who made the Motion, that they had just recognized in Italy a kingdom established by universal suffrage and vote by ballot. Surely some good inferences might be drawn from this. But, if the feelings and affections of the Italians differed so much from their own, let them go to their own colonies, where the people were of their own flesh and blood. He would remind the House that in our colonies the ballot had been found to answer. With the permission of the House, he would read a short extract from the *Sydney Morning Herald* with reference to the introduction of the ballot into the colony of New South Wales—

> "One thing is clear, that there has been much less importunity. Men have felt indisposed to ask what many have thought proper to conceal; and it has been deemed useless to purchase support, or to demand pledges, since the class of men who would give promises under pressure are just those who would avenge themselves by breaking them. The working classes have enjoyed the benefit of the ballot, not in relation to their employers, but in reference to each other. There are everywhere noisy, dogmatical, and oppressive men, who, by force of will, domineer over their neighbours. Thus many, rather than incur the opposition and contempt of people with whom they have daily to work, have often voted against their inclinations and their conscience. From this necessity they are now relieved. That surveillance by which men were forced almost to set in regiments is broken by the secrecy of the ballot."

The right hon. Gentleman, the Member for Wiltshire (Mr. Sotheron Estcourt), in opposing a Motion of this kind some three or four years ago, used these words—

> "If absolute secrecy could be obtained, I might almost say I would not object to the ballot. In my opinion intimidation and bribery would be best prevented by an alteration of our electoral districts, and by such an increase in the number of voters as would prevent these two evils. I think three things are required for the voter—intelligence to decide between candidates, property to give him an interest in the franchise, and independence to make him a free agent."

It was to confer that independence upon the voter that the House was asked to extend to him the protection that was afforded by the ballot. The right hon. Gentleman went on to say —

> "I advocate publicity because I regard secrecy in respect of public functions un-English, and opposed to the habits, customs, and feelings of the people."

He (Sir Charles Douglas) differed entirely from the right hon. Gentleman when he said that the ballot was un-English. He could show that the reverse was the case. Its use pervaded every class of society. He had made wide inquiries, and he asserted the fact that the ballot was universally practised in England—in no sense, therefore, could it be called un-English. He could, in detail, quote 150 societies of one kind or another in all of which recourse was had to the ballot in the election of officers. He would mention to the House a few of the names of those corporations and institutions, schools, and colleges, by which election by ballot had been adopted. The Metropolitan Vestries Boards of Guardians, Burial Boards, Astronomical Society, Public Libraries, Geological Society, Natural History Society, Royal Society, Royal Society of Antiquaries, Royal Linnæan Society, Clubs of all kinds — Political, Social, Military, Literary, Commercial, Theatrical, &c., &c. — Mechanics' Institutes, Young Men's Christian Association, Elocution Society, Literary and Scientific Institute, Benefit Societies, Freemasons, Odd Fellows, Foresters, Friendly Societies, Freehold land Societies, Accident and Burial Society of Labourers, All Soul's College, Oxford; Royal Masonic Schools, Christ's Hospital, Proprietary Schools, Lincoln College, Oxford; British and Foreign Unitarian Association, Wesleyan Conference, Methodist Free Churches, Baptist Churches, Christian Knowledge Society (Established 1698), Church Missionary Society, and London Congregational Board of Ministers. That practice, which the right hon. Gentleman said was un-English, was adopted in all these societies. In social, religious, educational, and all other societies—in the management of all local affairs and in all the great corporations managing millions of money the ballot prevailed. There was one very remarkable case in the City of London of the good effects which were experienced from the adoption of the ballot. They had all heard of a class of men called the "Longshore men," who were considered as amongst the most venal and depraved of the electors of this country. The following extract bearing on this case had been communicated to him:—

> "There is in the City of London a fraternity called the Fellowship Porters' Company. At every contested election for M.P., these men are generally brought prominently before the public as the most corrupt voters, being no other than the notorious 'Longshore men.' They are about 3,000 strong, and very many being liverymen, have votes for the City. They are governed by

a court of rulers, selected from their own body, consisting of twelve men, and presided over by the deputy of the ward of Billingsgate. These rulers are elected by ballot for three years, and go out by rotation; therefore, there is an election every year, besides those caused by death or otherwise. Any member of twenty years' standing is eligible. Candidates announce their intention by placards, cards, handbills, &c., &c., setting forth their pretensions, but they have no public-house meetings for discussing merits of different candidates, but each party have canvassers. On the day of nomination, candidates and their supporters, and as many of the members as can cram themselves into their hall, attend, and the proceedings are conducted with an order and decorum that would astonish those who see these poor men under other circumstances. No drunkenness, brawling, or shouting—no open public-houses—not a penny given or taken for a vote! As party spirit runs high, no candidate walks over the course. After nomination, speeches, show of hands, a poll is demanded, and the votes taken by ballot.

"I have described this body of men (who are notorious for their venality under open voting for Members of Parliament) in their own every-day life, as orderly citizens when apart from temptation; and, notwithstanding the great interest they take in elections of their rulers, there is an absence of all drunkenness, rioting, and debauchery, and they immediately return to their ordinary daily labour after the election by ballot. Now, take the 'Longshore men' under other circumstances—that of open voting for the City Members. A great many are liverymen; so many that at a contested election no candidate can consider his seat safe till the 'Longshore men' are polled. On these occasions they have their regular organized staff of agents and canvassers amongst their own body, who receive their instructions from the various candidates' committees, and then follow the demoralization and corruption which are notorious at these elections by open voting. The severer the contest for the City the greater the harvest to the 'Longshore men,' and it is at such times that all the corruption of 'the free and independent voters' is brought to perfection in the persons of the 'Longshore men.' But who is to blame? Surely those above them who advocate the present system of open voting for Members of Parliament, which directs the minds of these poor men to the two objects—drink and money."

He felt much obliged to the House for having listened to him so long. He was, however, under no obligation to hon. Gentlemen opposite to whose demand for division without debate he now yielded. He had had a seat long enough in that House to know that when Gentlemen came down to the House determined by noise and clamour to cut short a debate, in order to get away to dinner, it was in vain for any hon. Member attempt to address the House. He knew there was a combination to prevent discussion of this question, but he did trust that the scene would not be repeated on this occasion which occurred last year, when the question was treated by the Government in a manner which reflected no honour upon them; and, considering the great support which the ballot met with from the people of this country, he must add that it was discreditable to a large portion of the Members of that House.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for the Protection of Electors in Voting for Members to serve in Parliament."

Question put,

The House *divided*:—Ayes 154; Noes 279: Majority 125.

SEIZURE OF ARMS—(SARDINIA.)

PAPERS MOVED FOR.

Mr. T. DUNCOMBE, in rising to move that an Address be presented to Her Majesty for a copy of any correspondence with Foreign Powers that had taken place relative to certain arms conveyed at the close of the last year under the Sardinian flag from Genoa to the East, and seized by the Moldo-Wallachian Government; also, all orders and correspondence for bringing back in Her Majesty's ship *Banshee* from Galatz to Genoa all or any portion of the said arms, said, he had received an intimation from the noble Lord that these papers could not be furnished. He was totally at a loss to conceive what reasons had induced the noble Lord to oppose this Return, and he would postpone many of his observations until he had heard them. Nothing could be more absurd than for the British Government to refuse Parliament information that had been supplied to all other countries. With a free Italian Parliament a new era in diplomacy was about to commence, and he thought the sooner the noble Lord forsook the old paths of diplomacy and swept away the cobwebs from the Foreign Office the better. There was published in *The Times* of yesterday a despatch addressed by Count Cavour to the Italian Minister in London, in which the following allusion was made to a despatch from the noble Lord:—

"About the end of January the Minister of Her Britannic Majesty at Turin communicated to me a despatch from Lord John Russell, of which I annex a copy. In that despatch the Principal Secretary of State for Foreign Affairs of Great Britain, attributing but slight value to the vote by universal suffrage given at Naples, in Sicily, Umbria, and the Marches, declared that he reserved the examination of the question raised by the political transformation of Italy for the period when the true intentions of the Italian nation might be manifested in a regular and solemn manner by the legitimate representatives assembled in a freely elected Parliament."

Correspondence up to the 1st of March last had been printed, but the despatch referred to did not appear in in it. He warned the noble Lord that if he refused to produce it he would obtain it from another source, and then what sort of a figure would England cut? The fact he supposed was that the papers would not bear the light of day, or the noble Lord would be ready enough to produce them. He wanted to know why the noble Lord had interfered, as he had done, in the Principalities. If Italy was to be allowed to settle her own affairs, why should not Hungary do the same? Why should England interfere to keep Hungary subject to Austria? It would be shown by the papers for which he was about to move that the noble Lord had violated every principle of non-intervention which he had laid down with regard to the affairs of Italy. The noble Lord had no right to interfere in order to keep Hungary in subjection to Austria. The hon. Gentleman concluded by moving the Address.

Mr. HENNESSY seconded the Motion, and said he wished to impress on the noble Lord at the head of Foreign Affairs the necessity, at this time, of his giving all the information he could with reference to Italian affairs. He agreed entirely with the hon. Mover, that important despatches had not, on several occasions, been communicated to that House. One despatch there was especially which ought to be published — namely, one containing reports from Mr. Hayter with regard to the state of feeling in South Italy. The papers, if fairly published, would show that the noble Lord was pursuing a truckling policy to Austria, and yet if Austria ever found herself in difficulties the noble Lord was among the first to kick her while she was down.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, a Copy of any Correspondence with Foreign Powers that has taken place relative to certain Arms conveyed at the close of the last year under the Sardinian Flag from Genoa to the East, and seized by the Moldo-Wallachian Government; also, all Orders and Correspondence for bringing back in Her Majesty's ship *The Banshee,* from Galatz to Genoa, all or any portion of the said Arms."

Lord JOHN RUSSELL: The hon. Member seems to think that it is the duty of the Foreign Secretary to lay upon the table of the House all the Correspondence which passes with Foreign Powers. I cannot assent to that view, or allow that the Foreign Secretary is not justified in withholding despatches when he sees fit. It is not and never has been the custom to publish the whole of our Correspondence with Foreign Governments. Such a practice would be very inconvenient, and a fruitful source of quarrels. With respect to the despatch which the hon. Gentleman says ought to have been included in the Correspondence up to the 1st of March, it had not been answered by Count Cavour at that date. A reply has since been received, which, together with the original despatch, was yesterday laid on the table of the House. The hon. Member for Finsbury may think it very wrong on my part that I should endeavour to maintain the peace of Europe; but I do endeavour, as far as I can, to maintain peace, because I believe it to be of great importance not only to this country, but to the whole of Europe. I should, therefore, be very sorry to give any papers which would at all tend to disturb the peaceful relations of any of the Powers of Europe. As to the papers demanded I might content myself with saying that, as the hon. Gentleman has not shown that any useful purpose would be obtained by their production, it would be injurious to the public service to publish them. I will only add that the Correspondence which has passed arose in consequence of arms being sent from Genoa to Wallachia and Moldavia without any desire on the part of Prince Couza, and very much to the annoyance of the Sultan. Neither the Sultan's dominions nor the Principalities were in any way connected with Hungary. Now I have not desired to interfere in any way between Austria and Hungary. It is my wish that the Government of Austria and the Diet of Hungary may come to an agreement; that the promises of liberality which have been given by the Government of Austria may be amply fulfilled; and that the Hungarians on their side may find that such freedom of discussion and of the press and such guarantees for personal liberty may be given to them that they may continue to live under their present King. But that is merely a wish which I have formed. I have never interfered in any way whatever between the Emperor of Austria and the Diet of Hungary. It is for the Hungarians to consider whether their interests will be promoted and their rights secured by the Constitution which is offered by the Sovereign. It is for them to say whether they will be content to enjoy their rights and liberties in conjunction with Austria; but far be it from me to control their desires in the least, or to throw any obstacle in the way of their establishing their independence. But it is a totally different thing to collect arms in a neighbouring country for the purpose of disturbing the dominions of the Emperor of Austria. However unreasonable the hon. Gentleman may deem it, when the Sultan found that his dominions were being made the rendezvous of a great number of exiles who entertained designs against Austria, and when the Emperor of Austria became aware that arms were being collected in that quarter for an attack upon his dominions, both those Sovereigns felt a great dislike to those operations. No one could find fault with them for that. No Sovereign is bound to foment or even to permit the fomentation of an insurrection in the dominions of another; on the contrary, he is bound to prevent it by every means in his power. Our only interference has been to state to Prince Couza, whose position mainly depends on the Treaty of 1856 and the Conventions which have been made accordingly, that it was his duty to the Sovereign to send away the arms. Prince Couza replied that it was contrary to his wishes, as it was, he believed, contrary to the interests of his people, that the arms had been introduced into the country; that he had no objection to send them away, but that he did not see how he could do so. At last Sir Henry Bulwer informed the Government in a despatch that he had been requested both by the Sultan and Prince Couza to take away the arms, we gave him permission to send the *Banshee* to bring back the arms to Constantinople on their way to Genoa. The hon. Member seemed to think that the Hungarians ought to be permitted to do whatever they pleased, not only in their own country, but in the dominions of any other neighbouring Sovereign. I do not think we ought to give them assistance in any such matter. With regard to these papers, I cannot consent to their production. It would not be convenient to the public service to do so. I should say, moreover, that really the Foreign Office is already overtaxed by the preparation of papers to be laid before this House. I constantly hear in the Foreign Office that almost everybody is employed upon the immense mass of papers already ordered. The production of these papers would do no good. They would be injurious to the public service, and I cannot consent to produce them.

Mr. T. DUNCOMBE said, he was quite aware that the Danubian Principalities did not, as the noble Lord said, belong to Hungary. But the Danubian Principalities did not object to these arms passing through them. They were seized at the mouth of the Danube and confiscated by Prince Couza, and thus prevented from passing into Hungary. No doubt they were intended for Hungary, whose people were arming against Austria, and there were only two roads by which they could receive them—one by the Adriatic and through Dalmatia, the other by the Danube. But England completely prevented ingress by way of Dalmatia, by keeping a strong fleet and strong fortress at Corfu; and the Danube we had blockaded as effectually by means of Sir Henry Bulwer. The noble Lord, in the case of Hungary, was violating every principle of nonintervention as laid down in relation to the affairs of Italy. He had formerly stated that England must watch with a careful eye on the Adriatic; but no Court in Europe could find out what those interests were which the noble Lord had to watch there. The noble Lord, he understood, wanted Austria as a counterpoise to France; but if his policy were pursued for twelve months longer he would involve us in a war with France. What was he doing in regard to Hungary? He repeated it, he was violating every principle of nonintervention. The noble Lord said that his object was to maintain peace. He (Mr. T. Duncombe) firmly believed that if the policy of the noble Lord were pursued a twelvemonth longer he would involve them in a war with France. No party at present wished to go to war. Sardinia was not ready—France was not ready; but let another year pass over—let the noble Lord carry out the policy of setting up Austria as a counterpoise to France—and nobody could say how long the alliance between England and France would last. What was his conduct in regard to Kossuth? He wrote to Sir James Hudson ordering him to keep a watchful eye on Kossuth. The noble Lord, when reminded of this on a former occasion, said he did not recollect having done so; but the matter was talked of openly at Turin. He wondered if the noble Lord recollected it now. [Lord John Russell: No, I do not.] The policy of the noble Lord with regard to Hungary and Kossuth was most contemptible. As to the notes Kossuth had proved that he never intended to use them for the purpose alleged; but, at the instigation of Austria, the Government had interfered, exposed the Messrs. Day to great expense, and, in all probability, to a certain extent damaged the trade of a very respectable lithographic establishment. The noble Lord said that Prince Couza did not know what to do with these arms, and, therefore, he volunteered to carry them back to Genoa in the *Banshee.* That was a direct interference. The noble Lord might refuse to produce these papers; but they would get most if not all of them by hook or by crook, as they had succeeded in getting those dated the 31st of August. The noble Lord, since his visit to Vienna, had shown a great predilection for Austria; but he could assure him twelve hours' misunderstanding with France would be worse than twelve months' misunderstanding with Austria. He should insist on the production of these papers, and if they were refused the English Parliament would be left in the absurd position of having refused what would be granted elsewhere.

Mr. BAILLIE COCHRANE entirely differed from the view taken by the hon. Gentleman. He thought it much more in the interests of Europe that the policy of the noble Lord should tend more towards Austrian alliance than had yet been the case. As he read the papers on the Italian question he certainly did not discover that the noble Lord had shown any predilection to Austria. At the same time he thought, if papers were laid on the table, they should be so complete as to enable the House to form a clear understanding as to what the conduct of the Government had been. With respect to the Italian papers there had not yet been a full discussion. There was an important omission in the papers relating to the affairs of Naples. He had mentioned to the noble Lord that there had been an important omission—namely, of the despatch by which Mr. Elliot was instructed as to the conduct he was to hold in regard to General Garibaldi, written long before he entered Naples. The noble Lord admitted the importance of the despatch, but said it could not be given, the whole of the despatch having been sent by telegraph, and if it were produced the cypher of the Foreign Office would be discovered. The other night he asked for papers about the events that were happening at Warsaw. It was important that the House should know what the Government thought of those events; but again the noble Lord said that he could not produce those despatches. The House were thus precluded from expressing an opinion on the conduct of the Government while the events were passing, and when they attempted to do so six months hence, when the papers were produced, they were told that it was too late.

The House *divided:*—Ayes 33; Noes 119: Majority 86.

SELECT COMMITTEES.—RESOLUTION.

Mr. W. EWART moved the following Resolution in reference to the formation of Select Committees:—

> "That the number of Members constituting Select Committees be reduced—except where it shall seem good to the House to extend their number—to seven or nine Members; and that they be named by the Committee of Selection, who shall choose such Members on account of their acquaintance with the subject submitted to their consideration, and shall adopt measures for insuring, as far as possible, the constant attendance of such Members in the several Committees."

The hon. Member said that of late years the mode of conducting the business of that House had been very much improved. Formerly Select Committees on Private Bills consisted of Members all interested in the matter submitted to their consideration; but now no interested Member was placed on a Private Bill Committee, and the attendance of the Members of the Committee must be regular. It occurred to him that these regulations might be extended to other Committees; and the two leading objects which he wished to effect was to increase the responsibility of Select Committees by diminishing the number of the Members constituting them, and to insure, as far as possible, the regular attendance of the Members. These two objects had been attained by the reform introduced in respect of Private Bill Committees. There was a time when these Select Committees consisted of a vast number of Members; but the number had been reduced to fifteen Members, and he thought that it might be reduced still further with great benefit. He, therefore, proposed that Select Committees should consist of nine or seven Members. In order to insure the regular attendance of the Members of Committees he proposed that the Select Committees should be nominated, like the Committees on Private Bills, by the Committee of Selection, who knew well what Members were on Private

Bill Committees, and who would be likely to be regular in their attendance. The Members appointed, might, perhaps, be asked to make a declaration that they would attend regularly. He would not, however, make a proposition to that effect on the present occasion, but would reserve the point for subsequent consideration.

Sir GEORGE LEWIS confessed that he entertained doubts as to the policy of the principle on which this Motion was founded. That principle, as he understood it, was that the mode of appointment and the proceedings of Public Committees should be as much as possible assimilated to those of Private Bill Committees. Now, there was a wide difference between the nature of the questions referred to Private Bill and Election Committees and that of those referred to ordinary Public Committees. The duties of the two former classes of Committees were essentially of a judicial character. Their members, few in number, were chosen by the Committee of Selection, and required as far as posposible to be impartial on the question they had to decide ; which was, moreover, generally a definite one. It was requisite also that they should have formed no previous opinion upon it. They were, likewise, called upon, in respect to private Bills referred to them, to declare that they had no interest in the matter of controversy. Under Standing Order 96 they were required to attend from day to day until they had made their Report, and could only absent themselves through sickness or by an Order of the House. Their position, in fact, was like that of jurymen impanelled to try an issue before a Court ; the inquiry before them was conducted by counsel, who called and examined witnesses to substantiate their opening statements, the members acting merely in a judicial capacity. The same was the case with Election Committees, whose members would be entirely helpless, and could come to no conclusion but for the assistance of counsel. That was the basis of the elaborate, coherent, and, as it appeared to him, convenient code of rules which the House had established in regard to private Bills and the trial of controverted elections, and which was certainly a great improvement on their previous practice. The hon. Gentleman asked, however, why that system which worked so well was not extended to Public Committees. The answer was, that the two cases were wholly dissimilar. The business before Public Committees was conducted entirely by the Members themselves, who had to call and examine witnesses, sift their evidence, and, in short, perform all the functions which counsel performed before Private Bill Committees. If, therefore, Public Committees consisted wholly of impartial men their investigations would be most unsatisfactory. Strong partisans on each side were knowingly and advisedly chosen, in order that truth might be elicited from the conflict of opposite, and it might be interested opinions. Indeed, in forming such Committees the avowed object often was to have different interests represented, and complaints were sometimes made that a Committee was unfairly constituted precisely because conflicting interests were not duly represented in it. It was also frequently alleged that Scotch and Irish Members were excluded. The practice, further, was to have some members of the Government and likewise some leading Members of the Opposition on every important Public Committee—an usage in favour of which obviously a great deal might be said. But if all these different elements were to be incorporated into a Public Committee, in order to secure its proper composition, how could the unhappy Committee of Selection attain that object if they were restricted to the choice of seven or nine Members ? It appeared to him, therefore, that the hon. Gentleman, with the very best intentions, had confounded two things that were perfectly distinct. For these reasons, it was impossible to agree to his Motion.

Mr. FRANK CROSSLEY thought it would be a decided improvement in the practice of the House, and would prevent a good deal of unseemly squabbling, if the Committee of Selection were left to choose the members of Public as well as of Private Bill Committees.

Mr. W. EWART, in replying, said that he thought the effect of his Motion would be to invigorate Committees and improve their machinery.

Question put, and *negatived.*

BOARD OF ADMIRALTY.—RESOLUTION.

Sir FREDERIC SMITH rose to call the attention of the House to the Report of the Commissioners appointed to inquire into the control and management of Her Majesty's naval yards ; and to move—

"That it is not expedient to entrust the Board of Admiralty with the expenditure of the whole of the large amount proposed for the Naval Services in the Estimate for the current year according to the existing system of conducting and controlling the Naval Department."

The hon. Member said he did not wish to cast any reflections upon the present Admiralty Board; he thought the noble Lord the Secretary to the Admiralty had done much service both as a witness before the Royal Commissioners appointed last year and by the information which he had afforded to the House towards investigating the state of our naval affairs. It had been shown that great mismanagement existed. He referred to the Report of the Commissioners and to the evidence taken before them. No fewer than 12,000 questions had been asked by the hon. Members who sat on that Commission, and it had been clearly proved that great mismanagement had existed in the conduct of our naval affairs. He would not trouble the House with a discussion on the constitution of the Board of Admiralty, as that subject was under the consideration of a Committee now sitting, and of course the House would in some degree, be guided by its Report. But he wished to call the attention of the House to the fact that it was called upon to vote four millions of money to be expended under an inefficient management. The evidence taken before the Commissioners established the facts that there was a defective organization in the subordinate departments of the Admiralty and no satisfactory control. Upon these points he referred the House to the evidence of Sir Baldwin Walker and the Accountant General. It was also established that there was a want of a well-defined responsibility. Sir Baldwin Walker had told the Commissioners that the Comptroller was ignorant of what passed in the dockyards, for which he was responsible, and that it frequently happens that he only knew that there was a deficiency of material when there was an actual want of it; and it also appeared in evidence that delays had arisen in consequence of contradictory orders having been given by the various authorities. The Reports of the Commissioners also showed how the Comptroller's department was conducted, and its relation to the Accountant General's department, from which it was evident that there was a want of harmony and uniformity between them, and an ignorance on the part of the subordinates of the Department of the Comptroller of the Navy of the wants of the service. The hon. and gallant Member was proceeding, when—

Notice taken, that Forty Members were not present; House counted, and Forty Members not being present,

The House was adjourned at a quarter after Eight o'clock.

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HOUSE OF COMMONS,

Wednesday, April 24, 1861.

Minutes]. — New Member Sworn.—For Southwark, John Locke, esquire.

UNIVERSITY ELECTIONS BILL.

COMMITTEE.

Order for Committee read.

On Motion that Mr. Speaker do leave the Chair.

Sir GEORGE LEWIS said, the House was, no doubt, aware that this Bill, which had been introduced by the hon. Member for Sussex (Mr. Dodson) referred to the taking of the votes for Members of Parliament for the Universities; and as he believed the second reading of the measure had been agreed to at a late hour of the night and without any lengthened discussion, it was probable that hon. Members generally were not very well acquainted with its provisions. That being so he might be permitted briefly to refer to the objects which the promoters of the measure had in view. As the House was aware, elections for our Universities were conducted after a fashion in which some peculiarities were observable. The constituency consisted of Masters of Arts, members of the Universities, who were subjected to no qualifications so far as residence was concerned, and who consequently were found to be scattered all over the country—many of them dwelling abroad. They, moreover, did not possess a common character, being members of different professions. As the present system worked, the resident members possessed an influence rather out of proportion to their number in consequence of their being united on the spot, and of the communication which took place between them. The present system, therefore, was attended with advantages to those persons who were engaged in the business of governing the Universities and in tuition. Masters of Arts resident at a distance from the Universities could only come personally and vote by incurring
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much expense, and, in many cases, being put to much personal inconvenience; and the fact was, that a large proportion of non-resident members were prevented giving their votes. He was not sure that the present system worked in an unjust or inexpedient manner, although it did not perfectly provide an equal opportunity for the voting of non-residents. There was this difference between the present case and that of country voters who resided at a distance from the polling-places—that the former were permitted to be brought to the polls at the expense of the candidates. The present Bill, introduced by his hon. Friend the Member for Sussex, proposed to alter the present system by providing that non-resident voters for the University should give their votes by letter sent through the Post Office. It was clear that such a system was not equally applicable to the non-resident voters in counties and boroughs, as many of them could scarcely read or write, and might be subjected to dictation as to the votes they should give. It could not be said that these objections would apply to those non-residents qualified to vote for Members for the Universities, who, of course, were gentlemen of liberal education, and who, no doubt, would give an unbiassed vote. As matters at present stood it was thought by many that the clerical element already prevailed to too great a degree in University elections; but if this Bill passed it would have the effect of giving University representation a more purely clerical character even than it now possessed, by the preponderance of persons in holy orders who were entitled to vote. Some persons might think that an objection to the proposed change, others might think it a recommendation; but no doubt it would have that effect. However that might be, the operation of the Bill would be more completely to call forth the constituencies. Those constituencies having been created, it was the intention of Parliament that they should exercise their franchise, and the Bill must tend to produce that result. Having made these remarks upon the general scope of the measure, he must be permitted to add that as no attempt made to introduce this mode of voting had been successful and we had no precedent whereon to frame the measure providing such a mode, great care must be taken that the details of the Bill should be fully considered; the utmost care must be taken that the new system did not conflict with the general laws respecting the conduct of elections, and to provide for any technical difficulties that might occur after the passage of the Bill in the course of its operation. If hon. Members thought that the clauses of the Bill as they at present stood sufficiently carried out its intention, he would have no objection to go into Committee on the Bill now; but if, on the other hand, they should think the Bill required more consideration, especially in its details, than could be advantageously given to it by a Committee of the Whole House it had better be referred to a Select Committee. Perhaps it would save more time in the end to refer the Bill to a Select Committee.

Mr. WALPOLE thought that the promoters of the Bill could not have any objection to refer the Bill to a Select Committee, when suggestions could be entertained for any Amendments. Such a course would be preferable to going into Committee of the Whole House on the Bill, as material alterations might be made in some of the clauses. As the Bill stood there was no efficient guarantee for the genuineness of the signature of the party sending his voting letter or paper, except the name being sent up to the Vice Chancellor as that of the person who intended to vote; this provision of the Bill would have to be more guarded. The best way would be to require some resident member of the Senate to receive the voting papers, who would be in a position to verify them, and thus any mistake or other irregularity would be prevented. At the University of Oxford candidates were proposed at Convocation. At Cambridge there was no form of proposing or seconding a candidate, but any member of the Senate could tender his vote for any candidate qualified to serve as Member of Parliament for the University. The Bill provided no security whatever for the outlying constituencies, who would know nothing of an election until it was communicated to them a long time after the election was going on. If the Bill were passed it would be absolutely necessary to allow a certain interval of time to elapse between the nomination and the voting, particularly where there were more than two candidates proposed, in order that the non-resident voters might know who the candidates were; otherwise proxy papers might be sent up in anticipation and in ignorance as to who were the candidates. The right hon. Home Secretary said that there was no successful precedent for the election of Members of Parliament in the manner proposed; but the House should recollect that a power had been granted by recent statutes — which, however, had not yet been exercised—to elect the Chancellor, Vice Chancellor, and Steward without the necessity of the personal attendance of the electors. He did not know how far Parliament would like to follow up that course. The University of Cambridge would have the power to prescribe the mode in which an election should be conducted with regard to the selection of its own officers, and the Parliament might look with jealousy upon its mode of election of Members of that House; therefore, he was not sure that the experiment could be followed up; at the same time he thought it was a point to be considered. As to the merits of the proposal, he was in favour of voting by proxy, if it could be safely done, in the case of other constituencies besides those of Universities. He thought it would be a great improvement in our elections; but he believed that it ought to be accompanied by proper safeguards, otherwise it would be liable to great abuse. But if they applied that principle to the Universities—whatever might be said in favour of taking votes by proxy—the arguments *à fortiori* would favour such voting in the rural districts; and, if Parliament conferred the right upon non-resident as well as resident voters to exercise the franchise, he thought it would do well to provide such facilities as that they should not be open to the charge of having conferred a right without the power to carry it into effect. When the Bill was brought out of Committee it would, no doubt, have received several improvements.

Mr. WARNER thought that, if the system of voting papers was to be adopted, they would confer more benefit upon the electors in counties and boroughs than in Universities. He thought the measure was more called for in other constituencies than in the Universities. The House should bear in mind that the Bill would create new constituencies for the Universities. As an elector for the University of Oxford he felt great interest in the Bill, and its effect would be to throw the election of Members of Parliament into the hands of the country clergy. He thought the subject deserved careful consideration, and he hoped it would be thoroughly ventilated before the passage of the Bill.

Mr. DENMAN said, that having once put himself forward as a candidate for a University constituency, he would venture to give the House his opinion. He was in favour of the principle of the Bill, because he thought that, since every Member should be a fair representative of the constituency that elected him, it was a mockery to give the franchise to 3,000 or 4,000 gentlemen, not one-third of whom could probably afford the expense of coming up to vote. He admitted that the effect of the Bill might be to turn the balance more in favour of clerical views; but he was anxious that all classes should be fairly represented. When he was a candidate for Cambridge University he received a great number of letters from country clergymen, living in distant parts of England and in Scotland, stating that they would gladly vote for him, but that they could not afford the expense of travelling to the place of election. Last year, when a proposal was made to give a Member to the University of London, he was urged by Members of the Senate to bring before the House some proviso enabling the electors to give their votes without appearing personally at any particular place. The system of voting at Cambridge was already different in some respects from the system observed in counties and boroughs, and, therefore, a further change could not be objected to on principle. He thought the Bill should be referred to a Select Committee.

Sir WILLIAM HEATHCOTE considered that the arguments in favour of referring the Bill to a Committee upstairs were unanswerable; and he hoped the hon. Member for Sussex (Mr. Dodson) would not be unwilling to accept the suggestion, as the only hope that he had of success was to have the difficulties well sifted before the clauses came before the House for its decision. This was the only case in which the non-resident Members were the essential parts of a constituency, and that being the case, was it wise to throw obstacles in the way of the non-resident voter recording his vote? There was, therefore, a strong ground for accepting the principle contained in this Bill, the real effect of which would be to equalize the outlying voters. He did not see why a man living two hundred miles away should not have equal facilities for recording his vote with one who lived twenty miles off.

Viscount ENFIELD said, that the principal of the Bill had been generally recognized as one which might safely be introduced into University elections, and thought it would be discourteous on the part of the promoters to refuse their assent to the proposed reference to a Select Committee. At present the poorer portion of the country clergy were practically disfranchised. He saw no reason to dread an increase of clerical influence in the representation of the Universities.

Mr. LEFROY said, he had been in communication with the authorities of the Universities in Ireland, and although they heartily concurred in the principle of the Bill, they thought that considerable alterations were required to make the provisions applicable to the Irish Universities. Seeing the advantage, therefore, of sending the Bill to a Select Committee, he trusted that the hon. Member who had charge of it would agree to the suggestion which had been made for that purpose.

Mr. DODSON expressed his gratification at the large amount of support which the principle of the Bill had received. He did not think that the adoption of the system of voting papers in University elections would form a precedent for the introduction of the same system into county and borough elections, inasmuch as the University constituencies were essentially different from all other electoral bodies, being for the most part non-resident. It was doubtful whether the Bill would increase clerical influence, but if clergymen had the franchise they ought to be allowed to exercise it, whatever the consequences might be. He maintained that the Bill provided ample security against fraud or negligence. In the provision relating to these points he had followed the Bill of the Earl of Derby's Government. He retained the right of a country voter to send his voting paper direct to returning officer, and he pointed out that the forgery of voting papers, besides being almost impossible in the nature of things, must be carried on wholesale to produce any effect on a University election. Finding that the general opinion of Members was that the Bill should be carefully considered in a Committee upstairs, he would yield to the suggestion which had been made, and conclude by moving that the Bill should be referred to a Select Committee.

Mr. SOTHERON ESTCOURT said, his impression was that instead of the system of voting papers increasing the clerical element in these University constituencies, it would have a directly contrary effect. The principal reason why the constituency of Oxford was less numerous than it ought to be was that a great number of Members took their names off the books because they did not wish to lose the time and in some instances to incur the expense involved in a personal appearance at the University elections. The House must not suppose that of the persons educated at Oxford a majority, or even a considerable proportion, entered the clerical profession. Every other profession received members from the same source; and as time was as valuable to a rich lawyer as money to a poor clergyman, the present system was equally inconvenient to both. He was persuaded that the result of the measure would be to increase the number of those to whom Parliament intended that the franchise should be secured.

Mr. HENLEY said, he was glad the Bill would be referred to a Select Committee, as it must be carefully looked into, especially as regarded the prevention of fraud in the use of voting papers. They could not shut their eyes against the fact that the Bill was likely to lay the foundation for the extension of the same principle, and they could not, therefore, watch too narrowly its details. He quite agreed in the principle that there ought to be the greatest convenience, consistent with safety, for the exercise of the franchise on the part of those who now had it; but then came the question whether Universities, from special circumstances, required a different provision from that applicable to other constituences. No doubt, as regarded resident and non-resident voters, they stood in a very different position. Perhaps at the Univessities there were ten non resident to one resident member, whereas in counties probably not a fifth or sixth of the whole electors were non-resident. He wished to guard himself against being considered to approve generally of the principle of voting papers, and though desirous to give the greatest amount of convenience to voters, yet they must take the utmost care that it was not accompanied with evils which would neutralize all the advantages. He thought, however, that the University constituencies were so peculiar, that by a well-considered plan they might be applied to them without inconvenience. It might be an erroneous opinion, but he thought that voting papers would lay the foundation for secret voting, and he was not desirous to take any step in that direction.

Mr. SCLATER-BOOTH thought that limited proxy voting might be so regulated as to afford a guarantee of the authenticity of the transaction. He hoped the Bill was not referred to a Select Committee for the purpose of being shelved, but that it would be fairly considered, and really passed into law during the present Session.

Mr. HUNT observed that, as the voting papers would be delivered in quite a public manner, the voting would be as perfectly open as if the electors went personally to the poll.

Mr. HOPE gave notice that in Committee he should move an alteration in the mode of taking the voting papers. At present the Bill provided that the voting papers might be taken at any time after the opening of the poll, but he should propose that they be not taken till after the conclusion of the personal poll. It was very important that every man should have an opportunity of giving a personal vote, for, at the last moment, a candidate might come forward, and if his written vote had already been recorded for another man he would be unable to give him his support.

Mr. AYRTON said, that having moved the Resolution in Committee on which the Bill was founded, wished to state that he had never contemplated voting by proxy, whether special or general; his object merely was that the vote should be given before some such authority as a justice of the peace where the elector resided, and transmitted to the returning officer for the University. Nothing could be more mischievous than to allow persons to collect proxies, as in the election of East India directors and joint stock companies, and thus constitute themselves virtually the only electors. Such a system had led to the most scandalous abuses. He hoped the Bill would not introduce a new scheme of voting, but keep as near as possible to the analogy of that already existing.

Order for Committee *discharged.*

Bill *committed* to a Select Committee.

NONCONFORMIST BURIAL BILL.

SECOND READING.

Order for Second Reading read.

Sir MORTON PETO in moving the Second Reading of the Bill said, that when he had the honour of moving for leave to introduce the Bill, he explained fully the object and scope of the measure, and cited a variety of cases to show the deep necessity that existed for some measure of the kind. Since then he had felt it his duty to make inquiries as to the regulations that existed in connection with burial grounds in other countries, and also in our colonies and dependencies, in order that he might be in a position to adduce to the House for their guidance any information to be derived therefrom. In the first place, he had applied to one or two friends, clergymen of the Church of England, and chaplains in India, who had forwarded to him the regulations concerning burials in that country. The regulation was dated the 27th Sept., 1848, and set forth—

> "It is not optional with the clergyman to give or withhold any burial ground which must be opened whenever required for the purpose of interment of Europeans and Christians of whatever sect or denomination."

The clergyman who had forwarded this regulation had written to him to say that it had never been attended with the slightest inconvenience. In the United States of America no disability existed in regard to burials; and he was informed that in the whole of the burial grounds the clergymen of every denomination were freely admitted to perform the service, and no difficulty had arisen therefrom. In Canada, also, no evil had resulted from the burial grounds being open to all denominations. In Nova Scotia and New Brunswick the public places of burial were open to all, and the performance of the burial service by a clergyman of a particular denomination had not been productive of the slightest evil in any respect. In the Bahamas the burial places, which were consecrated, were used by Episcopalians and Nonconformists alike. At the Cape of Good Hope the case was the same: the ministers of various denominations were permitted to perform the service they thought fittest, and no evil resulted from the practice. It would be known to the House that the practice in Scotland differed very much from that of almost any other country; but though it was not the custom of the Presbyterian population to have any service over the grave, yet there was no objection to allow an Episcopalian, who in that country was considered a Dissenter, to perform the burial service of the Church of England. If no evil whatever had resulted from this practice in Scotland it was a fair argument to adduce to the House, in order to show that no mischief need be apprehended to ensue from the adoption of the same practice in England. In Ireland, under the 5 *Geo.* IV., c. 25, application must be made to the minister, who gave permission to bury, and, in the event of his refusing permission, he was obliged to state his reasons to the Lord Lieutenant and to the Bishop of the diocese. But he found from his correspondence with the north of Ireland that there the working of the law was superior to the law itself; for nowhere in the north of Ireland was it customary to give notice, and all that was ever required was to inform the sexton that the clergyman of the Church of England would not be required, and that the friends of deceased wished the attendance of some other minister. Now, if in Scotland, Ireland, and the whole of our Colonies, this practice had worked so well, surely the House would at once feel with him that there should be no hesitation in giving to the Dissenters of this country that measure of justice which he now asked at their hands, and which he trusted they would concede. To illustrate how the law at present worked in England, he would mention one or two cases which had been communicated to him to show the grievances complained of. He had received a letter from a highly-respectable solicitor, a member of his own denomination, in which he stated that, in the parish in which he resided the church burial ground was found too small. Application was made to the parishioners for an extra piece of ground to enlarge it, which was cheerfully accorded and fenced in, the whole being done at the expense of the parish. Shortly after a child of this gentleman's died unbaptized, and although he was one of the parties moving for the enlargement of the burial ground, the clergyman acting, no doubt, from conscientious motives, and in accordance with his oath to obey the rubric, refused to allow the burial service to be performed over the corpse; and what this gentleman had to do was to obtain a minister to attend with his family, and hold a simple service by reading a portion of Scripture, a prayer, and a short address on the highway immediately outside the fencing round the burial ground. He asked the House whether such a proceeding could ever tend to benefit the Church of England, or tend to that end which he, as a Nonconformist, was most anxious to see—namely, the narrowing of all those differences between them all? It was not only in regard to children that died unbaptized that these difficulties occurred. In consequence of what were called High Church views some clergymen refused to bury the children of Dissenters on the ground that their baptizm was invalid. One gentleman in a highly respectable position, having contributed largely to the erection of the parish church, had applied on the death of his child for interment. The curate made no objection; but on the morning of the burial, when the grave had been dug, when the mourners were in the house, he received a note from the curate stating that he was excessively sorry that the rector declined to allow the child to be buried in the churchyard on the ground that valid baptizm had not been administered to the child. The grave was filled up, and the child was buried in a cemetery nine miles distant. He mentioned this case to show to the House that he was not bringing before it any sentimental grievance, but one of a practical nature and severely felt. Though a Nonconformist, he had never been an enemy to the Church of England, and had never taken part in any agitation against her; she had made great progress, and deserved to do so, for she had exerted herself largely for the benefit of the people. No one deplored more than he did the existence of such societies as the Liberation Society and the Church Defence Society. He said, without fear of denial, that the existence of the Church Defence Society, and the feeling which it engendered in that House, had thrown back the progress of civil and religious liberty many years. His attention had been called to one or two matters in the Bill which might require alteration. He had been asked by some parties what he meant by the word "service." He meant the reading of a portion of the Holy Scripture, a prayer, and the singing of a hymn. He would have no objection in Committee to introduce any Amendment into the Bill which would define more particularly what this service should be. In introducing this Bill to the House he had no object in view to effect the achievement of any Nonconformist triumph. He asked hon. Gentlemen opposite to lay aside all feelings of irritation which might have been produced in their minds by any idea that this Bill emanated from the Liberation Society. He declared to the House that he had consulted no member of that Society; he had simply taken into his counsel certain gentlemen connected with the Nonconformist bodies, who, feeling they laboured under a certain grievance in the matter, were anxious to see that grievance redressed. He appealed to the House to consider the second reading of the Bill in a spirit of Christian charity. He should cheerfully abide by its verdict, but he sincerely hoped it would be to pass the second reading and allow the Bill to go into Committee.

Motion made and Question proposed, "That the Bill be now read a second time."

Lord HENLEY having seconded the Motion,

Sir WILLIAM HEATHCOTE, in moving the rejection of the Bill said, Sir, the hon. Baronet (Sir Morton Peto) has rested his case very much on what he represents as a cruel infliction made by operation of law on certain Nonconformists on whose behalf he urges the adoption of the Bill under consideration. To statements of alleged grievance, made by persons presenting themselves in the character of mourners, who attribute to a particular state of the law an aggravation of their sorrow, I should listen with respect and sympathy. If under the influence of irritation they brought unfounded accusations I should not be eager to resent, nor should I desire to lay bare with too curious or too rough a hand the insufficiency of their foundation. I should trust to time to enlighten and to soothe, and should submit to some misapprehension and some groundless obloquy rather than enter upon contentious argument, which, although justified by self-defence, might wear the appearance of harshness. But if a Member of this House proceeds on such allegations to a practical issue—if he recommends legislation and produces a specific measure, the matter is transferred from the region of feeling to that of fact and reason. It becomes necessary to apply a more severe test to see whether there is any real case for interference, and, if there is, whether the mode suggested will not produce worse evils than any which are alleged as the ground for interference. In this case the main grievance (for I will not dwell upon the inconvenience said to arise in some places from the distance between the several burial grounds which are not under Church law, but will only say in passing that in such cases those burial grounds should be increased in number, if needful, by compulsory legislation, and at the cost of parishes united for the purpose); but the main grievance, and the only one in which principle is involved, is, as stated, not that Nonconformists are, as such, excluded from the burial service of the Church, to which it is notorious that they are continually admitted; but that, among Nonconformists, the small number who cannot satisfy those rules to which Churchmen themselves are bound to submit in this matter, are excluded by force of those rules, as are Churchmen also who fail to satisfy them. In other words, that the rules of the Church, excluding from the burial service all unbaptized persons, by necessary consequence exclude, in the case of all Nonconformists, as in the case of Churchmen, all infants dying before baptizm; and further, in the case of some Nonconformists — namely, those among whom infant baptism is not in use, such older children also and young persons as have not lived to receive baptizm. This being the grievance — a grievance which on the face of it, and in the statement of those who urge it, consists only in this—namely, that persons not in communion with the Church, but for whom on a special occasion the benefit of Church service is desired, are admitted to it under restrictions, being the same restrictions, and no other, as are applied to members of the Church itself—this being the grievance, the remedy proposed is in the Bill under discussion to-day, in which the knot is cut shortly enough by provisions which simply hand over to all mankind, provided that they are not of the Church of England, unlimited and unconditional power over the use of the burial grounds belonging to that Church, and which admit within their precincts the practice of any ceremonies of any religion, be it Mahommedan or Hindoo, or Mormonite; and equally the abnegation of all religion in an infidel oration. But the hon. Gentleman tells us that he has founded himself on precedent; that he has taken his measure from an Act passed in reference to Ireland about thirty-seven years ago, the success of which has been complete. When the hon. Member makes this statement he must intend us to understand that the grievance in the Irish case was the same as that which is now alleged, that the circumstances attending were similar, and that the provisions of that Act were identical with his own. Unless all these conditions concur, his precedent is of no worth, and his argument will fail. But, Sir, I will show the House that the grievance in Ireland was of a character entirely different; that all the attendant circumstances were different; and, above all, that the enactments were, I will not say different, for that would be too feeble a word, but essentially opposed to those which are embodied in the Bill before us. Whether that Act was wise I do not presume to assert, though I see no reason to doubt it; whether it has been successful I cannot pretend to judge from personal observation; but, if it has been both wise and successful, it will not raise a presumption in favour even of the same provisions under different circumstances, while to claim its authority, not only under different circumstances, but in favour of enactments wisely discordant, nay, actually antagonistic in form, spirit, and intention, appears to me to be a mode of reasoning remarkable, if I may so say without offence to the hon. Baronet, rather for its hardihood than its logic. Now, let us see what was the Irish grievance, and what was the manner of dealing with it. In the first place, there was a highly penal enactment in force by which all persons were prohibited from burying in the grounds of suppressed abbeys and other religious houses. In fact, such burials did take place, and no one wished to prevent them; but all who were concerned in them ran the risk of heavy penalties. The first section of the Irish Act is devoted to the repeal of this prohibition—an object wholly foreign to the circumstances of England. The Act then proceeds in the subsequent sections to deal with a state of circumstances which I will describe to the House. In Ireland there had been for many years an invariable usage by which Roman Catholics had been buried in the parochial churchyards, but with no religious ceremony at the grave. The rights of their own Church were always performed previously; partly, I believe, in their own chapels, and partly in the houses of the deceased persons; and the rites of the Church of Ireland were neither desired by them nor tendered to them. A little time before the Act in question was introduced by Mr. Plunket, then Attorney General, and afterwards Lord Plunket, doubts had arisen in the minds of the clergy of some of the Irish dioceses—well-founded doubts as it turned out—respecting the legality of their own conduct in this matter. They apprehended—and, as it appears by the recitals of Lord Plunket's Act, they apprehended correctly—that they were bound by law to read the burial service over every person not disqualified by that law from being the subject of such service who should be buried in their churchyards; and that in forbearing to perform this duty, and in permitting Roman Catholic burials without the service of the Church of Ireland, they were infringing the law. But to tender this service to the Roman Catholic as a condition of burial would have been to exclude him, and this by a condition which was practically though not legally new, from an easement which had been practically though not legally free to him, without question, for many years. The Church service would have excluded him, because the Irish Roman Catholics looked at this matter from a point of view precisely opposite to that of the English Dissenters. In Ireland they did not make it a grievance that they were not admitted to participate in the ceremonies of the Church of Ireland, much less that they were not admitted more freely than the members of that Church, and in defiance of regulations to which Churchmen were themselves subject; but, on the contrary, they deprecated the application to them, for the first time in practice, of a ritual the sanctity of which they did not recognize. Accordingly the Irish Roman Catholics in 1824 did not ask for a violent innovation, offensive in its form and dangerous in its consequences, but only that things should remain as they were; that an existing usage, already sanctioned by custom, should also be sanctioned by law; and that they should not be suddenly deprived of nearly all facilities for burial. For, be it observed, they were not in the condition in which we find the English Dissenters now—namely, that of being provided to a very great, even if it be, as has been said to-day, not an entirely sufficient, extent, with burial grounds on all sides of them, specially devoted to their purposes, and freed from the necessity of adherence to Church rules. Such being the facts of the Irish case, how did Lord Plunket deal with them in his Act? He confirmed to the clergymen of the Church of Ireland the liberty which for a long time had been practically but illegally assumed, of refraining from the employment of the burial service of the Church over those persons who were not of her communion, and rendered legal that which also had been for a long time the established usage—namely, the burial of those who belonged to other communions by their own ministers in the parochial churchyards. But all this was done under restrictions, and with careful precautions against abuse. It was made lawful only after a written application addressed by a minister of another communion, duly au-

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thorized by law, to the parochial clergyman, followed by a written permission, if he thought fit to grant it, under the hand of such clergyman, in whom also was vested the power of appointing the time of the funeral. Lord Plunket laid great stress on the necessity of this restriction, and of preserving to the clergyman the power of refusing his consent. He dwelt upon the necessity of guarding against the abuse of the indulgence by the employment of ceremonies or language offensive to the Church; upon the importance of ascertaining in each case the *bonâ fides* of the assertion of Nonconformity; and the status of the person who applied, as a Nonconforming minister, for permission to conduct the ceremony; and, above all, he urged that to give an absolute instead of a permissive right, would be to give to Nonconformists more than is possessed by the members of the Church itself, who enjoy the right of burial in consecrated ground only in accordance with ecclesiastical rules and orders. That strangers to any institution should be admitted to its benefits on terms less stringent than those to which its own members are subjected, appeared to Lord Plunket to be an absurd and untenable proposition, and accordingly he set himself by anticipation against the very principle on which the whole of this Bill is framed. In these days we have become familiar with claims bearing the character which he thought so unreasonable, and why? Because in all that class of Bills of which this is an example, the moving principle is evidently not a simple desire to redress grievances, real or supposed—it is the desire to initiate aggression. And, without doubt, it is an aggressive character which is impressed on every line of this Bill. It is not permissive but compulsory. It enables the representative of the deceased not only to silence the parochial clergyman and to prohibit the service of the Church, but to appoint any other person whatever to celebrate any service which may approve itself to the religion—or the irreligion, as the case may be—of him who is to perform it. It professes, indeed, to guard against unseemly interruptions of other funerals, or of congregational worship, by requiring, not an application for permission, but a bare notice to be sent to the clergyman. But this enactment is so framed as though it was intended to be inoperative. The notice may be sent by post, and if within twenty-four hours of its deposit in a post-office, however distant, the clergyman, who may never have received it, shall not have appointed a time for the funeral, it may take place at any time, without his appointment. If such notices had been put into the post-office on Saturday morning, it might easily happen that the clergyman and his congregation, as they entered their church on Sunday morning, might see the approach of more funerals than one brought at that unseemly hour, perhaps through thoughtlessness, perhaps through malice, each to be conducted under the powers of this Bill at the very time of divine service, with ceremonies perhaps distressing to the Church congregation — perhaps abhorrent to the whole Christian world. Does the House perceive, has the hon. mover himself considered, what effect all this will have upon religious peace in this country? Let me first suggest a case in which nothing like irreligion shall be attributed to any one concerned. In some parish where Protestant feeling is deeply seated, and vehemently, or if you will, violently, expressed, let a Roman Catholic funeral enter the churchyard at some such unseasonable time as I have indicated, and let the service be performed with all the display and circumstance of a gorgeous ceremonial. Do you think that charity and forbearance are precisely the virtues of which you will have promoted the growth in that parish? Turn your eyes next to some adjoining parish where you shall see a darker vision. Some rich atheist leaves money wherewith to fee an infidel lecturer who shall deliver at his funeral within the consecrated ground — perhaps within hearing of the congregation assembled in the church itself—an eloquent harangue, not specially against the Church, but against all that every Christian man within the borders of this land has been taught from his infancy to venerate. Will the hon. Baronet then congratulate himself on the success of his work? I know that he will not. I know that the hon. Gentleman would witness such an attack with deep sorrow, of which the sharpest pang would be in the recollection that it was his own hand by which the weapon employed in it had been forged. Sir, this is no light matter. It ought not to have been left to me, nor to any man not invested with the authority of the Queen's service, to arrest its progress. The action of the Government in such a case as this ought to have been prompt and decisive. If there is real hardship caused by the distance from each other of such burial-grounds as are free from the regulation of Church law, their number should be increased for the benefit of the Dissenters, if needful, by compulsory legislation. But it should be distinctly and firmly announced that we will not, under colour of supplying a need which is wholly collateral and subordinate, give up principles which are in no way necessarily connected with it. The hon. Baronet has disclaimed, and even denounced, the Liberation Society, and I rejoiced to hear what he said. Nevertheless, his Bill is of the same character as those which that society has promoted, and wears the appearance of serving to complete the systematic series, of which parts have been already discussed in this House. The previous discussions have shown the real meaning of the measures already produced, and have also shown that there are more behind. Does any one believe that, when the churchyards have been dealt with as is proposed in this Bill, the churches themselves will long remain free from a similar invasion? It may be that such an invasion is the result at which we are to arrive. I see that the hon. Member for Birmingham (Mr. Bright) gives signs of rejoicing in the prospect. Be it so; but proceed in that direction with your eyes open; do not flatter yourselves that, if you pass this Bill, you will not have already advanced very far and very fast. It will be difficult to draw a distinction on principle between the two cases. For my part, I am not prepared to go one step on that road. I invite the House to concur with me in my refusal; and in order to give them the opportunity, I move, Sir, by way of Amendment on the hon. Baronet's Motion, that this Bill be read a second time this day six months.

Mr. SELWYN seconded the Amendment

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now,' stand part of the Question."

Lord HENLEY said, he confessed that at first he had regarded this Bill with some fear. He thought it was but another of those aggressive Bills which had lately been brought forward by hon. Members in connection with the Liberation Society. That was his first view, and he confessed the fact of the Bill coming from the Liberation Society was no recommendation for him. He did not sympathize with that Society in its principal object, which he believed was to bring about a separation of the Church of England from the State. He felt it, however, his duty to examine the Bill, in order to see whether, as a member of the Church of England, and as representing also a large body of Dissenters, he ought to support it; and as the result of that examination he now gave his hearty approval to the measure. The first thing to establish in advocating it was that a grievance did exist. That had been shown; but it must be borne in mind that that grievance was not found in large cities, but in country parishes. It seemed to him that the proposal of the Bill was one to which members of the Church of England ought readily to agree; for in point of fact by it Dissenters asked to a certain extent to be allowed to come into the bosom of the Church. As to what had been said by the hon. Baronet (Sir William Heathcote) as to the Bill opening the door for Hindoo or Mahommedan ceremonies, that was absurd and impossible, because in the country parishes there were no Mahommedans and no infidels. But the two prevalent sects were the Baptists and Wesleyans, and he had made inquiries as to what were the ceremonies which they would wish to perform in the churchyards. He had a letter from the Dissenting minister of a parish in Northamptonshire, in which he was informed that, at the burial of their dead, the Wesleyans usually read part of the Church of England burial service; while Baptists generally read a portion of Holy Scripture, delivered a short appropriate address to the mourners, and offered up a prayer. Surely there was nothing very dreadful in these. For his part he should be glad to see Dissenters coming with these proper and decent rites into the place set apart for burial by the Church. One thing had been hinted at by the hon. Baronet which had occurred to his (Lord Henley's) own mind. It was the notion of a law to compel ground to be set apart in the various country parishes, as in large towns, for the burial of those who differed from the Church. But the answer to that was that already there was sufficient ground for the burial of all, and that the appropriation of any more land for the purpose was unnecessary. What the Dissenters asked was for power to come into the churchyards and perform decent and proper rites in portions set apart for that purpose by the vicar or curate of the parish. The case of his own parish, he thought, bore very strongly on the matter of the Bill. He was inquiring as to how the present system acted upon the Church in that parish, and was told that it acted exceedingly well, because the Dissenters had been very much frightened by a particular case that had occurred there, and ever since had brought their children to baptism very well. That case was one of a labourer who was a Dissenter, and had several children, none of whom had been baptized. He brought one of these to be buried, and was told that no service could be read over it; and it was buried by the sexton at night without any service being performed or a word said. Now he (Lord Henley) did not suppose that any educated Protestant imagined that the words said over a dead body would produce the slightest effect on the future state of the person buried; but he was not so sure that the same impression prevailed with uneducated persons. On the contrary, he thought, in the particular case to which he had alluded, it was the fear which had arisen from the non-reading of those words which had driven them into baptizm. Was that a desirable state of affairs? It seemed to him that it was not desirable. That persons should be brought to baptizm was excellent; but that they should be frightened into it by the non-performance of certain rites he could not think was good. Another case was that of a Baptist minister named Capern, who was not allowed to go into a churchyard to read a few prayers over the corpse of one of his own flock, but who had to stand outside the wall and read them while the body was put into the grave prepared for it. He (Lord Henley) thought it most desirable to put an end to these fruitful sources of difference between Churchmen and Dissenters, and he thought this was not to be done by throwing difficulties in the way of Dissenters. He thought the House would agree in a remark made by a Dissenting minister, that if there was less of separation between the bodies of Dissenters and Churchmen after death, there would probably be more of agreement and good-will between them during life. The hon. Baronet (Sir William Heathcote) had said that this Bill was to enable Roman Catholics to go into our churchyards and there to perform ceremonies which were most repugnant to our feelings as Protestants. This had at first alarmed him (Lord Henley), but when he came to look into it he found it was baseless. Roman Catholics attached even more importance to the consecration of burial grounds than members of the Church of England; and as they did not recognize the validity of the orders of the clergy of the Church of England, they did not recognize the validity of the consecration of the different churchyards throughout the country. This, he believed, would always be a bar to the realization of that which the hon. Baronet feared; for it was not probable they would ever make use of any but their own burial grounds for the interment of their friends. One more point he would urge on the attention of the House. He did not believe that Dissenters in rural parishes would be relieved from the payment of church rates for some time to come; and the least return we could make them for their involuntary contributions was to allow of their making a proper and devout use of that to the maintenance of which we compelled them to contribute. For these reasons he hoped the House would agree to the second reading of the Bill.

Mr. HUBBARD said, that if a Bill had been introduced for turning the monarchy into a republic, or for enabling Cardinal Wiseman to officiate in Westminster Abbey, it could not be more inimical to the constitution of Church and State than this measure. In every way the Bill was objectionable. It invaded the freehold of the parish clergyman, encroached on the rights of the Church as an ecclesiastical corporation, infringed on her rules and discipline, and affronted the doctrines which she held. The hon. Baronet (Sir Morton Peto) said he brought forward this Bill on behalf of the Nonconformist bodies who, according to the last published census, constituted the majority of Her Majesty's subjects. He should like to know on what pretence the hon. Baronet made that assertion. To what census did he refer? No religious census had been taken in this country. One was, indeed, proposed last year by the Government, but it was refused by the Dissenters themselves. No doubt there existed what purported to be a statistical return of the accommodation afforded for public worship in England, but that document was not sanctioned by the Census Bill passed in 1851 by this House, and it had no Parliamentary authority whatever. The Registrar General said it was prepared in obedience to the instructions of the Government; but on inquiry the Home Secretary had stated that there were no instructions of which a copy could be found. The religious statistical returns which had been referred to were wholly unreliable, and were not to be accepted as proving that the Noncomformists were in a majority in Great Britain. But he thought he could show a very different result by the evidence of the Registrar General himself. By the latest returns of the Registrar General it appeared that the marriages celebrated in churches of the Establishment in one year amounted to 128,000, while the marriages celebrated in other places amounted to 28,000, or 82 and 18 per cent respectively. The scholars in Church of England schools were 1,187,000, against 362,000 in schools of all other denominations, or in the proportions of 77 and 23 per cent. In workhouses it appeared that 60,000 of the inmates were members of the Church of England, against 12,000 of all other denominations, or 84 per cent of Churchmen to 16 per cent of other persuasions. With such evidence before them it was preposterous to come forward and represent the Nonconformists as the majority of the people, when they did not exceed one-fourth of it at the utmost. But even of the minority all were not clients of the hon. Baronet. The Wesleyans were not, for their baptism was admitted by the Church, and their dead were received for burial in the churchyard. Even of the particular body with which the hon. Baronet was connected only the unbaptized were excluded. Assuming there to be a grievance which affected a few, was that grievance to be redressed in a manner that would cause pain and regret to the consciences and feelings of many? The argument of the hon. Baronet that the Bill was intended only to assimilate the law with that of Ireland had been disposed of by the right hon. Member for Oxford University; and he (Mr. Hubbard) denied that there was any affinity between the cases. The Irish Bill, moreover, was merely a permissive Bill. The noble Lord (Lord Henley) had spoken as though the Wesleyans and Baptists were the only bodies affected by the Bill; but the Bill did not contain any such limitation, and if it had, an outcry would soon be raised by those whom it did not comprehend. Indeed, he (Mr. Hubbard) principally objected to the Bill, that if it gave any licence to infringe on the exclusive rights of the Church, that licence must be practically unlimited. Under its provisions there might be ceremonials in our churchyards which would not only be offensive to the feelings of Churchmen, but be provocative of riots and disorders. At St. George's-in-the-East there was buried a short time since the body of an unfortunate woman who committed suicide. The burial, of course, as in all such cases, took place without the Church service, but it was attended by about one hundred of the frail sisterhood to which the deceased had belonged, who were dressed all in white, and who graced by the expression of their sympathy what they considered to be the fitting end of such a life. Under this Bill any churchyard might be the scene of similar events, but accompanied with speeches in honour of the deceased. The Bill, he thought, too, was unconstitutional, as it would interfere with the discipline of the Church of England, which was the sole legal representative of Christianity in this kingdom. No man had affirmed this truth in clearer terms than one who was himself an ardent advocate of civil and religious liberty. Lord Brougham had stated in a speech delivered in the House of Lords on the 1st of August, 1833—

> "That which has been said to be part of the law of the land, because that which the law protects and cherishes, that with which many parts of the law are blended, that upon which part of the Constitution rests is the Christianity, not of the Presbyterians, Unitarians, Baptists or Papists, but the Christianity of the Church of England as by law established.
>
> "That is what the law of England has recognized and established. It tolerates the other systems of belief and discipline, and gives their professors the civil rights and civil privileges of all citizens, but that which as a system of faith and discipline the law patronizes and establishes is the doctrine and ceremonial of the Church."—[See 3 *Hansard*, xx., 29.]

But what would be the real effect and consequences of passing such a Bill as this? Although the hon. Baronet had taken up this Bill upon his own responsibility, yet it must be remembered that it had been approved by the Liberation Society, whose objects were too well known to need repetition. He did not mean to say that this Bill was their immediate production, for the hon. Baronet had disclaimed that idea, and had stated that he did not bring it forward in a spirit of hostility to the Church; but he (Mr. Hubbard) must say that the hon. Baronet totally misconceived the subject with which he proposed to deal. The Church of England did not spring up in 1630, or in 1530, but traces its origin from the Great Founder of our religion; it cannot deny the doctrines, it cannot tamper with the order and discipline which are essential to its integrity, and without which it would cease to be a Church. Its members had faith to animate and conscience to guide them; they believed in the resurrection of the dead and the life of the world to come. They looked upon the graves of their friends with affectionate reverence, for they knew that their bodies would rise again at the last day; and they viewed with horror and dismay the idea of their resting-places being trodden over by unholy feet. There were cemeteries which were open to all; if they were insufficient let their number be increased; but he protested against an attempt, supported on false and inadequate pretences, to violate the rights and affront the reverent and conscientious feelings of Churchmen. He should give his entire opposition to the second reading.

Sir GEORGE LEWIS: I cannot agree with the hon. Member who has just spoken in thinking that the comparative number of members of the Church of England and of Dissenters has any material bearing upon this question. Neither can I admit that there is any constitutional objection to the second reading of this Bill, seeing that there is upon the statute book the Act called Lord Plunkett's Act, which, although differing in details, is essentially the same in spirit. But I think it is most important, before the House comes to any decision, that we should understand the precise nature of the grievance complained of, and that is only to be found by ascertaining the precise state of the law. I find in *Burn's Ecclesiastical Law* it is laid down that by the 68th Canon no minister shall refuse to bury any corpse that is brought to the church or churchyard in such manner and form as is provided in the Book of Common Prayer, and that the soil of the churchyard being enclosed and laid out at the expense of the parish, there is a common law right in all the parishioners to interment there; that the corpse may be brought to the churchyard, and that the clergyman is bound to allow it to be interred there, and is also bound to perform the service, with three exceptions; first, if the person should be excommunicate; secondly, if he should have laid violent hands upon himself; or, again, if he should be unbaptized. I believe that if a person died with expressions of unbelief, yet that, if not excommunicate, he would still be entitled to burial by the Church. What was laid down in the Rubric, which was part of the Book of Common Prayer, and which had the force of an Act of Parliament? That no clergyman was bound to read the burial service over the body of any person who had not been baptized. That exclusion was not confined to, or in any way directed against, Nonconformists. If the parents of a child who are themselves members of the Church of England should neglect to have it baptized, and that child should die, the clergyman is entitled to refuse to read the Burial Service. But as to the majority of Dissenters, their baptismal rites are as valid as if performed by a clergyman of the Church of England, and if the hon. Member for Finsbury had not stated it I should have been unwilling to believe that any clergyman of the Church was so ignorant, so little versed in the divinity of his own Church, as not to know that the Church of England recognizes lay baptism. It is entirely immaterial whther the person who baptises is in orders or not. Sir John Nicholl laid it down that a child baptized with water in the name of the Holy Trinity was entitled to Christian burial; and by the 68th Canon the burial of such child is obligatory upon the clergyman. In later times there has been a decision of the Privy Council, in the case of Bestow *v.* Martin, affirming the decision of Sir John Nicholl. Therefore the grievance complained of now is one that is common to both Churchmen and Dissenters whose children are not baptized, and it is not peculiarly a Dissenters' grievance. No doubt there is one class of Dissenters who by their tenets are peculiarly liable to be brought within the operation of this exclusion—I mean the Baptist body, who do not hold infant baptizm, and any child who died before reaching the age at which according to them it is right to grant baptism would not be entitled to have the Burial Service read over it. That class does, undoubtedly, labour under a hardship from the existing law. But I do not think it is wise in any clergyman of the Established Church to be too exact in scrutinizing the fact whether baptism has been duly administered or not. If greater strictness upon that point has been observed of late, it seems to me to be very unfortunate, because when such questions are raised the minds of relatives and friends of the deceased become naturally excited, and unpleasant reflections follow. I think clergymen would be more discreet, and would not fail in their duty, if they were not to be over nice in raising these unpleasant, not to say scandalous, discussions. But I must say I feel a difficulty as to the extensive measure which is proposed, and which goes much beyond the provisions of the Irish Act, allowing the representative of any deceased person to call in any one, not being a clergyman of the Church of England, to celebrate a funeral service. There is no restriction at all. Roman Catholics perform the religious portion of their burial services in their chapels, and in Scotland, where consecration is not regarded, the same course is followed. The case of the Church of England seems to be peculiar in attaching importance to the performance of the Burial Service in the churchyard. Looking at the law and the practice, I must say that I am not prepared to give my assent to so extensive a change, as it appears to me that the grievance complained of is not limited to Dissenters. Although I deplore that clergymen should refuse to read the Burial Service when it is desired, yet this Bill would establish a principle with respect to the use of churches and churchyards which would be inconsistent with our law; for it must be remembered that although there is a common law right in all parishioners to be buried in the churchyard, yet the performance of the Burial Service is a matter of the ecclesiastical law. The result of passing this Bill would be to throw open the churchyards indiscriminately to all classes of religionists, and to make churchyards what the cemeteries are under the Burial Acts. Those Acts provide consecrated ground for Churchmen, and unconsecrated ground for those who do not conform to the usages of the Church. Under those Acts all large towns are provided for, and although this question may occasionally arise in rural districts, still the instances are not frequent. This Bill would make an universal alteration, and would go far beyond the requirements of the case, and, therefore, I feel it my duty to vote against the second reading.

LORD ROBERT CECIL said, the Baptists and the Quakers alone had a grievance to complain of, and he agreed with the right hon. Baronet that in dealing with the case of Baptists' children, clergymen acted unwisely in scrutinizing too minutely the fact of baptism. But what did this Bill do? It threw open all churchyards to all kinds of persons, some of whom adopted ceremonies with which the public generally were not acquainted. What was the mode of celebrating a Jumper's funeral or a Quaker's funeral? He believed that there were Parsees in London, and the custom of those people was to bury their dead by burning. The quaint practices of some of the sects were most offensive to a Christian people. If the Bill were passed, it was not impossible that Cardinal Wiseman might walk into Westminster Abbey and celebrate mass there. It might, to be sure, be said that Westminster Abbey was not a parish church, nevertheless the provisions of the measure were wide enough in their meaning to justify such a use being made of Westminster Abbey. A right was given by the Bill to any one to celebrate a funeral service; but the place where it was to be performed was not expressed, and it was known to all that the chief portion of the Roman Catholic funeral service took place within the church before proceeding to the grave. It should be recollected that that magnificent cathedral was originally consecrated by the Roman Catholics, and the record of its consecration was still held good by the Roman Catholics for all purposes of their religion. Now, such a result would infallibly lead to breaches of the public peace, and possibly to bloodshed and disorders of every kind. This Bill was one of the attempts of the Dissenters to destroy the Church of England. Two modes had been adopted for that end. One was to destroy entirely the temporalities of the Church, but the second was a more insidious one. It was a demand, not for depriving the Church of its temporalities, but that those temporalities should be shared between the Nonconformists and the Established Church. Now if the House passsd this Bill its direct tendency would be, after admitting the Dissenters into the churchyards, to pass them on into the church itself. Dissenters might, no doubt, go through the outward ceremony of reading the Bible and singing hymns in the churchyard, but if a rain or hail storm came on, it would be considered the height of bigotry to prevent them entering the church and reading their service there. And if they had the power of selecting any time they pleased for a funeral, they might select Sunday; and thus, step by step, they would obtain possession of the church. He knew that in Germany and Switzerland the services of different religious denominations were celebrated beneath the same roof. He would not inquire what was the general effect of this practice—that question was not before the House; and his objection to the measure was precisely this—that it did not lay down clearly the direction in which they were going. If they were going in that direction, it should be done by a distinct proposal, and then he was prepared to discuss the question fairly. But so long as the attacks upon the Church were insidiously disguised under the appearance of a more innocent proposal, such as the one before the House, he should unhesitatingly resist them from the outset.

Mr. BRIGHT said, that the noble Lord who had just sat down seemed to him to be so filled with a fear with regard to the Established Church that he was not able to take a reasonable view of any measure affecting it that might be brought before the House. When any measure of this kind was under discussion he endeavoured to frighten the House with the old hobgoblin argument; and now he asked the House to believe that his hon. Friend the Member for Finsbury had some dark design of overthrowing the Established Church. He (Mr. Bright) did not believe in the least in the success of any attempts on the part of Nonconformists to overthrow the Established Church. If it were any consolation to the noble Lord, he was free to say to him, that if the Established Church should be overthrown it would be overthrown from the growth of religious zeal within its own bosom, and the differences of opinion coming to a crisis, which differences of opinion now they knew greatly to prevail. He thought the promoters of the Bill ought to feel indebted to the right hon. Gentleman, the Home Secretary, for his speech, though they were not to congratulate themselves on his vote. He had stated exactly the state of the law and the grievance that had existed; but he had not estimated the full magnitude of the grievance if confined only to the Baptist body. He (Mr. Bright) should state to the House that he believed there were about three thousand congregations of that body in this country, and, therefore, though the grievance in respect to terms might be mitigated, yet they must all know it was spread over almost all the parishes of England and Wales. He thought the hon. Baronet, the Member for the University (Sir William Heathcote) was hardly fair in the way in which he treated this Bill as compared with the Irish Act. He (Mr. Bright) admitted there was a considerable difference between the two, but the object to be attained was in each case precisely the same; and were he one of the promoters of the Bill, if the House would go into Committee he would have no objection to give all the securities to clergymen of the Established Church by this Bill which were given in Ireland. If the House would permit he would read the clause in the Irish Act, which would help to come to a thorough understanding on this question. The clause stated that from and after the passing of that Act it should be lawful for the officiating minister of the Church of Ireland as by law established, upon application made to him in writing by any clergyman or minister of any church or congregation not being the Established Church in Ireland, duly authorized by law to officiate in such church, stating the death of any member of such church or congregation, for permission to perform the burial service at the grave of such person according to the rights of such church or congregation, to grant permission accordingly; provided always that such permission should be in writing, and that, in order to prevent any interruption or interference with the celebration of any rites of the Church of Ireland by law established, such interment and service should be celebrated at such time as should be appointed by such officiating minister. The Bill went on further to state in the next clause that if the minister of the Church of England withheld that permission, the same should be specially and distinctly declared in writing by the officiating minister, one copy of the declaration to be delivered to the person making the application, and another to be transmitted to the Bishop of the diocese, and afterwards sent to the Lord Lieutenant of Ireland. With regard to the latter part he did not mean to discuss it. But the permission having been obtained, ministers of any religious body other than the Established Church could perform the funeral service in the churchyard, with the further condition that the funeral should not be held at a time inconvenient to the ordinary services of the Church. The object of furnishing a copy of the refusal of the clergyman to allow the performance of the funeral service was that no frivolous objections should be raised. But this mode of application and refusal had now fallen for the most part into desuetude. No one found the least inconvenience from the funeral taking place in the parish church of the bodies of those who belonged to sects not connected with the Established Church, and whose ministers performed services such as those concerned thought it most desirable to have. That being the case in Ireland he wanted to know what was the objection felt to allow it to be done in England? An hon. Gentleman opposite moved the other day an Amendment to a Bill that was rejected by the House, in which he declared that it was essential with regard to the marriage law that there should be one uniform practice throughout the United Kingdom. Here they had with regard to burial a practice existing in Ireland which did not exist in England; and his hon. Friend the Member for Finsbury proposed to establish in spirit the same state of things in England which existed in Ireland. But, moreover, he (Mr. Bright) appealed to Gentlemen from Scotland what was the practice in their country. In Scotland, as many hon. Members must know, in the Presbyterian Church, there was no regular settled and ordered burial service; but he (Mr. Bright) believed that it was customary now for members of the Episcopalian Church of England, or any of the well-known dissenting bodies in Scotland, to be buried in the parish church yards just as freely as those in connection with the Established Church in Scotland. In that country and in Ireland there had not followed from this course any of those great disasters which the noble Lord (Lord R. Cecil) pictured as likely to arise, should the House agree to this Bill. If that be so, he wished to know whether the House would not agree to read this Bill a second time, for the purpose of making it in Committee more like that Act which the House passed some years ago with regard to Ireland? The object of his hon. Friend was that they should give to all their parishioners—it was a common name, they were all parishioners—whatever their peculiar condition with respect to religious belief, or to the particular religious body in communion with which they might happen to die, their parish, and what might be called their citizen and national, right of being buried in their parish churchyard. There was no intention of doing anything that would sap the Church of England by a Bill of this nature. Was the Church of England an institution so tottering and insecure that they could not permit a Baptist to be buried in one of its churchyards with a Baptist prayer without its being threatened with destruction. He agreed with the noble Lord that by consenting to a Bill in the spirit of the Irish Act they would remove one of those things which was a disgrace—he would not say—to their Church, but to religion, when it happened, as in several parishes it had happened within a recent period. He believed they might do many little things of this nature to lessen the asperity which unfortunately existed among different sects; and he felt that it would be infinitely better for the Church of England itself that the House should consent to such a measure, with the alteration which he had suggested—should consent to what he should term a healing measure, not injurious to the Church, but beneficial to the harmony of parishes, and of advantage to religion itself.

Mr. NEWDEGATE said, it seemed to him that this measure was not applicable to the grievance alleged to exist. The right hon. Gentleman, the Home Secretary, referred to the ignorance of the law amongst certain clergymen of the Church of England. He (Mr. Newdegate) felt much indebted to the right hon. Gentleman for exposition of the law which he had given; it was a lamentable fact, that there did exist this ignorance, and a want of uniformity in the practice of clergymen of the Church of England, which was much to be deplored. He had sometimes observed what he considered a grievous want of charity manifested by clergymen, who, by reason of some technicality, refused to read the burial service of the Church of England over the bodies of their departed brethren. There was another indication of a great want. The Church needed that her internal jurisdiction should be revived. There were really no legal means, under certain circumstances, by which Churchmen were enabled to vindicate their neighbours whether Churchmen or Dissenters or themselves against imputations cast upon them by ministers and priests of the Church. This he looked upon as a great and growing want in the Church of England. Her internal jurisdiction had lapsed. This evil was the result of the policy of Parliament which had unduly reduced the incomes of their Prelates, so that the Bishops were justified in refusing to incur the expenses of Ecclesiastical trials, in one sense, which their incomes would not bear. He now wished to advert to another point. It was said that the Roman Catholics would not avail themselves of the opportunities to extend and to give undue publicity to their religious services which this measure would avail. He should think very lightly of the Roman Catholic hierarchy if they did not. They were told that, although, this Act was intended especially to open the parish churchyards, that the Roman Catholics were very sensitive on the point of burial-grounds being consecrated by their own Church and would not use them. But the old parish churchyards were all consecrated when England was Roman Catholic, and, consequently, the hierachy and priests of that Church would look upon their consecration as valid. The Roman Catholics looked upon the Church of England, however unjustly, as having usurped their rights and property in the fabrics of the Church; and unless the Legislature maintained the law which established the right of the Church of England to her churchyards, the Roman Catholics would be the very first parties to take advantage of our neglect. A case had not many years since occurred in his own neighbourhood which would show that the tendency of the Roman Catholics was to exaggerate upon the liberty afforded them. A procession had been formed in the burial-yard of a Roman Catholic chapel on a Sunday afternoon, and its destination was the house of a recently converted Roman Catholic gentleman about three miles thence. In its route it had to pass a churchyard and before a Dissenting chapel. The procession halted before the church, and then before this Dissenting chapel, and commenced in a loud voice singing, "*Ave Maria, pro his miseris peccatoribus ora.*" The result was a scene of great disorder. The services both of the Church and Dissenting chapel were disturbed; and on the return of the procesaion the population turned out and broke the procession up, the members composing it being compelled to walk away man by man. Similar results might be expected from the passing of the present Bill. He adverted to what had taken place in his own neighbourhood. But need he remind the House that Lord Derby's first Government had been obliged to issue a proclamation against those religious processions? The laws of this country had already shown every consideration for the religious feelings of all classes and sects. They secured them in the exclusive possession of their places of worship, and in their rights to perform their respective services within their own precincts, and had provided them other burial grounds under the Cemeteries Acts. Surely, then, the Church of England alone, of all other sects, ought not to be denied the exclusive possession of her churches and her churchyards. He lamented that such a proposition as the one before the House should have come from the hon. Baronet opposite, whose honourable character he (Mr. Newdegate) fully appreciated. He should be glad if the hon. Baronet would reconsider the course he had taken, and would withdraw his Bill, which was unnecessarily offensive, and calculated to widen the breach between Dissenters and Churchmen which he (Mr. Newdegate) wished heartily to lessen.

Mr. BUXTON said, that there were very strong arguments in favour of the Bill. The Dissenters suffered a serious practical grievance under the present system; because, whereas, on the one hand, except in large towns, they were not generally in possession of burial grounds for themselves; on the other hand the law forbade clergymen to read a service over those who had not been baptised. That was no small grievance to the friends of the deceased. The noble Lord the Member for Stamford (Lord Robert Cecil) fairly acknowledged the grievance, and said clergymen ought to wink with both eyes rather than inflict such an insult on Dissenters. But he (Mr. Buxton) hoped, in the words of Shakspere, that "their spirits were so finely touched" that, having taken an oath, they would feel bound to keep it. And yet without a breach of that oath they were not in a position to read the service for the unbaptized. It had been said that a grievance would be inflicted on members of the Church of England if a Jumper, or a Quaker, or a Hindoo, or a Mahommedan were buried in the churchyard. But that would not occur more than once in ten years, and surely it was not worth while to continue to inflict a serious grievance on Dissenters for so small a likelihood of grievance on Churchmen. As to collisions in churchyards they had the practical experience of Ireland and Scotland; and if collisions did not occur in Ireland they could hardly be expected to occur here. He maintained that so long as Dissenters had to pay church rates, they were joint proprietors with Churchmen of the churchyards, and had a right to the privileges sought by this Bill. He did not think the measure was one which was a step towards taking possession of the property of the Church. On the contrary he was persuaded that, in removing a practical grievance of this sort, a more kindly feeling towards the Church would be produced, which would make her still more secure, which would root her still more deeply in the hearts of the people, and which would make her stand higher and better than she did now.

MR. WALPOLE said, it appeared to him that a *minimum* of grievance was sought to be redressed by a remedy which would produce a *maximum* of inconvenience; and he thought that instead of going into Committee on the Bill, this alone was a reason why the House should the rather press upon the promoters of the Bill to withdraw it, and to introduce another better adapted to carry out the object which they said they had in contemplation. The hon. Baronet, the Member for the University, who had moved the Amendment, in a speech which he must characterize as beautiful for tone, temper, feeling, and reasoning, had placed the subject in such a light that the hon. Member for Birmingham proposed, instead of taking the Bill itself, to substitute the Act of Parliament on the same subject relating to Ireland—in other words, to strike out all the clauses, and make an entirely new Bill. He objected to that kind of legislation. The House had been invited to the second reading of a Bill, and if clause after clause were in succession abandoned by its own supporters, that was a substantial reason for objecting to the second reading. The hon. Member who spoke last said the grievance proposed to be remedied by the Bill affected every Dissenter. But the hon. Member for the University of Oxford pointed out in a distinct manner that if it was a grievance to Dissenters it was a grievance to Churchmen also, for it applied to the burial of all unbaptized persons, whether Churchman or Dissenter, over whom the Clergyman could not perform the burial service of the Church of England. The House would have to determine two things: what were to be the regulations with regard to Churchmen, and what were to be the regulations with regard to Baptists. If the same law were applicable to both they would repeal the Act of Uniformity; if there was to be a different law as regarded Churchmen and Dissenters, there ought to be specified in the Bill what was the law applicable to each, and not confuse two things together which would really be distinct. Look also at the time chosen for the introduction of this measure. The grievance, small as it was, was daily diminishing. We were establishing cemeteries all over the kingdom with regard to which arrangements were made that the Nonconformists should not be aggrieved, for in every case a piece of unconsecrated ground was allotted to them for burial purposes. Then take the place where the ceremonies were to be performed. By the Bill it was to be not only the churchyard but any place substituted for the churchyard. It was to be extended, therefore, to any place endowed and consecrated for the purpose of sepulture by Churchmen, and Dissenters were to have a right to come there for funeral purposes. But there was not a Dissenter who might not have his own churchyard near his own place of worship. Then who were the persons in respect of whom this right was to be established? They were not to be members of the Church of England. Questions might arise, therefore, as to whether they were Churchmen or were not. Then as to the mode:—The permission was to be addressed only to the legal representatives of the deceased; but they might not be of his religion. The supporters of the measure were asking for the second reading of a Bill in order that the House might go into Committee upon it; not, however, to pass any one of the clauses, but, on the contrary, to strike them all out, and introduce an entirely new Bill. Under these circumstances he really hoped that the House would set its face against legislation of this kind. One word more. With regard to the natural desire which all must feel to lie in death near those to whom they had been attached in life, if any provision could be made for gratifying it, by all means let it be made, and he was sure that if a Bill were introduced for that purpose, properly drawn and under the sanction of the Government, it would meet with a ready acquiescence from that side of the House.

MR. BAINES acknowledged with gratitude that the question had been discussed on both sides of the House in a spirit which was fitting in dealing with a subject involving the great topics of religion and death. He believed, however, that there were considerable objections to the details of the measure; and as hon. Gentlemen opposite, and the Members of the Government, seemed disposed to agree to a well-considered Bill to effect a reasonable and temperate redress of the evil which undoubtedly existed, he ventured to follow up the recommendation of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) and would suggest to his hon. Friend (Sir Morton Peto) that he should withdraw the present

Bill, and then, with the aid of the Government and of gentlemen representing the Church, and also with the Irish Burials Bill before him, introduce a Bill which might pass with general assent. He would say a word or two on some subjects connected with the proposal. In the first place a doubt had been expressed as to the decent solemnity and sacredness with which the burial service would be performed by Nonconformist ministers if this Bill passed. Let him say that he believed there was no body of Christians on earth who would perform the funeral ceremony with more entire solemnity and sacredness, and more in the true spirit of religion, than those in whose behalf this Bill was sought. The hon. Baronet (Sir Morton Peto) had an especial claim on the House in regard to this matter. On his own estate he had, at a cost of several thousand pounds, rebuilt the parish church, and yet, as the law stood, if one of his own children were to die it might be excluded from Christian burial in the churchyard. That certainly entitled him to some consideration. One other point he (Mr. Baines) would mention. The body to which the hon. Baronet (Sir Morton Peto) belonged—the Baptists—were exposed to much religious persecution in various countries of Europe—Catholic and Lutheran, in consequence of their peculiar tenet. Should the House of Commons refuse to give a relief to the grievance under which the body laboured here it would seem to give a sanction to their persecution in other countries. He concluded by urging Sir Morton Peto to withdraw the Bill and bring in another.

Sir MORTON PETO said, that he should have no objection to withdraw the Bill with the view of introducing it in another shape, provided the hon. Baronet the Member for Oxford University would withdraw his Amendment. If the hon. Baronet could not do so, then he (Sir Morton Peto) would be obliged to go to a division. The noble Lord the Member for Stamford (Lord Robert Cecil) said that clergymen would be wise if they would wink hard with both eyes, and not create a grievance in these matters. But the fact was they did not wink with both eyes. He was prepared to say that, in the 3,000 or 4,000 Baptist congregations in the kingdom, cases such as he had complained of were occurring every day, and the same was true with regard to the Wesleyans. He called attention to a case that had occurred at Burnham Thorpe. While the clergyman was reading the service over the body of a woman he ascertained that she had not been baptized, and refused to continue the service. The corpse was left there during the whole of the following week, and the clergymen asked the churchwarden to have the church fumigated before the Sunday service.

Sir WILLIAM HEATHCOTE said, he must decline to withdraw his Amendment.

Mr. DUNLOP was surprised to hear the hon. Baronet's determination. There was no doubt that a great grievance existed which called for a remedy at the hands of Parliament.

Sir GEORGE GREY: I hope that on reconsideration the hon. Member for the University will adopt the suggestion that he should withdraw his Amendment; and that the Bill will be withdrawn to give the hon. Member (Sir Morton Peto) an opportunity of introducing another Bill which will meet the admitted grievance in an unobjectionable manner. Before the hon. Member for Leeds had risen to make that suggestion I had expressed to some Friends near me an opinion that this was the course which the hon. Member for Finsbury ought to take. I thought, after that suggestion, and after the appeal of the hon. Member (Sir Morton Peto), who is the avowed representative in this House of the body which it is sought by this Bill to relieve—I had thought that the proposal would be acceded to. If, however, the hon. Baronet persists in going to a division, I, who had intended to vote against the Bill, shall be compelled to take another course, and to leave this House without recording any vote upon this question.

Mr. DISRAELI: I confess I never listened to observations in this House with more surprise than those which have fallen from the right hon. Baronet who has just resumed his seat. I thought the right hon. Gentleman had risen, not only to make his appeal to the hon. Member for the University, but to give as a reason for making that appeal that the Government were prepared to fulfil that duty which before this they ought, in my opinion, to have undertaken, and to make the proposal which the strong expression of feeling on both sides of the House may be considered to have sanctioned. But what does the right hon. Gentleman do? The right hon. Baronet requests my hon. Friend to assent to a proposition which, in my opinion, is most unreasonable. He makes no proposition to perform the duty of Government to guide the House in the difficult situation in which it is placed; but he requires merely that the House should consent that the hon. Gentleman the Member for Finsbury should have another opportunity of proving how unskilfully and how unsatisfactorily he can deal with the question. Were my hon. Friend the Member for the University prepared to concede to the unreasonable proposition of the hon. Member for Leeds it would not affect the purpose. I cannot for a moment believe that the hon. Gentleman would be permitted to withdraw the Bill with no security to the House that the very same Bill might not be reintroduced—according to the forms of the House the hon. Gentleman would have that opportunity—or altered in so slight a manner that it would not meet the spirit of the settlement of the question which has been indicated. Therefore there can be no doubt that the hon. Gentleman will not be permitted to withdraw this Bill, but, of course, it will be negatived. It is proposed that the hon. Member for Finsbury should have an opportunity of withdrawing his Bill, and that my hon. Friend the Member for the University should not be allowed to take the opinion of the House on his Amendment. The Government does not come forward to play its part and perform its duty. If the Government would say, under the circumstances, that they would undertake to bring forward a measure which, on the whole, and according to their judgment, would carry out the general feeling of the country on this question, my hon. Friend might be reasonably called upon to withdraw his Amendment; but, under the circumstances of the case, and the Government not having taken that course, I hope my hon. Friend will insist on his proposition, and press it to the vote.

Mr. H. BAILLIE wished to say one word with regard to what had been stated in the course of the debate in relation to Scotland. In Scotland the churchyards were not consecrated; and, therefore, there was no analogy between the two cases.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 155; Noes 236: Majority 81.

Words *added*.

Main Question as amended, put, and *agreed to*.

Bill *put off* for six months.

House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, April 25, 1861.

Minutes.] Public Bills.—2ª Leases, &c. by Incumbents Restriction; Bills of Exchange and Promissory Notes (Ireland).

BANKRUPTCY AND INSOLVENCY BILL.

The LORD CHANCELLOR laid on the table the Amendments which he proposed to move in Committee on the Bankruptcy and Insolvency Bill. He hoped that other Peers who had Amendments to propose would follow his example, and by so doing enable their Lordships to consider them before going into Committee. He said this without prejudice to the Motion which the noble Earl (the Earl of Derby) had given notice of, that the measure should be referred to a Select Committee; but he believed that if those Amendments were all on the table beforehand, they would assist their Lordships in coming to a determination on that Motion. If the Amendments to be proposed were to be confined to mere matters of detail he saw no objection to referring them to a Select Committee; but if, on the other hand, those Amendments touched the principal clauses, or what he might term the principles of the Bill, he thought it would hardly be respectful to the House of Commons that those enactments, which had been sent up by the House of Commons after careful consideration by them, should be discussed and settled in a Select Committee, where the public would be shut out from all knowledge of their proceedings.

Lord CHELMSFORD said, he had some Amendments to propose which he would lay on the table as soon as possible, probably on Monday or Tuesday next. He was afraid his Amendments would not be confined to matters of detail; but, at the same time, he thought they need not now anticipate the question whether or not the Bill should be sent to a Select Committee.

LEASES, &c., BY INCUMBENTS RESTRICTION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Lord LYTTELTON moved the second reading of this Bill, the object of which was to restrict the leasing of glebe lands in certain cases, &c., by incumbents. He had been asked to introduce the measure by persons connected with the west of England, where alone the abuses to which it referred still existed. It certainly never was the intention of the Church, or of the State, or of the founders and endowers of benefices, that the revenues should be appropriated for the benefit of particular occupiers of the benefices or their children, in derogation of the interests and rights of the successors to the benefices. As their Lordships were aware this practice had once been the great scandal of the Church of England, in the case of higher ecclesiastical dignities, but the whole tenor of legislation of late years had been so to regulate the power of ecclesiastical persons to deal with their benefices that they should not interfere with the rights of their successor, and to a very great extent they had succeeded. The abuse against which his Bill provided mainly existed, he believed, in the west of England, in some parts of which the practice still prevailed for incumbents of livings to grant and lease out for lives and long terms the lands belonging to the benefice. These grants were made in consideration of large fines, at nominal annual rents, to the prejudice of the next incumbents, or the incumbents granted out the lands to their own children. He proposed to put an end to the power of making these grants, saving, however, the rights of existing incumbents, and to secure that any future grants should be made in conformity with the Acts of Parliament regulating the leases of other ecclesiastical property.

THE BISHOP OF LINCOLN concurred in the principle of the measure; but he thought it would require some modification in Committee if they were to make it beneficial to the Church. It was hardly possible to put an end to a practice which had existed for so many years, and which was undoubtedly an abuse, without inflicting hardship upon some one; and, no doubt, their Lordships would take care to diminish the hardship as much as possible. But if the Bill passed in its present shape it would inflict additional hardship on the next two or three incumbents. At present there was little or no temptation to renew a lease before it fell in; but if it were once made law that the present incumbent could make such a lease while his successor could not there would immediately be a surrendering of all leases at present in existence, and new leases would be issued with the insertion of younger lives, which would be greatly to the prejudice of the next successor. He knew it was much more easy to prevent evils than to correct them; and he hoped his noble Friend would find some means to prevent this evil from falling on succeeding incumbents.

THE MARQUESS OF BATH said, that in his neighbourhood these leases for lives were common. He thought the Bill would be of advantage; but, at the same time, he hoped some means would be found of obviating the hardship pointed out by the right rev. Prelate.

Motion *agreed to;* Bill read 2^a and *committed* to a Committee of the Whole House on *Thursday* next.

POST OFFICE SAVINGS BANKS BILL.

COMMITTEE.

Order of the Day for going into Committee on the Post Office Savings Banks Bill read.

LORD REDESDALE asked the noble Lord who had charge of the Bill (Lord Stanley of Alderley) by what means depositors were to find out what was the state of their accounts, and how they were to ascertain the amount of interest due? A comparison of the books was the great check now, and he did not see, unless means were provided for comparing the books, how the system was to work, because the object of the Bill was to have the books and everything connected with the working of the banks kept in London. Then, with regard to the transfer of accounts from the ordinary savings banks to the post office savings banks, the Bill provided that there should be the signature of two trustees in order to effect such transfer, which would be a difficulty in the way and throw great labour on trustees.

THE EARL OF EGLINTON believed there was no great objection, either in Scotland or Ireland, to the principle of the Bill, or to the banking department being carried on in London; but a strong feeling prevailed, both in Edinburgh and Dublin, against the accounts being removed from those two cities. Great inconvenience would arise if the accounts were not kept in the capital of each country. He had asked the noble Lord (Lord Stanley of Alderley) whether it was intended that the accounts should be kept in Edinburgh and Dublin as well as in London; and the reply was, that there was no present intention of moving the accounts from Dublin and Edinburgh. Perhaps the noble Lord would be good enough to repeat in public what he had thus stated to him privately.

Lord MONTEAGLE said, when the Bill was read a second time it was stated that there had been a Report made to the Post Office authorities on the subject; and when he pressed for the production of that Report the noble Lord said he would consult with the Post Office authorities as to whether the documents should be produced. He wished to know whether the noble Lord would consent to the third reading of the Bill being postponed until Monday next, and whether in the interim he would produce the Report?

The Earl of DONOUGHMORE said, a pledge had been given in "another place" that the accounts of the savings banks should be kept in London, Dublin, and Edinburgh, in the same manner as the money-order offices were. If the whole of the accounts were to be centralized in London he saw no prospect of the Bill working at all.

Lord STANLEY of ALDERLEY said, with regard to the first question put by the noble Lord (Lord Redesdale) he begged to inform him that the intention was that the depositors' books should be annually sent up to London to be there compared with the books of the establishment, and the amount of interest due would be set down in the book. If at any interval the depositor should desire to know how his account stood he would be at liberty to send his book to London to have it compared, and he would then receive all the information that he required as explicitly and as fully as he now did at the ordinary savings banks. With regard to the transfer of accounts for the existing savings banks to the post office savings banks, and *vice versa,* for the convenience of depositors, that would be done without the necessity of withdrawing the money, and the transfer would be made on the signature of two of the trustees. Both before and after the transfer, whether from an existing savings bank to the new post-office bank, or *vice versa,* the money would be in the hands of the National Debt Commissioners. With regard to the next point raised by the noble Earl (the Earl of Donoughmore), as to the accounts being kept in Edinburgh and Dublin, the accounts of the post-office savings banks would be kept exactly as the accounts of the money orders. Edinburgh and Dublin would still be used to a certain extent for the accounts of the respective countries; but it was necessary that the accounts should all be lodged in the great central establishment in London. One great convenience which was anticipated from these banks was that a man depositing money in a bank, and afterwards travelling from place to place, could, on presenting his book in any office in the United Kingdom, be able to receive the money he might require without going back to the original office of deposit. It was obvious that if there were several banks, one in London, and others in Edinburgh and Dublin, there would be great confusion with regard to the accounts, and for that reason he intended to have but one central bank. With regard to the last question of his noble Friend (Lord Monteagle), as to whether there would be any objection to producing the Report, his reply was, it was not a Report on the whole subject, but a Report from subordinate officers to the head of the department, to enable him to say, on his own responsibility, whether the scheme would work. It was mixed up with details of other matters, and it would not be conducive to the public service to lay it on the table.

Lord COLCHESTER wished to know from the noble Lord the Postmaster General, Whether their Lordships were to have any sketch of the manner in which so extensive and expensive a system was to be worked? There must necessarily be a great number of extra clerks appointed, and he wished to know what was the estimated expense of the scheme.

Lord STANLEY of ALDERLEY said, that it was not intended to ask Parliament for one halfpenny towards the expense of the scheme, which was an experimental one, the cost of which would be met by the difference between the interest paid on deposits and that received for those deposits when invested by the Commissioners for the National Debt. He did not apprehend that any very large increase in the number of officers would be required for the purposes of the experiment, or that the expense of working it would be very considerable.

Lord REDESDALE repeated that great inconvenience would be caused by the provision making the signature of two trustees necessary in case of a transfer of money from an ordinary savings bank. It would require the adoption of a new rule in every savings bank in the kingdom.

Lord STANLEY of ALDERLEY did

not apprehend that any difficulty would arise from this provision. Both before and after the transfer the money would be in the hands of the National Debt Commissioners.

The Marquess of CLANRICARDE inquired, whether there was any provision for the audit of accounts?

Lord STANLEY of ALDERLEY said, there was a provision that the accounts should be subject to the audit of the Commissioners of Public Accounts annually; and the Bill also required that a Return should be laid before Parliament every year, showing how the funds had been invested.

House in Committee.

(In the Committee.)

Clause 1 (Postmaster General may direct Officers in the Post Office to receive Deposits).

The Earl of DONOUGHMORE asked whether every shilling deposited in any part of the United Kingdom was to be remitted to London?

Lord STANLEY of ALDERLEY said, it was only the balance above what it would be necessary to remit to the country postmasters which would be sent to the Commissioners for Reducing the National Debt. The accounts would continue to be kept in Edinburgh and in Dublin as at present.

Clause *agreed to.*

Clause 2 (Legal Title of Depositor to Repayment).

The Earl of DONOUGHMORE said, he feared the proposed system would be attended with considerable insecurity to depositors. Uneducated persons were in the habit of regarding the signatures of the clerks of savings banks in their passbooks as vouchers for their money; and he believed that in most cases they would never think of going back again for the receipt which was to be forwarded from London, and which was to change their security from the personal liability of the postmaster into a claim on the public securities. A postmaster who was disposed to act dishonestly would never forward the money; no printed receipt would then be returned; and in case the postmaster afterwards disappeared the unfortunate depositor would be deprived alike of his money and of all remedy.

Lord STANLEY of ALDERLEY said, it would not be necessary for the depositor, in case of defalcations, to go into evidence of the transmission of the money to London; the signature of the local postmaster in the depositor's book would be evidence of the receipt of the money, as in the case of the ordinary savings banks, the printed receipt being merely intended to operate as a security that the postmaster had fulfilled his duty.

Clause *agreed to.*

Remaining clauses *agreed to.*

Lord REDESDALE hoped, before the third reading, his noble Friend would consider the effect of Clause 2, which, as it stood, rendered it optional to sign or stamp the book of the depositors. Taking into account the unguarded way in which stamps were often left about in country post-offices, he thought this clause might have a dangerous operation. He thought the person receiving the money ought to sign the book as well as imprint the stamp.

Lord STANLEY of ALDERLEY said, his noble Friend would perceive that the stamp was to be impressed in addition to the signature of the postmaster.

Lord REDESDALE thought this was by no means apparent from the wording of the clause.

Lord STANLEY of ALDERLEY promised to inquire into the matter before the Bill came on for third reading.

Bill *reported,* without Amendment, and to be read 3ª on *Monday* next.

BILLS OF EXCHANGE AND PROMISSORY NOTES (IRELAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Marquess of CLANRICARDE moved the second reading of this Bill, the object of which was to extend to Ireland the provisions of the English Summary Bills of Exchange Act, which became law in the year 1855. The noble Marquess took occasion to complain generally that the superior courts of law in Ireland did not extend as speedy and as economical a remedy to suitors as the superior courts in England. He believed also that a considerable saving might be effected by a revision of the different offices in the superior courts in Ireland.

The LORD CHANCELLOR said, Ireland was much indebted to the noble Marquess for introducing this Bill. He was much surprised that the provisions of the English Act had not been long since extended to Ireland. It had certainly worked admirably in England, and it was by its practice in Scotland that the idea of such a measure had been suggested. And it would, no doubt, work equally well in Ireland, as in the sister kingdoms. As to the complaints of the noble Marquess on the subject of the superior courts in Ireland, he must say he was not aware that there was any foundation for them.

Motion *agreed to.*

Bill read 2^a, and *committed* to a Committee of the whole House on *Monday* next.

House adjourned at a Quarter-past Six o'clock, till To-morrow, half-past Ten o'clock.

* * *

HOUSE OF COMMONS,

Thursday, April 25, 1861.

THE AUSTRIAN SUCCESSION—EMPEROR OF AUSTRIA.

PAPERS MOVED FOR.

Mr. T. DUNCOMBE said, he rose to ask for Copies of any Diplomatic Communications by which the now reigning Emperor of Austria, Francis Joseph, notified to the English Government his accession to power, together with any communications or Copy of the Act of Abdication of his predecessor in December, 1848.

Lord JOHN RUSSELL said, that he believed there were no other communications on the subject than such as had already been laid before Parliament. There was a communication addressed by Prince Schwartzenberg, then Minister of Foreign Affairs in Austria, to Lord Ponsonby, our Minister at Vienna, which was laid before Parliament on the 15th August, 1850. If there was any other document in the possession of Her Majesty's Government, they would have no objection to produce it.

Mr. T. DUNCOMBE asked what was the date of the communication announcing the abdication of the late Emperor of Austria?

Lord JOHN RUSSELL: December 2, 1848

Motion, by leave, *withdrawn.*

THE FINANCIAL RESOLUTIONS.

OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER said, that he intended to lay on the Table an amended Copy of his Financial Resolutions, so that when they came to be discussed hon. Gentlemen might not be surprised if they observed certain points of difference. The amendments would be found to relate to secondary matters. The first was upon the 6th Resolution—that relating to the duty on Chicory—and consisted in striking out the words referring to the Channel Islands. The second was upon the 7th Resolution, and limited the Retail Spirit Licences to Great Britain, excluding Ireland. The third was an amendment of little consequence in the 8th Resolution, which dealt with refreshment houses; and the fourth was an additional Resolution for legalizing a practice which had long prevailed with great convenience and advantage to the poorer classes of the people, both in rural districts and in large towns—namely, the selling of very small beer at 1½*d.* a quart without a licence. That practice had been found to be illegal, and he proposed to legalize it, imposing a low licence duty of five shillings.

CENSUS (IRELAND).—QUESTION.

Sir EDWARD GROGAN said, he wished to ask the Chief Secretary for Ireland, Whether any applications from persons formerly engaged on the Valuation of Ireland, or on the Census Commission of 1851, for temporary employment on the Irish Census of this year had been made to the Lord Lieutenant; and whether the special qualifications acquired by such previous services be recognized by the Government as a ground of preference for such temporary employment?

Mr. CARDWELL said, that such applications had been made. With regard to those who had been employed on the Census of 1851, their claims had been recognized by the appointment of all who had been recommended by the Registrar General for re-appointment, and they had been excepted from the rule which required them to satisfy the Civil Service Commissioners before they received their appointment. With regard to all others, their recommendations were respectively considered, and those selected had been obliged to satisfy the Civil Service Commissioners as to their fitness for the service.

TREASURE-TROVE.—QUESTION.

Sir JERVOISE JERVOISE said, he would beg to ask the Secretary of State for the Home Department, When the Notice will be circulated, which, on the 9th of January last, it was stated would probably be shortly issued in regard to Treasure-Trove, giving the public full information on the subject; and whether it is intended to enforce the claim of the Crown to ancient Coins, Gold or Silver Ornaments, and objects of Antiquity found in England and Wales, as part of the Royal Revenue?

Sir GEORGE LEWIS said, that Treasure-Trove, as the House was aware, was one of the rights of the Crown. What the Treasury had done was, not to enforce any invidious claim with regard to this right of the Crown; but they had made this communication, which had been sent out from the Home Office, the object of which was to prevent any coins that might be found being melted without the knowledge of the public authorities. The rule laid down by the Treasury was that they would pay an equivalent value in bullion for such coins, and that if they should be found to be of any antiquarian interest they should be deposited in the British Museum or any other place of proper deposit. It seemed that the Circular was liable to some objection, and had, therefore, been withdrawn, in order that an amended one might be issued.

SALMON FISHERIES IN ENGLAND AND WALES.—QUESTION.

Mr. HOPGOOD said, he would beg to ask the Secretary of State for the Home Department, Whether he will be able to introduce the Salmon Fisheries Bill for England and Wales before Whitsuntide?

Sir GEORGE LEWIS said, the Parliamentary draftsman was a good deal burdened just now with the preparation of many Bills; but this was one of the Bills in his charge; it had been begun, and would be speedily prepared.

AUSTRIAN PROCEEDINGS IN ITALY.
QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the noble Lord the Secretary of State for Foreign Affairs, Whether the Austrian Government continues to harbour and maintain the troops of the late Duke of Modena upon the Venetian territory, allowing them to be manœuvred and reviewed with their arms, standards, and all other accessories of a force in a state of military efficiency on the Italian frontier; whether such support and encouragement does not constitute a menace and hostile demonstration on the part of Austria against Italy, and whether any communication on the subject has taken place in any quarter on the part of Her Majesty's Government?

Lord JOHN RUSSELL: Sir, with regard to the question of the hon. Gentleman, it is certainly true that the Austrian Government harbours and maintains the troops of the late Duke of Modena on the Venetian territory. The last we heard of them was that there was a body of 3,000 men in the neighbourhood of Bassano. With regard to the question whether that is a menace or hostile demonstration of Austria against Italy, I have to say that we have received repeated assurances, and of very recent date, that there is no intention of making any aggression on the Italian territory by the Emperor of Austria or his troops; but that, of course, the troops of the Duke of Modena being there is only, as it were, a protest on the part of the Emperor of Austria, that the Austrian Government do not acknowledge the transfer of the territories of the Duke of Modena to the present King of Italy. I cannot say that it is, in the hon. Gentleman's words, a menace or hostile demonstration, but it is, no doubt, an unsatisfactory thing that two opposing claims should be maintained, the title of the Duke of Modena, on the one side, being still recognized by the Emperor of Austria, and that title being of course denied on the other side by the King of Italy, who has assumed the Government of the territory of Modena as part of his kingdom.

PUBLIC ACCOUNTS.—QUESTION

Sir STAFFORD NORTHCOTE said, he wished to ask the Secretary of the Treasury, When the Return with regard to Votes of Credit (ordered on the 11th instant), and the Return with regard to the Collection of the Income Tax, &c. (ordered on the 12th instant), will be presented?

Mr PEEL said that the Return with regard to the Collection of the Income Tax would be produced to-morrow, and that the Return with regard to Votes of Credit would shortly be ready.

THE NAVY—IRON-CASED VESSELS.
QUESTION.

Mr. KNIGHTLEY said, he wished to ask the Secretary to the Admiralty, Whether, in the Contracts for the Iron-cased

Vessels ordered by the Government, and now in course of construction, any stipulation has been made as to the quality of the iron to be used; and whether it is proposed to subject the plates to any, and if any, what test to prove their strength? He had heard that the worn-out iron of railroads had been used for the casing of those vessels, and there seemed to be no reason to doubt that a great part of that iron consisted of what was technically called "cinder iron," that was to say, iron that was mere dross and refuse.

Lord CLARENCE PAGET said, that the whole question of the plating of those iron-cased ships was at present under the serious consideration of the Admiralty, and a Commission was sitting with a view of testing in every possible way the various qualities of iron that might be used for that purpose. When he stated that Dr. Piercy, of the Geological Museum, and Mr. Fairbairn, and Captain Hay of the Royal Navy, as well as other eminent scientific men, were giving their assistance to the Admiralty in the prosecution of that inquiry, the House would see that the best possible mode was adopted of arriving at an accurate conclusion upon the subject. The skin of those vessels was subject to a very severe test. It had first of all to undergo the tensile test—that was to say, the power it had of drawing out, and it was exposed to a test which had a bearing equal to 22lbs. to the square inch, which was a test of a very severe description, they had besides to undergo the test of bending. With regard to the armour plates, they had no means of subjecting them to any test, because they had no machinery for ascertaining with any precision the tensile strength of 4½-inch plates. But the Admiralty subjected those plates to a very severe test by firing guns at certain portions of them from very short distances; and they had already found that they might make improvements on the plating of the *Warrior* by using rolled plates instead of hammered plates. He was not aware that any inferior iron, such as that to which the hon. Gentleman referred, had been used in the casing of those ships, but he would take care to make inquiries for the purpose of ascertaining whether there was any foundation for that statement.

RAILWAY ENGINE-DRIVERS.

QUESTION.

Mr. BENTINCK said, he rose to ask the President of the Board of Trade, Whether he has lately received a deputation of Railway Engine Drivers, the object of which deputation was to call his attention to the consequences of that class of railway servants being overworked, and to ask for the interference of the Board of Trade in the matter; and if so, whether any and what answer had been given?

Mr. MILNER GIBSON said, there certainly was a deputation of Engine Drivers at the Board of Trade; but whether they represented any great number he was not informed. They stated that they were overworked, and they wished something done to enable them to effect some change of agreement with their employers. They were ready to work a shorter number of hours, and at a reduced rate of wages, but their present arrangements did not give them that option. His reply to them was, that the Board of Trade had no power to interfere in such a matter; and, so far as the Legislature was concerned, he gave his opinion, so far as it was worth anything, that he did not think Parliament would interfere for the purpose of regulating the hours of labour or rate of remuneration of adults; and that the Government could not usefully interfere in regulating wages or the hours of labour, or interfere in any way between Employers and Engine Drivers on railways. He must say that he had heard with great astonishment the statement they made as to the many hours they had to work; but he could not see how the Board of Trade could do anything in the case.

WAYS AND MEANS.—COMMITTEE.

ADJOURNED DEBATE. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [22nd April], "That Mr. Speaker do now leave the Chair.

Question again proposed.

Debate *resumed.*

Mr. SEYMOUR FITZGERALD: Sir, although I anticipated you by a very few moments only on Monday last, when you were proceeding to put the question from the Chair, I still think there is no Member of this House who, on consideration, will regret that the debate has been adjourned; for, in truth, the House was placed in a peculiar, and, I may say, an extraordinary position. My hon. Friend the Member for Huntingdon (Mr. T. Baring) in a speech distinguished as his speeches generally are, not more by the soundness of its views and the clearness of its expression than by the absence of anything like asperity or party violence, brought this question under the notice of the House in a way calculated, as I think, to arrest the attention of every hon. Member. He warned us that from one end of Europe to the other we had an unsettled prospect in political affairs; he warned us that there was division and discord in America, famine in India, disturbance in Turkey and in the Levant; he warned us that we might be on the eve of great events; and he told us that in his opinion the Estimates of the right hon. Gentleman the Chancellor of the Exchequer were framed without sufficiently considering the expenditure we may be called on to incur, and upon too sanguine a view of our probable income. He, then, entreated the Government to give such explanations as might satisfy the anxiety which was generally felt by hon. Members upon both sides of the House. He was followed by several speakers, and among them by my hon. Friend the Member for Lincolnshire (Mr. B. Stanhope), who brought the question in all its bearings before the House in a speech which I venture to think was listened to by Members upon both sides of the House with equal pleasure. He was succeeded by my hon. Friend the Member for Stamford (Sir Stafford Northcote), who, with his practical knowledge of these matters, put questions to the Government which not only required but demanded explanation and reply. We were told by my hon. Friend that the right hon. Gentleman had increased the unfunded debt of the country in the past year by a sum exceeding £1,000,000, and that he had diminished the balances in the Exchequer by a sum of more than £1,250,000. And yet, with all the questions which had been put, not one member of the Government ventured to get up and to defend that financial project for which they are collectively responsible, or to give to the House that explanation which we are entitled to demand at their hands. I hope that that will not be the case to-night, but that we shall hear from the right hon. Gentleman the President of the Board of Trade whether it be true, as my hon. Friend the Member for Huntingdon told us, that instead of a commercial prospect which would lead us to anticipate a large public revenue trade is stagnant, and our exports and imports during the first months of the year have been seriously diminished. I hope, too, to hear from the noble Lord the Secretary for Foreign Affairs, with reference to the £750,000 which the right hon. Gentleman says that he is to receive from China, whether we are yet in possession of the accurate state of the case, and whether, with his knowledge of the facts and of the correspondence that has passed between his department and those who represent him in China, he anticipated we are likely to get anything like that amount. I hope we shall receive to-night, at all events, explanations from Her Majesty's Government upon these points. Now, what are the facts of the case? What is the opinion of this Budget not only out of doors, but in this House even of hon. Members who sit behind the Treasury bench, and are the professed supporters of the Government. They tell us, and everybody says the same thing, that this is a Budget framed, not solely on financial considerations, but also on political considerations, and with a view to the state of parties in this House. They say that this is a Budget not framed merely with reference to the expenditure which may be necessary for the year, or the receipts which may come into the hands of the Government, but they say, and none say it more than many of those I see on the benches opposite, that this Budget is forced upon us because there are members of the Cabinet who desire the support of a noisy but not an uninfluential section of this House. They say, further, that with reference to the past year the statement of the right hon. Gentleman has not been full and accurate, and has been calculated to mislead the House. They say that with respect to the future receipts of the present year the right hon. Gentleman has estimated them in a most sanguine spirit, and that some of those sums which he says will be available for the service of the year will never come into his hands. They say, likewise, that this House ought not to sanction a policy which gives up a source of revenue—a tax that, whatever may be our necessities, you cannot reimpose, and that you can only replace by an addition to those burdens which have already become almost intolerable to the country. Now, is it true that this Budget is framed with a reference to political rather than to financial considerations? I do not presume to say more than this, that I believe upon neither side of the House is there one man who, if that question were put to him in private, would not reply that this Budget is framed to conciliate certain Gentlemen in this House. Whether that be a course creditable to the Government, or likely to strengthen the character of public men, I will leave it to the House to decide. I will on this point do no more than read the opinion expressed by the organ of the hon. Member for Birmingham himself, which said—

> "A Budget is not merely a device to provide Ways and Means for the service of the year with the least possible dissatisfaction among the ruling components of the House of Commons; it is not a cunning combination of financial and political tricks contrived at once to supply the Treasury and appease party interest."

Now, I do not believe that you could find any words that would better characterize the objects of the financial proposals before us than those. The next thing which has been said of this Budget is that the right hon. Gentleman has not dealt fairly and candidly with the House in reference to the expenditure of the past year, and I think that this is one of the points on which it is necessary that we should have some further explanation from the right hon. Gentleman. Inasmuch, however, as he is not likely to speak until late in the debate, the least we can expect is that some of the colleagues of the right hon. Gentleman who must be presumed to have made themselves acquainted with the foundation and details of his propositions will at an earlier period of the discussion give us information upon points which at present seem to be rather incomprehensible. The right hon. Gentleman tells us that in the year 1860-61 the expenditure was £72,554,000, and the income £70,283,000; therefore he represented the deficiency on that year to be £2,271,000.

THE CHANCELLOR OF THE EXCHEQUER: I beg your pardon. I stated the expenditure to be £72,842 000.

MR. SEYMOUR FITZGERALD: But the right hon. Gentleman took off an item of £288,000 from that amount, which reduced the actual expenditure to £72,554,000. My hon. Friend the Member for Stamford, however, who has a practical knowledge of these matters, to which few can pretend, asked the right hon. Gentleman a question as to the unexpended Vote of Credit of last year, and it now turns out that, in addition to that £72,554,000, there is a further sum of three-quarters of a million for bills incurred in 1860-61, but still unpaid, and which will have to be met from some source or other in the course of this year. It is clear that in the statement of the expenditure and income of last year the right hon. Gentleman did not drop a single word to induce the House of Commons to believe that this £750,000 yet remained unsatisfied. It must certainly belong to one year or the other, and if the House of Commons is to have a fair statement before it as to what were the finances of last year, surely the right hon. Gentleman in the course of his speech ought to have informed us that there was such an amount standing over. There is another point upon which the House is entitled to some explanation from the right hon. Gentleman or one of his colleagues. We want to know what is the exact condition of that sum of £627,000 which went to meet a portion of the deficiency which is styled the repayment of casual advances. My hon. Friend has expressed an opinion that that in effect is equivalent to an addition to the unfunded debt. We wish to know whether it is the fact that, in addition to weakening the balances in the Exchequer to the extent of over £1,250,000, the right hon. Gentleman has added to the permanent debt of the country a sum of more than a million sterling? Well then, Sir, I turn from the consideration of the Estimates of last year to those of the year 1861-62. The revenue, the right hon. Gentleman tells us, is £71,823,000 and the expenditure £69,900,000, leaving a balance of £1,973,000. Now the hon. Member for Huntingdon has given his reasons for believing that, as regards the expenditure, that is not a just estimate, that far larger sums will be required than the right hon. Gentleman has stated, and also as regards the Revenue, that his calculations are much too sanguine to satisfy those who look anxiously at the financial position of the country. The first thing as regards the expenditure to which I wish to call attention is the sum of £1,000,000, which is taken for the expenses of the China war, and although I do not myself profess to have any knowledge of military matters, yet I very much doubt whether that is a sufficient allowance. The right hon. Gentleman has told us that of that sum £450,000 is for extra Indian allowances for Her Majesty's forces serving in China. Is there any hon. Gentleman in this House who is not aware of the fact that heavy demands are made on the Exchequer long after active military operations have ceased? And we who recollect the old China war, the Persian, and the Kaffir war, know very well that long after the conclusion of those wars their expenses had to be met. And I will ask is there a man in this House who has conversed with those who are practically acquainted with the service, and who understands the condition and circumstances of China, who believes that this sum of a million will be sufficient, or even half sufficient, to defray the charge that will fall upon us on account of this expenditure in the course of next year? Turning next to the receipts of the Revenue the right hon. Gentleman, after making allowance for the decrease of the Miscellaneous Estimates, calculates that there will be a net increase of nearly £800,000. It may be that the right hon. Gentleman, having at his command all those sources of information which are denied to us, is right in his views; but when we see an estimate of this sanguine character put before us, it is at all events necessary to ask whether the right hon. Gentleman has not shown himself too sanguine in former years, and whether in point of fact his statement as to the anticipated receipts from various sources of revenue is likely to be the correct one. The right hon. Gentleman tells us that his calculations were deranged by the failure of the last harvest. Now, without disputing that statement, the House will grievously err if it supposes for one moment that the ill effects of the late bad harvest are yet all exhausted. It is perfectly clear that for many months yet to come you will derive no benefit whatever from the next harvest, even if a good one; and that if it is only an average harvest, you will suffer for a still longer period from the consequences of the deficient crop of the previous year. Therefore, when through a bad harvest or from commercial or political disturbances abroad there has been a great contraction of trade, it is a great mistake to imagine you will find yourselves in your former state of prosperity immediately the disturbing causes have ceased. But, looking at the right hon. Gentleman's anticipations of last year's Revenue, you will find that he expected from his penny charge on packages £300,000, while he had actually received only £130,000.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman was quite wrong.

Mr. SEYMOUR FITZGERALD: The right hon. Gentleman will have an opportunity of answering me by-and-by. The right hon. Gentleman expected £300,000 from a penny duty on miscellaneous packages; what did he receive? £130,000; from stamps on brokers' notes he expected £100,000, and he got only £9,000; on dock warrants he expected £100,000, and obtained only £5,000; and the right hon. Gentleman was thus in error with respect to his calculations of last year. I do not want to put it further than this, that the explanation he has made with respect to the deficit is in error so far that it is not to the bad harvest alone that that deficit is to be traced. Well, then, how can we guard against the present Estimates being conceived in a similarly sanguinespir it? because while the right hon. Gentlemen has attributed last year's deficiency to the bad harvest, he has not said one word as to the permanent impression which a bad harvest necessarily makes on the commerce of the country. But, although the right hon. Gentleman may have some reason to justify his anticipations in that respect, there is one part of his Estimates which is not intelligible. I can very well understand when it is uncertain what may be the sources from which revenue is to be drawn a sanguine man may fancy he will get more than turns out to be the case from certain articles; but I am at a loss to understand how, with the right hon. Gentleman's knowledge of the stipulations of the Chinese Convention, he can put down as an asset available for the service of the year, the sum to be received from that country at the amount he has done. It is, in point of fact, utterly impossible, under the stipulations of that Convention, that the sum he calculates upon can ever reach the hands of the right hon. Gentleman. The right hon. Gentleman says he is to receive £750,000 from China. The best way to deal with the point is to refer to the provisions of the Convention of Pekin. But before going into the figures I may mention that a tael is equivalent to 6*s.* 8*d.*; therefore, if hon. Members will divide the numbers of Chinese taels by three they will have a clear understanding of what the amount will be in pounds sterling. The first article of the Convention is—

> "It is agreed, &c., that His Imperial Majesty the Emperor of China shall pay the sum of 8,000,000 taels in the following proportions or instalments—namely, at Tien-tsin, on or before the 30th of March 500,000 taels; at Canton, on the 1st of December, 1860, 333,333 taels less the sum, &c.; and the remainder at the ports open to foreign trade in quarterly payments, which shall consist of one-fifth of the gross revenue from Customs there collected, &c."

Now, if we could get at the amount of money which the Customs revenues at those ports produce we should know exactly what would be the sum we are to expect. The House must be aware however, that, although paid by the Chinese, this is not a sum which will come into the hands of the Government, and be available for the purposes of the right hon. Gentleman, because we know that there are prior charges upon it. It will, therefore, be sufficient to state how much will be paid to the British Government, and how much of that will reach the Chancellor of the Exchequer. The amount to be paid is 8,000,000 taels, and as to its application the Convention states—

> "In order to prevent future discussion it is, moreover, declared that of the 8,000,000 taels herein guaranteed, 2,000,000 will be appropriated to the indemnification of the British mercantile community at Canton, &c."

I asked the noble Lord the other day what was the sum to be paid to the British merchants, and I was surprised to find what difficulty I had in getting an accurate statement from him. The noble Lord told me that the sum was £450,000. Now I felt that must be wrong, as the amount claimed was £900,000, and in fact, the British merchants and Lord Elgin had come to the conclusion that it would be a fair compromise to put the amount at £650,000. The noble Lord was equally incorrect in his reply to another question as to the amount that had been actually received by the British Government from the Chinese Government. The noble Lord said £650,000 had been received, and rejected the suggestion that he meant taels instead of pounds; but on the next day he came down to the House and told us that the amount received was only £212,009. After allowing for the expenses of transport and the verification of accounts, you may fairly take it that the sum received by the British authorities in China is about £200,000. The problem, then, is to find out what is the gross Customs' revenue likely to be received at the Chinese ports in the year 1861. It is probable the right hon. Gentleman may attempt to press into his service an early payment to be made in 1862, but considering that the Customs' revenue will have to be verified by Commissioners of the two Governments and remitted from the various ports to Hong Kong, it does not seem likely that a penny of the sum to be paid in January next year will be available for the purposes of the present year. I have before me a statement of the gross export and import duties at those ports in China open for our trade in 1859, and of course it is not possible to have any later returns. I have found by the consular returns, the correctness of which will hardly be disputed by the Government, that the gross revenue collected at Shanghai was £877,435; at Canton, £205,994; at Foo-chow-foo, £194,075; at Amoy, £14,350; and at Ningpo, £12,500; making a gross revenue of £1,300,000. Now one-fifth of that will only give us £250,000, and that added to the £200,000 already received, it will require even more than the ingenuity of the right hon. Gentleman to make those sums, subject as they are to the expense of verification and transport, and to the indemnities to the British merchants, amount to £750,000. Under the new treaty it is true that opium, which is now subject to a legal duty, will probably increase. Opium is liable to a duty of £10 a chest, and the importation into China is estimated at 50,000 chests annually; but I am informed that as all that quantity is not introduced in the way of legitimate trade, this duty will probably not actually produce more than £400,000. That, then, will make a total sum of £350,000 in the hands of the British Government, not in the hands of the right hon. Gentleman. Then there is £200,000 already paid, which with the quarterly payment of £250,000 and the proportion of the opium duty, will make a gross total of nearly £550,000. Now, I say that, if the Government are prepared to deal with the British merchants according to the rules of justice, honesty, and the precedents of former years, then it is certain that not one farthing of the money can reach the hands of the Chancellor of the Exchequer. It is not really a question of receiving a portion, but a question of receiving a single farthing, because the noble Lord the other night rather obscurely hinted the course the Government were inclined to pursue, and he told us he had written to Mr. Bruce to say that the Government thought the money ought to be distributed rateably between the Government and the merchants —three-fourths to the Government and one-fourth to the merchants; but he added that he told Mr. Bruce that if he had already adopted a different course the Government would suspend their judgment until they had his explanation. There is this curious difference between the Chancellor of the Exchequer and his noble Colleague at the head of Foreign Affairs, that while the right hon. Gentleman tells us that he has £750,000 of this money, the noble Lord writes out to the Minister in China saying, that "it is possible you may differ from Government in the mode of disposing of the money." The right hon. Gentleman looks on the receipt of the £750,000 as a positive fact, while the noble Lord admits the probability that not a single shilling would be received. The noble Lord has good reason for doing so. Let the House consider the position of those who are claimants upon that fund. In consequence of military operations undertaken by this country in China the property of British merchants has been destroyed, and this country is responsible for the injury thus inflicted. In some instances the property was destroyed by our own soldiers, and is it just to tell the owners that they shall be be paid in quarterly instalments of 1*s.* 2*d.* spread over four years? I have no doubt that when news comes from China it will be found that Mr. Bruce has paid over every farthing due to the British merchants. Why, what did we do in 1843? There were 6,000,000 dollars payable to the British merchants in that year, and every single farthing of that sum was paid before the country received a single pound in payment of war expenses. What has been done in the case of this war by France? The French have received instalments as we have, and they have paid their merchants already in full. What is the case with the American merchants? The American representative has not received sufficient to pay the claim in full, but every American merchant has received 80 per cent of his claim. Is it not clear that the noble Lord, the Secretary for Foreign Affairs, knew, and knew very well, that he had not the slightest doubt that when the next despatches should arrive from China it would be found—not, indeed, through direct instructions from the Foreign Office, but notwithstanding—that every farthing has been paid to the British merchants, and that instead of receiving £750,000 the right hon. Gentleman, the Chancellor of the Exchequer, will not receive a single farthing? I have said that the French Government have paid their merchants in full. Now the noble Lord says he has written a letter to Mr. Bruce as to the payment to the British merchants. I should like to know the date of that letter. I should think it is not improbable that there is a strong connection between the attempt to filch three-fourths of the money from the British merchants with the Budget of the right hon. Gentleman. The American merchants have received the greater part of their compensation; but the reason is that there is no Chancellor of the Exchequer there looking for every shilling to make out an apparent surplus, and though the French merchants have had their claims satisfied, in the case of France there is no paper duty to be repealed. Well, Sir, I have gone through these statements, and I anxiously invite the President of the Board of Trade, who I see is taking notes of my figures, to give some explanation of this matter, and not to leave it, as it was left on Monday night, without any explanation or remark.

Another fault found with this Budget is that we are asked to repeal a duty which furnishes a permanent source of income which we cannot re-impose, and the deficit caused by which can only be replaced by direct taxation. I ask the House what would have been the position of the right hon. Gentleman, the Chancellor of the Exchequer, if he had succeeded last year in carrying out the repeal of the paper duty? He admits that we have a deficiency of more than £2,250,000—to say nothing of another claim for which he has provided of £750,000. Supposing, then, that another £1,300,000 had been added to that, how could he have met it? He cannot increase the tea and sugar duties, because the consumption of those articles is stationary, or rather falling off. He cannot increase the spirit duties, for he has increased them already. And if he had carried out his plan last year he could only have done one of two things—he must either have added to the permanent debt of the country, or have put another penny in the pound upon the income tax. If you do repeal these paper duties, in case of emergency your only resource will be to add to the already almost intolerable burdens of the people of this country. But we are told we must remove the paper duty, because a pledge has been given. Without being offensive to the right hon. Gentleman I may be permitted to say that for him, of all men in the world, in giving a reason for action, to venture to talk in this House of unredeemed pledges, requires a courage almost beyond belief. If there is any man in this House or in this country who is overburdened with pledges in matters of taxation—pledges unfulfilled and promises unperformed — that man is the Chancellor of the Exchequer. When we are told that this House is pledged to the repeal of the paper duties I emphatically deny it. My hon. Friend the Member for North Lincolnshire (Mr. B. Stanhope) in referring to the Resolution upon the paper duties passed by this House, showed clearly that, so far from being pledged to the repeal of the paper duties, it was a Resolution not to repeal the paper duties unless the circumstances of the country amply and fully justified it. The right hon. Gentleman dwells on the idea that the House passed the repeal of the paper duty last year. Is there a man in the House who can say that if the right hon. Gentleman at the commencement of last Session had put before the House the real state of the finances of the country—if he had told the House that, instead of £1,000,000 being wanted for the purposes of the China war, he would require a further sum of £2,000,000, that this year he should again require £1,000,000, and that this would be further swollen by heavy demands—is there one man on either side of the House—I will ask the hon. Member for Birmingham himself—who in the face of such a statement would have ventured to advocate the repeal of the paper duties? I deny, therefore, that this House, or that the Members of this House individually, are pledged to the repeal of the paper duties. But this I say—that with respect to other matters of taxation, you are one and all deeply and solemnly pledged. Take the case of the income tax. How many men are there in this House who, at the last election, when they were going round in a conciliatory manner asking for votes, were not stopped by some sturdy individual with the question, "Well, sir, but how about the income tax?" and how many men are there who did not hear the income tax adverted to at the hustings, and the opinion expressed that the best thing to do would be to repeal that tax as early as possible. With respect to the tea and sugar duties, are we not equally pledged there? When in a moment of emergency you asked an already over-burdened people to make sacrifices to meet the difficulties and dangers of your position, when you imposed the war duties, do you tell me there was no tacit pledge that, as soon as war was over, and the finances of the country would permit, the additional duty should be repealed? Therefore I say boldly that we are not pledged as regards the repeal of the paper duties, but we are pledged with respect to the income tax, and still more as regards the tea and sugar duties. With respect to us on this side of the House our position is clear; it has been defined clearly and explicitly by the hon. Member for Huntingdon (Mr. T. Baring). We cannot trust your Estimates. We believe that you underrate you expenditure, and that you overrate your resources. We ask you for explanations, and tell you that this is not a state of finance satisfactory to the House or to the people. We call upon you to reconsider your Estimates. But if, after full consideration, you can give good reasons for proving the correctness of the Estimates you have made out—if, after what we have pointed out to you, you still say there is a surplus, you must be responsible. But, then, the answer is this—if there be a surplus, we say that it ought to be applied otherwise than to the removal of a tax that does not press heavily on the bulk of the people, which you are not pledged to repeal, which, if once abolished, you cannot reimpose, which you can only wholly replace by adding to a tax already too much for an over-burdened people—we tell you, therefore, that you ought to devote any surplus that you may have to the relief of the people by the discontinuance of such imposts as bear most heavily upon them, and which your countrymen have a right to expect to see speedily removed.

Mr. MILNER GIBSON: Sir, the financial scheme which has been submitted to the House by her Majesty's Government has undergone much and varied criticism, and I remark that the investigations which hon. Members opposite appear to have undertaken have led them on certain points to very different conclusions. It is not for the Government to complain of the most searching inquiry into such a financial proposal as they think fit on their responsibility to recommend for the adoption of Parliament, and I, for one, should be the last to complain or to ask that the House of Commons should be deterred by any considerations from giving the utmost attention, and applying the most searching investigation to the financial position of the country or the plan of the Government. But there is this remarkable difference, which strikes me at once, that while the hon. Baronet the Member for Stamford (Sir Stafford Northcote) tells us he is satisfied with the estimates of revenue from Customs and Excise as submitted by my right hon. Friend the Chancellor of the Exchequer, the hon. Gentleman who has just spoken disputes the estimate of the probable yield of the Customs and Excise, and tells us that the Government are misleading the House into a reckless remission of taxes, founded on an incorrect estimate of the probable yield from the Customs and Excise. I believe that the estimates of the probable yield from the Customs and Excise have been honestly made, after conference with those departments that can alone judge what is likely to be the probable yield from those great sources of revenue. And I will undertake to say that those estimates of the probable revenue from the Customs and Excise would in all likelihood have been the same if the right hon. Gentleman the Member for Buckinghamshire had been Chancellor of the Exchequer instead of my right hon. Friend. These are not matters respecting which officers of departments can enter into a plot with my right hon. Friend the Chancellor of the Exchequer, in order to cook up an account as it were, to mislead the House of Commons. Nothing of the kind. These, I repeat, are honest Estimates, made by men of experience and judgment to the best of their ability, and I believe they represent, as accurately as can be ascertained, what will be the yield from those sources of revenue for the coming financial year. Sir, I am surprised, I must say, not at the criticism which has been passed on this Budget, but at some of the statements of the hon. Gentlemen opposite. The hon. and learned Member for Mallow (Mr. Longfield) views, I find, the Budget with abhorrence both as to its substance and its details. Really I did not think the subject was itself calculated to give rise to such emotions. I am astonished also at the indications from some hon. Gentlemen opposite of what they would have preferred to this Budget. The hon. Gentleman opposite (Mr. FitzGerald) mentioned the speech of the hon. Member for North Lincolnshire. I had not the honour to hear that speech, but I have been told by an hon. Gentleman that it was a very good speech, and I have heard it very highly spoken of by a friend of the hon. Member for North Lincolnshire. But what did that hon. Member say? He said he would have preferred if the Government had proposed a greater income tax than has been proposed, accompanied with a reduction of the duties on tea and sugar. I do not believe that is the opinion generally of party with whom the hon. Member acts. I never heard that this year they would have been prepared to agree to an increase of the income tax for the purpose of remitting indirect taxation. They have not certainly thought it right to make a proposal of a larger income tax than 9*d.* —according to the opinion of the hon. Member for North Lincolnshire he would have submitted to an income tax of 10*d.* or 11*d.*—to reduce the duty on tea and sugar. [Mr. Banks Stanhope: No.] I beg the hon. Gentleman's pardon, but I have the exact words he used.

Mr. BANKS STANHOPE: Perhaps I may be allowed to explain what I did say. After stating that I did not wish to apply the unnecessary penny in the way proposed by the Government, I added that I should not object to spend that penny, or even an additional penny, in taking off indirect taxation.

Mr. MILNER GIBSON: Then there was the hon. Member for Chippenham, who objected to the Budget of the Government, and wished for a practical Amendment. Anything, he said, for a practical Amendment, in order to condemn the scheme of the Government. Well, I am only sorry there is not a practical Amendment before us. We want to know what is the alternative proposition by which hon. Members would abide as a substitute for the plan of the Government. What we want to know is what is the alternative proposition which hon. Members opposite would make? The hon. Member who opened the discussion said nothing very definite. His was a speech full of negative propositions. He told the Government their responsibility was great—that their first duty was to provide adequately for the public service—and to maintain the public faith—and if remissions were to be proposed to give them in the way that would appear to be most beneficial to the country. Well, Sir, that was good advice. And it is my belief that the Government have acted in a manner consonant with that advice. We have, as we believe, provided adequately for the public service. We are as alive as the hon. Gentleman can be to the necessity of upholding public credit. We believe that by the remissions we propose we are doing what on the whole, at the present time, will prove most beneficial to the general interests of the country. The hon. Gentleman who last spoke begged of me to give an explanation of one item of the estimated income of the present year which he seemed to think was very doubtful—namely, the amount that will be received from China during the course of the present financial year. The hon. Member has given us his estimate of the probable yield of the Customs duty from the various ports open to our trade in China; but he will permit me to remind him that he gave us his estimate from what was received in 1859, which was a year of war; and he also failed to tell us that, under the treaty, new ports are to be opened. The hon. Member seems to doubt whether the departments in England and the Chancellor of the Exchequer, with a full knowledge of the details, and a full sense of their responsibility, are able to give the probable yield of the Customs' of the United Kingdom; but yet he, an independent Member of Parliament, is prepared to give us, from some private sources of information, the exact amount of what is to be the year's yield of the Customs' duty in certain ports in China! With all respect for my hon. Friend—if he will allow me to call him so—I prefer to take the estimate of the Earl of Elgin and Baron Gros, who have told the Government that under the Treaty of Tien-tsin there will be certain sums received amounting to about a million during the present financial year. It is in fact five quarters, or nearly one and a half year's receipts, but the amount will be forthcoming, and we shall be able to carry it to the credit of this country during the present financial year. I am not aware that anything that Mr. Bruce may have done in consequence of any delay in his instructions, or may have done himself, not having received instructions, can make a difference of more than £90,000 or £100,000 in the estimate of my right hon. Friend. The million is to be disposed of rateably between the merchants and the Government. It has appeared to us that, considering this country has expended some millions for, as we are told, the protection of the merchants and trade in China, there should out of this indemnity be, at least, a rateable proportion of payment to the Government on the one hand, and to the merchants on the other; and, basing our opinion upon the information of those who are the only persons fit to guide us in this matter—namely, those who are responsible for the advice they gave, and who have negotiated this treaty—we have arrived at the conclusion, that on a moderate estimate of the amount, there can be carried to the account of the British Exchequer, during the present financial year, at least £750,000. I should infinitely have prepared to have kept within my more immediate province and have left this matter in the hands of my right hon. Friend, and allowed him to give an explanation respecting the indemnity from China; but as the hon. Gentleman opposite requested me to state something on the subject I have done so. I have to add nothing more to what I have already said, but I am satisfied conscientiously in my own mind that this is not an over-estimate of the amount that will be received from China by the British Exchequer during the financial year that has now commenced. I was asked to make some comment upon the remarks made by the hon. Baronet the Member for Stamford (Sir Stafford Northcote) respecting the gloomy prospects of the country in connection with our imports and exports. We were told by that hon. Member that it was not right to calculate upon a full Exchequer seeing the decline that had taken place in our exports and imports. The hon. Baronet the Member for Stamford stated very correctly the amount of our exports during the first two months of the present year. He said the exports during the first two months of the present year fell short of the exports of 1860 during the same period by £3,370,000, or 16 per cent. But we have now the Returns made up to the close of the month of March, making three months, and we find there is a remarkable recovery during the third month. The value exported during the first three months of this year is now known, and although there is still a decrease as compared with 1860, the comparison is not now so unfavourable. Instead of, as before, a falling off of £3,370,000, or 16 per cent, as in the two months of the year, the diminution for the three months amounts only to £2,612,000, or 9 per cent. The total exports are £27,669,000 in the first three months of 1861, against £30,481,000 during the same period in 1860. There is this satisfactory statement to be made, in addition, that the exports of the month of March of the present year, 1861, as compared with the exports of the month of March, 1860, show an increase in the declared value of those exports amounting to £557,000. No doubt there was not, at the commencement of this year, that activity in trade we could have wished to see. Various causes have contributed to that result—the severity of the winter prolonged far into this year, the state of affairs in America, the falling off of trade with British India, all contributed to it; but there is a marked recovery in the last month, and it is not fair to assume that the diminution of our exports which the hon. Baronet truly stated took place during the first two months of the year is to be at all a criterion of what the whole of the exports will be during the present year. The hon. Baronet the Member for Stamford (Sir Stafford Northcote) spoke of the falling off of imports as well as exports.

Sir STAFFORD NORTHCOTE: Imports of raw materials—cotton and wool.

Mr. MILNER GIBSON: During the first two months of 1860 there was a larger proportion of imports of those articles than at any former period. In the year 1860 there was 25 per cent of the whole imports in the two first months, whereas in previous years the average of those two months was not more than 19 per cent. So that in comparing the falling off of the imports of the first two months of the present year with the corresponding months in 1860 the hon. Baronet compared this year with a year in which there was a remarkable increase of the imports in the first two months. But when I look at the shipping Returns I do not see anything to give rise to alarm, or to justify the gloomy forebodings of hon. Members. The shipping Returns for the first three months of 1861 show an increase both of British and foreign tonnage as compared with 1860. The total tonnage entered and cleared outwards with cargoes in the first three months of 1861 is 4,299,027 tons as against 3,914,643 tons in the same time in 1860. The British tonnage was 2,533,511 tons for 1861, and 2,450,150 tons for 1860. So that there is an increase this year both of all shipping freighted with cargoes in and out, and of British shipping in particular. These are reasons for not taking a gloomy view of the probable receipts from our various sources of revenue for the coming year. I do not deny that a flourishing state of trade is the general forerunner of a full Exchequer. I quite admit that it is fair not to take too sanguine a view of the probable yield of our various taxes if we see reason for supposing that our great branches of industry may be affected injuriously. But all these considerations have had their weight with Her Majesty's Government, and with the departments concerned in drawing up the Estimates of the probable yield of the taxes for the present financial year.

Now, Sir, with regard to the various alternatives that have been hinted at there is one which I do not think any hon. Gentleman has proposed, and it is this, that Her Majesty's Government having a charge of £69,900,000 to provide for should ask the House to give them something like £72,000,000 to defray that charge. Why, Sir, what would the House of Commons have said to such a proposal? They would have said you are wanting to tax the country a great deal more than is necessary to meet the expenditure which you tell us would be required. But we honestly state the income of the country, and the monies we are about to receive, at less than we believe them likely to be. But if, to use a vulgar expression, we had "sweated down" the surplus, and so had come here with a lame story that there was no surplus, it would have saved us the trouble of repealing taxes, which, it appears to me, is a more laborious task than to lay them on. The Government would do nothing of the kind, but honestly believing that the present taxes, if all renewed, would give a surplus of revenue over expenditure, they have proposed a Budget on that foundation, embodying such a remission of taxation as they believe would, on the whole, be most beneficial to the country. Why, Sir, if we had come down to the House, and asked for a renewal of the tenpenny income tax, and to keep on the paper duty, and the tea and sugar duties, what would the right hon. Gentleman the Member for Buckinghamshire have said? He would have said, "I cannot be a party to trusting a Government in which I have no great confidence with such a surplus." He would have said what he did say when my right hon. Friend the Secretary of State for India (Sir Charles Wood) proposed a Budget which showed something like a million of surplus. What did the right hon. Gentleman say on that occasion? I will read his words. He said—

> "The Government are in possession of a surplus revenue of a million. That is a surplus which no Government ought to ask the House to provide over and above what is necessary to meet the expenditure of the country."

And what did that right hon. Gentleman

further say? That we ought to consider whether it was more for the advantage of the country that the excise duty on paper should be repealed, or that the Chancellor of the Exchequer should be left in the possession of a surplus, for the discreet employment of which we had no security. When my right hon. Friend had a surplus of a million, what was the remission which the right hon. Gentleman the Member for Buckinghamshire said that he ought to make? The tea duty was then 2*s.* 1*d.* in the lb., the sugar duties were high; but the right hon. Gentleman thought that a portion of the surplus ought to be applied to the repeal of the tax which he described in terms most eloquent as a tax on knowledge and a tax on trade—and against which, in fact, he adopted all the arguments that have been made use of in support of the repeal. And observe that the Resolution of 1850, which the right hon. Gentleman and many of his friends supported, was not an abstract Resolution, but a Resolution asking the House then to repeal the paper duty, and make use of a surplus, which the Minister ought not to retain, for the purpose of abolishing an obnoxious tax. Well, then, I ask the right hon. Gentleman to assist us on this occasion, and to act in the same spirit in which he acted in 1850, for I can conceive no change of circumstances which would justify a change in his opinion. On the contrary, all the events which have since occurred have strengthened the case for the repeal of this tax, and have supplied no reasons for further delay. And were the Government to come down to the House and propose no remission? I think every hon. Member will candidly admit that we were bound to propose some remission of taxation — that we could not undertake to renew all the taxes. Well, supposing the Government offered a penny less in the income tax, that would have left that very surplus of a million which the right hon. Gentleman thought in 1850 was a sufficient justification for a repeal of the paper duty. Were we, then, to cast over the paper duty, to ignore all the past, to consider that the House of Commons was not in earnest when last year it agreed to the second reading of the Paper Duty Repeal Bill—not in earnest when it agreed to the third reading? Hon. Members tell us that though the House voted so, it did not care much whether the Bill was carried. But were the Government to take a vote of the House of Commons in that light? Were the Government to assume that the deliberate votes of the House of Commons were to be no guide to their councils? To whom, if not to the House of Commons, is the executive Government responsible, and above all in matters of finance? It would have been astonishing—it would have been impossible—if Her Majesty's Government intended to propose any remission of duty that they should have passed over this paper duty. I think if hon. Gentlemen place themselves in our position they must admit that this was the honourable, the consistent, the right course to pursue, and I believe it is the course that this House will approve and support.

What are the arguments against the repeal of the paper duty? The hon. Baronet the Member for Stamford says, "Do not repeal this duty, because, if you do, you cannot put it on again." Why not put it on again? Because the hon. Baronet knows that the benefits of that remission would be so apparent in the country—that the extension of manufacture, the increase in the employment of labour, and the beneficial influence upon the general commerce of the country produced by that repeal will be such that no Minister would think it consistent even with the interests of the public Revenue to put it on again. The hon. Baronet says, "If you take off the paper duty, you take off a permanent source of revenue." But I must remind the hon. Baronet that the House of Commons declared by its vote that it was not to be a permanent source of revenue. That was the very point; and with the greatest respect for the hon. Baronet I cannot help thinking that if the Government had ignored the Resolution on the subject at which the representatives of the people arrived they would have been guilty of disrespect to this House, as well as forgetful of their constitutional functions. I must add that I feel astonished that hon. Members opposite should suppose that we, in recommending the repeal of this tax last Session, did so with so little consideration that we must now admit ourselves to have been entirely in the wrong, and ought to deem it our duty to propose the remission of some other item of the taxation of the country. The hon. Member for Somersetshire (Sir William Miles) I may remind the House last year raised the question whether we were to impose an additional penny in the shape of income tax, or, in preference to repeal the paper duty, and upon that question the House of Commons, by a majority of fifty-three, came to the deliberate conclusion that it was more expedient that the latter impost should be abolished. When, moreover, my right hon. Friend the Chancellor of the Exchequer brought forward the Budget last Session, he stated that he intended to make a remission of indirect taxation to a certain amount, adding that he should recommend the abolition of the paper duties as being the tax, the repeal of which would be likely to prove most beneficial to the public; but that, if the House of Commons preferred the reduction of the tea duties, he should be prepared to give due weight to that opinion. The House of Commons, however, with all the circumstances of the case before them, and all the statements of my right hon. Friend fresh in their minds, did not prefer the reduction of the duty on tea; and the Government, therefore, having a surplus at their disposal, and being, as a consequence, bound by every Parliamentary usage to give a remission of taxation, could not, I contend, have acted otherwise than they have done in reference to this question.

It has been said, indeed, that we ought to have had regard to the payment of debt in laying our financial proposals before you; that there are Exchequer bonds to be provided for, some of which will fall due in May, 1862. There are, however, no Exchequer bonds falling due this year, and I am not aware that it is the practice of Parliament to make, by taxing the country more than is necessary for the requirements of the current year, provision for charges which belong to a period which extends beyond it. I may further observe that the redemption of debt must be regarded as having some reference to the amount of annual taxation which you wish the country to provide. You cannot, when that annual taxation is very considerable in amount, and when you absorb a large portion of the industry of the nation, come to Parliament with any degree of propriety and ask its sanction to an increase of taxation, in order that a certain amount of debt may be reduced. Such a course might, perhaps, be very fairly pursued when your expenditure as well as your taxation does not go beyond moderate bounds; but no Minister would like to add to £70,000,000 of taxes, levied for the purposes of current expenditure, fresh imposts, in order to redeem either a portion of the National Debt or Exchequer bonds. Did the right hon. Gentleman the Member for Bucks, I would ask, take that course? If I recollect rightly, in 1858, when he brought forward his last Budget, he had an expenditure of some £64,000,000 to provide for—the whole taxation being some £63,000,000 or £64,000,000. Well, but he borrowed some £2,000,000 to pay off his Exchequer bonds—he did not like to ask Parliament to make a provision for their payment by adding to the current expenditure of the year even with that comparatively moderate income which he had to raise. The right hon. Gentleman borrowed money and carried on those Exchequer bonds; and not only did he do that, but at that time, I think, there was the War Sinking Fund, which made altogether an amount of something between three and four millions of money. Well, Sir, that being so, I say it is hardly fair or consistent for hon. Gentlemen to throw out vague allusions as to the necessity of taxing the country to redeem debt, seeing that they, when in office, with a far more moderate expenditure to meet, and therefore a far smaller amount of annual taxation to ask for, thought proper to postpone the payments of these Exchequer bonds. Sir, I must also remark that I always used to think that the repeal of an Excise duty on an article of home manufacture was considered as really a Conservative fiscal reform. I am astonished to find this simple and innocent question of the repeal of the Excise duty upon paper argued and resisted by those who sit on the benches opposite with all that kind of heat and spirit that belongs to a party debate. All the traditions of the Conservative party, so far as I can see, are opposed to the existence of Excise duties. Their cry has always been, "Take off the Excise duties on your home manufactures. Let your native industry develope itself. If you must impose duties levy them on foreign commodities." Now, however, the tables seem to be quite turned, and, notwithstanding that the Earl of Derby and the right hon. Member for Buckinghamshire—your leaders—have repeatedly admitted the great evils connected with Excise duties, and the injurious effect which, in the case of the paper duty especially, they have upon the progress of manufacture, you still seek to retain it, regardless of the deliberately expressed opinion of this House. Now, this, let me tell you, is not merely a commercial question. It bears upon agriculture as well as upon manufacturing industry. The products of agriculture enter largely into the manufacture of paper. Extend that manufacture, and you will be giving increased value to a good deal of the refuse agricultural produce for which the British farmer now gets nothing, and which he frequently is obliged to destroy. This question of the repeal of the paper duty is a rural question. It has reference to the employment of labourers and the number of mills which may exist throughout the country. Are there, I would ask, no mills in Buckinghamshire, in Hertfordshire, and in other counties which have been closed owing to the operation of your Excise system? And have not the landlords, as a consequence, been in many instances deprived of that rent which they would otherwise have received? For my own part, I believe I am not overstating the case when I say I look upon the repeal of the paper duty as a question which affects the landed as much as the manufacturing interest. The hon. Member for Inverness (Mr. H. Baillie) it is true, told us the remission of the tax could benefit nobody but the proprietors of a few penny newspapers and the publishers of cheap literature. Now, there is no place in which, as a general rule, so much broad and enlightened truth is uttered with respect to the necessity of promoting the diffusion of knowledge as in this House, but in the present instance, when a proposal which is calculated to effect that object is made, penny newspapers and cheap literature are spoken of as if they were things too insignificant to be seriously regarded. I am, however, in a special degree surprised that the hon. Member for Inverness should, in speaking on this subject, express himself in the terms to which I have just adverted. He seems to be of opinion that it is not worth while to remit a tax which stands in the way of the diffusion of cheap literature; but these were not always his sentiments, as is proved by the fact that I had the honour of receiving his support when I moved the following Resolution:—

> "That, whereas all taxes which directly impede the diffusion of knowledge are highly injurious to the public interests, and are a most impolitic source of revenue, this House is of opinion that such financial arrangements ought to be made as would enable Parliament to repeal the Excise duty on paper."

Now, I am sorry to have to quote a Resolution which I myself had the honour of proposing; but hon. Gentlemen opposite so completely astonish me by the change of opinion which many of them seem to have undergone on this subject that I could not refrain from showing the House the nature of the sentiments which they not long ago professed to entertain. In moving my Resolution I took my stand almost exclusively upon the ground that the repeal of the paper duty would confer a benefit upon the literature, and, above all, upon the cheap literature, of the country, and I had the honour of being supported by the vote of the hon. Member for Inverness. Yet, that hon. Gentleman now rises in his place and says he will not vote for the repeal of the paper duty because the only persons such a measure could benefit would be the proprietors of penny newspapers and the publishers of cheap literature.

MR. H. BAILLIE said, he had stated that if there were a *bonâ fide* surplus he would have no objection to see the paper duty repealed, but that the question stood upon a different footing when there was no surplus whatever.

MR. MILNER GIBSON: The hon. Gentleman's words were: there were only two modes by which the public would benefit by the repeal of the paper duty, and one of these modes was by cheap newspapers, and he objected to throwing away a tax to benefit so limited a class. However, as the hon. Gentleman's views in the matter hinge upon the circumstance of there being a surplus or not, I am led to hope that, if a division should be taken on the relative claims of paper and tea to a remission of duty, I may calculate upon his vote in favour of the former. Now, Sir, the hon. Gentleman the Member for Norfolk (Mr. Bentinck) likewise complained. He stated that we omitted altogether from our calculations the interest of the particular class with which he is more immediately connected. I will not trouble the House with quotations, but I can assure the hon. Member that upon this subject the right hon. Gentleman the Member for Buckinghamshire, in a debate within my recollection, gave some very good advice. He said there was nothing so dangerous as to make every question of the remission of taxation a question between town and country, and he added that it was giving an unfair complexion to the general objects of the Conservative party to suppose that they were actuated by no other desire than to repeal those taxes that pressed upon the interests with which they were connected. I think the right hon. Gentleman gave good advice, for I am willing to believe that in this House, in the main, we really do desire to favour those measures of finance that on the whole will be beneficial to the general interests of the country. At all events, though the hon. Member for Norfolk has thought fit to charge this side of the House, I shall not be a party to charge the other side, with being entirely actuated by such narrow and selfish views, and the more especially seeing how repeatedly I have received very great support from that side of the House in my efforts to effect the repeal of this tax upon paper. Sir, I believe that, with regard to the Chinese indemnity, nothing can be said that ought to shake the opinion of this House in the proposal which the Government upon their responsibility have made. It would be an expression of total want of confidence in your diplomatists who have given the advice. With regard to the charge for China, my belief is that my right hon. Friend the Chancellor of the Exchequer has made ample provision for all that he can be called upon to pay in all human probability during the present financial year. That is all he is called upon to do, unless you propose to make prospective Budgets, which is a very bad principle. It is difficult enough to estimate what is going to happen during the year in which you are legislating. If, however, you are to make prospective Budgets, you increase that difficulty. Such has never been the practice of Parliament, and it is contrary to all our usages to do more than to provide for the charges of the present financial year. Each year stands separate from the others, and if you take another year you must bring into account not only those remissions, but the probable diminution of calls on the Exchequer, whether from a reduction in expenditure or from any other cause. I decline to enter into the consideration of prospective Budgets; but I do say that it is wrong to argue that the repeal of an Excise duty entails a permanent loss to the full amount which the duty yields to the Exchequer. All experience shows that the contrary is the fact. In no one case in which you have repealed an Excise duty upon a manufacture have you in the following year lost the full amount that that tax yielded. And it is obvious it cannot be so, because if you allow a manufacture to extend itself to its natural dimensions, why it must bring into employment a great deal of labour, it must circulate capital in trade, it must increase your commerce in various ways, and in this way it must recoup a part of the revenue that might otherwise appear to be lost by the repeal of the tax. Under all these considerations, and having no practical Amendment before the House, I do ask hon. Members to allow us to go into Committee and to proceed with these Resolutions. They have been well considered. The scheme is one to be taken as a whole, embracing no doubt imposition and remission; but I believe, viewing it as a whole, that it is a proper and an adequate mode of providing for the financial necessities of the year, and for giving remission in that direction which will be most beneficial to the interests of the country.

Mr. BALL said, that when the right hon. Gentleman the Chancellor of the Exchequer introduced his Budget he felt, in common with the whole country, great surprise that, instead of having to appear with lamentations over a deficiency, the right hon. Gentleman could present himself before them with a congratulatory speech on the flourishing state of the Revenue, and with propositions to dispose of a surplus. He participated in the fears of his hon. Friend the Member for Horsham (Mr. S. FitzGerald) that the anticipations of the Chancellor of the Exchequer were far too sanguine. He remembered no period in the history of the country when a bad harvest had not caused great depression in the trade of the country, and materially affected Excise duties and revenue derived from the Customs. A deficient harvest cast a gloom on the prospects of the future, and he did not know why this year should be an exception to the rule. He did not say we should have another bad harvest—he hoped that Providence would improve the fertility of the land; but, taking the present aspect of the season, it would be a bold assertion to say that we should have an abundant harvest in August. The speculations of the right hon. Gentleman opposite (Mr. Milner Gibson) with respect to the Revenue were not founded, he thought, on a sound basis. The right hon. Gentleman said that a deficiency in the revenue from Customs and Excise in the first two months of the present year was no proof that in the months to come there would be any deficiency, but the right hon. Gentleman contradicted his own argument by saying that, as the third month this year was more productive than the third month last year, it was a fair inference that there would be no deficiency. The right hon. Gentleman next pointed to the shipping interest, and said that, at least, was not in a state of ruin, it was most prosperous. But the fact did not necessarily lead to the conclusion drawn by the right hon. Gentleman. The full employment of our shipping was not necessarily an evidence of national prosperity. On the contrary, he (Mr. Ball) drew a totally opposite inference from the fact of this activity. Our shipping had been found hardly sufficient for bringing to us corn from foreign countries. He did not think it a proof of national prosperity that our shipping had to travel all over the globe to procure us food. He rather regarded it as a sign of sadness, depression, and of want in this country. The right hon. Gentleman further said that the traditions of conservatism were opposed to Excise duties. The right hon. Gentleman was probably recalling the earlier years of his political life, when conservatism had no stronger advocate, no more ardent admirer, and no one more eager to advance its great principles. The right hon. Gentleman asked why should not the duty on paper be taken off? That, no doubt, was the great defect of the Budget. He (Mr. Ball) disputed the affluent prospects and the brilliant anticipations of the Chancellor of the Exchequer, but even if they were admitted, he contended that in giving a remission of taxation it ought not to be a remission of the tax on paper. The Excise duty on paper was $1\frac{1}{2}d.$ per lb. The Customs' duty was $2\frac{1}{2}d.$ per lb., thus giving the home manufacturer an advantage. But France could get rags 50 or 60 per cent cheaper than the British manufacturer, and, therefore, the extra 1*d.* per lb. on foreign paper only placed the British paper-maker on an equality, and enabled the foreign paper-maker to compete with him—often successfully—in the market of this country. The foreigner took care to put a duty of 30 per cent on rags, and, by preventing the importation, to retain the advantage of a cheaper supply of the raw material. When, therefore, the Chancellor of the Exchequer reduced the import duty on paper he ought to have considered the interests of his countrymen, and to have insisted in return on the remission of the French duty on rags. It had been said that the paper-makers were generally favourable to the repeal of the duty; but when the question was before them last year he learnt, from inquiries which he made, that the trade was decidedly opposed to it. The manufacturers had told him that the repeal of the duty would be materially hurtful to them; nay, that if it were remitted the Irish paper manufacture would be swept away. He could not find the general approval of the Budget which had been referred to. The friends of the right hon. Gentleman rather apologized for the repeal of the paper duty as a measure which he could not avoid than defended it as just and prudent. They said, pressure was laid upon the right hon. Gentleman, which he could not resist; his tenure of office and the stability of the Government depended on his yielding to the wishes of a certain party in the House. But that was not the reason advanced by the right hon. Gentleman for its repeal. If the right hon. Gentleman thought himself justified in remitting any portion of the Revenue there were other items which had stronger claims for remission than the paper duty. No one could doubt that the poorer classes of the community would derive far greater benefit from the reduction of the duty on tea and sugar than on that of paper. Again, the additional penny of income tax which the right hon. Gentleman retained in order to remit the paper duty took more money out of the pocket of a man among the lower and the middle class than he spent in paper in the course of the year. There was no article of general use in this country which was so burdened as malt, and none which was better entitled to relief from duty. Its consumption had been checked by the excessive taxation imposed upon it, and it had remained without increase for many years, notwithstanding the growth of the population. A reduction of the duty on malt, he was satisfied, would produce such an increase of consumption that the Revenue would not suffer in the least. The Chancellor of the Exchequer had resisted all arguments for the repeal of the malt duty, notwithstanding the social considerations bound up in the question and the broad fact which stared him in the face, that if the duty were abolished the poor would then get a pure and wholesome beverage in place of the deleterious drink they now consumed. Take, again, the article of barley. Barley was one of the main sources whence the farmer was enabled to pay his taxes, his tithe, wages, &c. He was obliged to grow barley, but he was denied the privilege of using it in his own consumption in the manner most profitable. The farmer was obliged to rear a large quantity of cattle, which were at once a source of revenue to him, and tended to restore the fertility of the land. The policy of the Government, it might be supposed, would be to assist the farmer. "No," said the Chancellor of the Exchequer. The farmer asked for the drawback upon the barley consumed by his own animals. "No," said the Chancellor of the Exchequer. Cattle were better fed on malt when ground than on barley, and the farmer wished to be enabled to feed his cattle on malt, by doing which he would confer a benefit on himself and also on the public by being enabled to supply the public with meat at a cheaper rate. Again the Chancellor refused. What would Lancashire and Yorkshire say if they were treated in such a manner? The quiet and pacific character of the agricultural population, and their hatred of all tumult, made them subject to a wrong which more noisy claimants would speedily get rid of. To show how injuriously this restriction operated upon the farmer, he might state that Mr. Hudson, one of our first scientific and experimental agriculturists, had tested the quality of meat fed on malt ground and barley ground, and the result was that, compared with the ordinary method of feeding, every animal produced from the malt ground fetched more than £2 per head additional profit. The stock thus raised was of such excellent quality that it went to the Royal table. For these reasons the House ought to pause before passing the right hon. Gentleman's Budget. It had been stated that our importations of foreign corn within a short period amounted to the large sum of £36,000,000. He did not wish to go into the question of free trade, but it was to be regretted that the country had not been sensible enough to impose a small duty on the importation of corn. We might thus have obtained a considerable addition to the Revenue without any loss accruing to the public inasmuch as this duty would have been born by the foreigner, and then no opposition could have been offered to the abolition of the paper and other objectionable taxes. The hon. Member for the West Riding had argued that no benefit would accrue to agriculturists by a remission of the malt tax, "because it is the public, and not the farmer, that pays it." Such had been the hon. Member's argument. But did it not injure a manufacturer to tax his production? The same argument would apply to a tax upon cloth, carpets, cotton, or any other manufactured article. Place a tax upon any of these and an immense revenue would result. Why should it not be done, if the argument of the hon. Member—that the public and not the producer paid the tax, and, therefore, it was not objectionable—was correct? A great deal had been said about the speech of the right hon. Gentleman, for whom no one had a greater respect than he (Mr. Ball), notwithstanding the cold shoulder the right hon. Gentleman invariably presented to agriculturists and their interests. But in that remarkable scene, called the courtship scene, there had been a something wanting which would have made it perfect. The manner in which the right hon. Gentleman had represented that scene, the vivid description he had given, showed that he was not a simple amateur, but a perfect master of courtship. But one other attribute of courtship than those the right hon. Gentleman had given was wanting to make the description perfect—the right hon. Gentleman should have exhibited a little more capriciousness; but he had tried one party only. Why had he not come to the only solid class—the agriculturists? He would have found them perhaps not quite so rampant, perhaps not so boisterous; but he would have found them far more sedate, much more faithful, and that they never made their fidelity to him the consequence of granting one point, and only one point, in all his amours. But they unfortunately had been the class most despised, least esteemed, and ever disregarded by the right hon. Gentleman.

Mr. MARSH said, he believed that the question before the House was whether they should abolish the paper duty or make a reduction of 3*d.* in the pound in the duty on tea, and he should confine himself to examining which would be the most beneficial financial arrangement for the British consumer. For his part he did not think there was any great virtue in tea; for he knew that many of our countrywomen, from the washerwoman up to the fine lady, took far more tea than was good for their constitutions. It was certainly not nutritious, and it had the reputation of making people nervous and even scurrilous. Nor did he think that much pecuniary benefit would be derived by the poor man from the reduction of the duty on tea. Now, he had calculated the effect of a reduction of 3*d.* a pound on the tea duty. In the colony where he had resided, a great deal of tea was drank. The allowance for each man was four ounces a week, and in the case of a married man he and his wife generally made that enough for the two. With that was allowed two pounds of sugar. The same allowances in this country would cost about 2*s.* per week, and, consequently, could only be afforded by a well-to-do mechanic. All that it was proposed, then, to save to the poor man in the cost of his tea would be ¾*d.* out of 2*s.* And what was ¾*d.* per week even to a poor man. It would scarcely pay for half a pint of that small beer which was commonly called swipes, and of which the Chancellor of the Exchequer had facilitated the sale this evening. But as a common labourer could not be supposed to spend twice his rent in tea and sugar, it must be assumed that it was only persons very much above that position who would be benefited even to that extent. He must be a very well-to-do mechanic who could spend 2*s.* a week in tea and sugar, and so be in a position to gain even ¾*d.* a week by a reduction of 3*d.*, or 1¼*d.* by a reduction of 5*d.* Now, let them consider what he would gain by the remission of the paper duty. They had heard lately how strongly a large class of working men had pleaded for one hour of the day reduction of their work on the ground that they wanted to improve their minds, and they had also heard, on very good authority that the working people in the north were much addicted to literature. Now, as to the cheapest kind of literature, as issued by the Society for promoting Christian Knowledge, it was stated that one-third of the price of books went to pay the tax, and only two-thirds for the cost of the books. That might be an exaggeration. But at all events they had been assured on excellent authority that it could not be less than 20 per cent, or one-fifth. Now, supposing that a working man spent 15*d.* a month in literature, which was only about one-half the cost of a penny paper (and he had seen reading rooms very well stored, to which working men were admitted for one penny a day), his gain in money by the remission of the paper tax would be more than in the case of a reduction in the duty on tea. The poor bought all commodities in very small quantities, which were usually wrapped up in paper. A grocer, who kept a small shop in which he could hardly turn round, had told him that the paper duty cost him £50 a year. They surely knew enough of political economy to be well satisfied that the consumer must get the benefit in the end, though, perhaps, he might not at the first start. Again, the hon. Member for Huntingdon had said that a reduction of the tea duty would increase the trade with China. But the fact was our imports from China far exceeded our exports to that country, and anything that tended to increase the import of tea would only aggravate the discrepancy. It was said that the object in every remission of taxation was to do the most good to the taxpayer. But the remission which would do most good to the taxpayer was that which would be least felt by the Chancellor of the Exchequer, and by which at the same time the consumer would gain most. For every shilling paid into the Treasury by means of an Excise duty the taxpayer was put to a cost of from 1*s.* 5*d* to 1*s.* 6*d.*, to say nothing of what was lost by a sort of dead robbery by altogether preventing people using some articles. Paper was used in Japan for a variety of purposes to which it could not be applied in this country, owing to the paper duty; and, if paper were free from duty, it would be applied to purposes not even thought of now. In all the cases where Excise duties had been taken off it had been found that the benefit was much more than commensurate with the amount of relief. The first he should mention was not apparently the most favourable to his argument, though he thought he could show that it really was favourable. When the duty was taken off leather it was said that boots were no cheaper, and indeed, considering that the duty was only 3*d.* per pound, it was hardly to be expected that this would at once make much difference in the price of a pair of pumps weighing a few ounces, or of a pair of Hoby's boots, the price of which was two guineas. But since the removal of the duty, the trade had increased beyond conception. A ploughman who then had to pay 18*s.* for a pair of shoes could now get a better pair of boots for 10*s.*, and if any hon. Member could recollect what he paid for boots thirty-five years ago, and could only look on a pair of those boots if they were in existence, he would be astonished at the difference between them and what he now got at a much cheaper rate. The next article was printed calico, which once was so dear and costly. Pope spoke of

"Charming Chintz and Brussels lace"

as being the costly decorations of his Belindas and Atossas; but now the chintz at least could be worn by women in every class of society not only in this country but of savage nations. As to glass, everybody was convinced of the great advantage derived by the public from the remission of the duty on that article. Every one remembered the looking-glasses that set our faces awry and made the trees before our windows dance up and down. There were in those days no orchid houses, such as are now common all over the country, and no large plate-glass fronts in the shops, of which the Americans said it took two men to look into them at once. A new art of painting on glass had sprung up, which before the remission was only practised in Bohemia. He could not say that we were much better off for soap than before the duty was taken off that commodity, but that was on account of the dearness of tallow, the principal ingredient, which had risen from 35*s.* to 55*s.* the cwt. No doubt if the duty had not been remitted, the price of soap, ruled by that of tallow, must have risen. As to bricks it would be difficult to tell what had been the effect in price of the abolition of the duty, but at all events they could now make a brick of the size and shape they liked, and were not limited to what was called "a Parliament brick." It was always a much greater advantage to take off a tax entirely than merely to reduce it—as the entire remission got rid of the whole expense of collection, whereas the reduction did not even diminish the expense of collection. When the stamp duty on newspapers was 4*d.* the price of the papers was 7*d.*; and some of the journals used to state it thus:—"Price of the paper, 3*d.*; taxes on knowledge, 4*d.*" When the stamp duty was reduced to 1*d.* the papers still kept their price up to 5*d.*, and one would have inferred, according to Cocker, that when the 1*d.* was taken off the price of a paper would be 4*d.* But what was the real consequence? Why, the moment the duty was wholly removed a cloud of penny papers started into existence all over the country. An hon. Member had talked of the politics of the early days of the Chancellor of the Exchequer. He was prepared to vindicate the political career of the Chancellor of the Exchequer from the first. Thirty years ago, in the debates in a society at Oxford he had admired the eloquence and wisdom of that right hon. Gentleman; and though, perhaps, for a time, the pupil might have been more advanced than his master in the course of Liberalism, he could testify to the straightforward constancy of the right hon. Gentleman throughout his career, and that his eloquent voice had been always raised in the cause of civil and religious liberty.

Mr. FARRER said, he was desirous of making a few observations upon a portion of the Budget which he could not but consider both inexpedient and unwise. At the same time he wished it to be distinctly understood that he had no desire to throw impediments in the way of the noble Lord opposite in carrying on the Government, because he felt bound to admit that, while they had not had the opportunity of introducing many sound or useful measures of their own, they might at least claim credit for having indirectly assisted his side of the House in rejecting some that were objectionable. The right hon. Gentleman the President of the Board of Trade, in a jocose and agreeable manner, had said that he really believed that there was greater embarrassment in repealing taxes than in putting them on, and had also expressed his regret and astonishment that there was no practical Amendment before the House. He might venture to suggest a very simple Amendment—that the right hon. Gentleman should be content to retain for the present the duties on paper, the remission of which would only benefit a small class of the community, and attend to the wants and wishes of a much more numerous class which would be largely benefited by the reduction of the war duties on tea. The right hon. Gentleman made an allusion to the fact that the repeal of the paper duty had been supported on the Conservative side of the House in 1853. Upon that he would only say that on that occasion he himself had voted against the repeal of the paper duty, although, in doing so he did not vote with his own party. He had not done that from a wish to keep on an objectionable Excise duty, but because he felt that the time had not arrived when the tax could be removed with safety to the country. He really thought that they were placed in a most awkward and difficult position. The right hon. Gentleman led them to believe that he was giving them something, but was that really the case? It was said by some that there was really no surplus at all, and if that were so, the Chancellor of the Exchequer was clearly treating them to no relief, and even if there was any surplus it was occasioned by the right hon. Gentleman reimposing the war taxes upon income and upon tea and sugar. He first of all, by an arbitrary proceeding, took from them 9*d.* in the pound upon income, and then asked them to be pacified with a penny. The right hon. Gentleman was very much in the position of the high-bred, generous highwayman of old time, who having robbed his victim of all his property, said, "In consideration of the inclemency of the weather, I will give you back your great-coat." When he (Mr. Farrer) went among his constituents he was afraid of being asked, "Why have you indirectly supported, by not expressing your opinion against it, a Budget which appears to us to be so very injurious and inconsistent?" And how was he to give a satisfactory reply? Was he to say that the right hon. Gentleman, annoyed at the manner in which a large sum was forced on his acceptance last year by the other House of Parliament, was determined to insist at all hazards on the fulfilment of his desires and wishes? Or was he to say that there was another reason; that, appreciating the talents and honest good sense of the hon. Member for Birmingham (Mr. Bright) the repeal of the paper duty was a step towards rewarding his merits by promoting him to a sort of dictatorship in that House? He did not see how either of those replies was likely to be satisfactory, though he did think it would be satisfactory if he said that he would do his utmost to reduce taxation, and that he admitted that it would be proper to remove the paper duty if circumstances should permit them to do so. He honestly, sincerely, and heartily, believed that there was no comparison in the advantage of taking off the duty upon paper and those upon tea and sugar. He did not attach much weight to the objection urged, that the consumption of tea made people nervous; and he would much rather run the risk of permitting the poorer classes to lose their nerves over their tea than enable himself and those who could afford it to indulge their tastes and propensities in foreign wines. He wished it to be understood, therefore, that should a Motion be made to retain the paper duty until a more fitting time, and that the tea and sugar duties instead should be repealed, he should feel it to be his duty to support that Motion. At the same time he did not see the least reason why the right hon. Gentleman the Chancellor of the Exchequer should not bow to the real feeling of the country and of the House, and take back his Budget and endeavour to amend it by consulting the general interests of the nation, for by those means the Government would maintain the character for honesty and integrity of purpose to which, as individuals, he believed they were well entitled.

Mr. BEACH said, the House having been prepared to hear of a declared deficiency had been delighted with the announcement of a surplus, but he believed that the more the matter was examined, the more clear it would become that there was not a real, substantial, and legitimate surplus. The deficiency of the past year was £2,500,000, this had been partly made up by taking £1,450,000 from the balances in the Exchequer, and by adding £432,000 to the unfunded debt of the country—a plan which the late Sir Robert Peel designated as a miserable device—that of endeavouring to meet by temporary resources the emergencies of the country. Had it not been for the course taken by the House of Lords, which was so much reprobated by the right hon. Gentleman, there would have been a deficiency, of nearly £4,000,000. A very great reduction was made in the Customs' duties last year, and the House had been told that, as far as the importation of foreign wine was concerned, the experiment had been to some extent successful, and that there was a probability of the taste for French wine being revived again in this country; but were there not strong grounds for believing that in former days, when French wine was consumed in England, the climate of this country was far different from its present condition? It would be generally admitted that the proper subjects of taxation were, not the necessaries of life, but those articles of which every man could regulate his consumption according to the pecuniary means he possessed. It was said that the arrangements of the English tariff were made in a liberal spirit, in the hope that they would be met in a corresponding spirit by other countries. Where shall we meet with this reciprocity? Shall we find it in the liberal and enlightened policy which dictated the Morill Tariff or in the French Treaty? Was the liberality of foreign countries to be found in the duty recently imposed by the Southern States of America on the raw material of one of our most important manufactures? The truth was that they would not find other countries carrying out the generous and liberal policy which they had inaugurated, and he thought that in the present aspect of affairs in Europe it was scarcely prudent to remove a permanent tax, and especially one that pressed so lightly upon the general community as the paper duty. They knew full well that to do so a penny of income tax must be placed in perpetuity upon the country. If the finances would bear any repeal of taxation, he thought that the hop duty should be repealed, and for this reason: hops were an article of no exchangeable value; if the supply were in excess of the consumption there was no market for the remainder of the crop; or that there should be a remission of some of the heavy imposts upon malt, which would be recognized as a boon not only by those interested in the growth of barley, but by the labouring people of this country, and he believed that an increased consumption would, to some extent, repay to the Exchequer the indulgence granted. The articles, however, to which he had referred were grown in this country, and, therefore, they were not likely to be so favourably considered as if they were produced upon the banks of the Seine or the Garonne. His opinion was that, whilst affairs were in a such a threatening condition throughout the world it was necessary to pause before they swept away an amount of taxation which could not be restored. That was the real question at issue, and in his opinion it would be better to repeal some duty which could be easily reimposed if the emergencies of the country should require it. It was not right to trust to fortune to supply the Exchequer, but rather to rely on prudence and foresight.

> "Nullum numen abest, si sit, Prudentia; nos te
> Nos facimus, Fortuna, deam cœloque locamus."

In short he thought that the course proposed to be pursued with regard to the finance of the coming year was neither wise, just, nor prudent.

Mr. DUTTON said, he thought the Chancellor of the Exchequer's financial statement was more favourable than they had a right to expect, taking into account the fact that the year just concluded was one of unexampled depression, that the shipping interest had lately suffered more than at any period during the last half century. Under all the circumstances the right hon. Gentleman had hardly any other course open to him than to propose the repeal of the paper duty. If, however, the remission of any other tax had been preferable, it would have been the remission of part of the duty on malt. Such a remission would be one of great value to the agricultural interest, as it would enable them to feed stock upon much easier terms than was at present the case. It had been said that he was a great friend to the world who made two blades of grass grow where one grew before; but a Chancellor of the Exchequer would merit an equal—if not a higher—degree of praise, who should afford to the agriculturist the means of increasing the quantity of stock which he could keep on his farm. Still it would, in his opinion, be better for the House to pass the Budget as a whole, and trust to the right hon. Gentleman's expressed intentions in respect to a large reduction of the public expenditure. He hoped that the House would not be disappointed in the expectations to which that statement had given rise.

Viscount INGESTRE remarked that the middle class among his constituents would prefer a further reduction of the income tax to the repeal of the paper duty. while the poorer class would rather have a remission of the war taxation on tea and sugar. The right hon. Gentleman, the President of the Board of Trade, taunted them on that side of the House with the fact that there was no substantive Motion before the House, but he would reply that they were rather indebted to him for informing them that there was really a surplus, and that he was confident that they should get the money from China. If, however, there were a surplus, and perhaps after the declaration of the right hon. Gentleman they were bound to believe that there was one, they would, in his opinion, do better to apply it to the reduction of taxes, than raising again that question, the discussion of which had caused so much sensation last year. By reducing the taxes on tea and sugar they would prove themselves to be much better friends of the working classes than the hon. Member for Birmingham and other Gentlemen who advocated an extension of the franchise and many other high-sounding but illusory changes, while they neglected the opportunity of conferring solid and substantial benefits on the mass of the people. The rejection of that rash and improvident Budget would not only be advantageous to the financial position of the country, but would enable the noble Lord at the head of the Government to get rid of the President of the Board of Trade and the other most democratic and refractory members of his Cabinet. If it were proposed that instead of the repeal of the paper duty another penny should be taken off the income tax, or that there should be a remission of tea and sugar duties he should give such a proposition his hearty support.

Mr. PEASE said, he would not waste the time of the House by wading through a mass of figures, but would express his conviction that the Budget of the Chancellor of the Exchequer was sound, true, and honest, and that it showed the real state of the country with regard to its finances for the year under consideration, and contained just propositions for the current year, to which he hoped the House would assent. The tone of the debate had turned upon the question whether or not the paper duty should be repealed, and it had occasioned him much surprise to observe the manner in which the debate had been conducted. It had been a matter of surprise to him to see the trifling manner in which the fact, that "knowledge is power," had been treated. He entertained the opinion that, if they educated and instructed intelligent men in a proper direction, they would enable them and their industry to compete with the world, for knowledge lay at the true foundation of production and wealth; and to forward that end no tax could be so well repealed as the duty on paper. It was a duty which interfered with the education of the people. The time had passed for discussing that question, for the House of Commons and its Committees had found again and again that the tax interfered with the education of the people, and that it ought to be entirely abolished at the earliest possible period. Under such and other suitable circumstances our artizans ought to be able, and would be able, to compete with the whole world. But so long as our enormous expenditure continued, which must necessarily be accompanied with increased taxation and consequent depression of our industrial and trading interests, so long would our powers of competition with other nations be impaired. If these premises were true, it followed that our past course had been prejudicial to those interests. It had been the fashion to "pooh, pooh" remonstrances for the reduction of our expenses, but he apprehended that the time had arrived when the expenditure of the country would be carefully watched, which was as necessary for the welfare of the nation as of the individual, and he hoped the finances of the country would be so conducted that upon an emergency there would be a surplus fund to which the Chancellor of the Exchequer could resort. Some hon. Members had thought that a remission of the tea and sugar duties would have been preferable to the repeal of the paper duty. Had they considered whether, in the present disturbed state of China, that country could furnish us with such large supplies of tea that its price would be so lowered as to enable persons to take advantage of any reduction in the duty? It had been said that the working classes preferred to have the duty taken off tea than off paper; but he would mention a fact within his own knowledge upon this point. While in the North of England a short time since he had entered into a discussion with some working men on the subject. He said to them, "Well, if you were in the House you would, I suppose, become Conservatives, and have the duties off tea and sugar instead of paper." They replied, "No, Sir; if you give us knowledge and intelligence, we'll soon find the means to get the slops" That, he believed, was the true feeling of an Englishman. If they gave the people temperance and knowledge, it would increase a hundred-fold their powers of production and competition. The House believed the Budget to be a safe one, and in that view he (Mr. Pease) concurred. He believed the time had come, without reference to the course taken by the other House of Parliament, to repeal the paper duty; and considering all the arguments which had been brought forward on the subject, the Budget of the Chancellor of the Exchequer had his hearty support.

Mr. HORSFALL said, that he was reluctant to take any exception to the financial statement of the Chancellor of the Exchequer. He declined to enter into the question as to whether there would or would not be a surplus. He would leave the responsibility of that with the Government. Assuming, however, that there was a surplus, it was a question for the House to decide how to appropriate that surplus, and in considering that question they must look at the general taxation of the country. A distinction must be drawn between ordinary and extraordinary taxation. Ordinary taxation he considered to be taxes which had existed for a long time and had been the acknowledged sources of revenue; while extraordinary taxes were those which were imposed to meet extraordinary exigencies of the country. In the first class he could not but place the paper duties; in the second were the income tax and increased duties upon tea and sugar. It was, in his opinion, only just that the extraordinary taxes should be first removed. He had always been an advocate of the repeal of the paper duty, but he desired that to take place only when there was a surplus from the ordinary taxes of the country. There was one part of the Budget which had been but little commented upon, but upon which he wished to make one remark—upon what the Chancellor of the Exchequer called the minor taxes, but which the commercial community called the most vexatious, annoying taxes that could be devised. It was impossible to conceive the amount of annoyance that had arisen from the penny taxes upon imports. As an instance he might mention that he had received from a constituent of his a large paper of eighteen octavo pages, a return which that gentleman was obliged to make to the Custom House every week, to his very great inconvenience. He agreed with the Chancellor of the Exchequer that it was his duty to act impartially between direct and indirect taxation; but in discharging that duty he ought to levy those taxes which were least sensibly felt by the people of this country.

Mr. VANSITTART said, he confessed that he had listened to the speech of the right hon. Gentleman the Chancellor of the Exchequer with mingled feelings of admiration and regret. It was impossible not to admire the marvellous dexterity with which he had converted a palpable deficit into an imaginary surplus, or the brilliant language in which he had depicted the advantages of drinking cheap sour clarets, and of carrying out still further that cherished object of his soul, the imposition of a penny or a halfpenny stamp on every conceivable document connected with trade. On the other hand, he could not but regret that the right hon. Gentleman should have determined to retain the war duties on tea and sugar, the necessaries of the poor, while at the same time he asked that House to impose an additional penny of income tax on their constituents, in order to enable him to propitiate the hon. Member for Birmingham by repealing the paper duty. The duty on paper was easily collected. It increased in value every year, and, looking to the unsettled aspect of foreign affairs and our own rising embarrassments at home, it did seem a reckless proceeding to throw away a flourishing branch of permanent revenue, almost unfelt by the public, and to replace it by imposing an additional penny of the odious and oppressive income tax. For his own part, he should not dare to present himself before his constituents if he were to vote to make them pay an additional penny of income tax for the mere purpose of enabling the Chancellor of the Exchequer to ride his paper hobby-horse. The borough which he had the honour to represent was mainly dependent upon the industry and business-like habits of the middle and industrial classes, and the income tax and war duties on tea and sugar pressed with the utmost severity upon them. Thoughtful and prudent men in the City of London and other great commercial emporiums felt a growing distrust of a financial Minister who was constantly resorting to fanciful expedients for raising money—one year by calling in sources of revenue before they fell due, the next year by carrying to the credit of the current year five quarters of the income tax, and then, blending parsimony with reckless extravagance, diminishing by £50,000 the moderate provision granted by the State to the Bank of England for the management of public debt. He was constrained to say that he participated in the feeling of apprehension which prevailed out of doors at the unstable character which our financial system had assumed under the handling of the right hon. Gentleman, and he gave his cordial adhesion to the sound fiscal principles which were enunciated by the hon. Member for Huntingdon (Mr. T. Baring) in his masterly speech on Monday last.

Mr. BAZLEY said, he could not agree with the hon. Member for Liverpool (Mr. Horsfall) that the House was bound to remit the extraordinary rather than the ordinary sources of revenue. Its duty was to raise an equitable amount from each respective portion of the community. The Chancellor of the Exchequer, in a Budget framed with singular happiness and sagacity, had continued to do justice to all classes. The remission of a penny in the income tax was a relief to the wealthy classes, including capitalists and landed proprietors, and the repeal of the duty on paper would be of great benefit to the industrious classes of the country. The Members of that House did not pay the paper tax, but the great industrial classes of the country paid it, and by relieving them from that burden the right hon. Gentleman was best consulting the interests of the nation. His constituents had held an important public meeting in favour of the Budget, and he had that evening presented a petition from them, praying the House to agree to the financial proposals of the Government with all convenient speed. Nothing was more satisfactory to the great body of the people than the policy enunciated by the Chancellor of the Exchequer. He trusted the right hon. Gentleman would carry triumphantly the repeal of the paper duty and the whole of his Budget. He believed the Budget gave great satisfaction to the people at large, and that its adoption would increase their confidence in the Legislature. They had in that House repealed the tax on paper, which at present was exacted by the act of financiers in "another place"—and he hoped the House would not stultify its proceedings, or permit its intentions respecting that tax to be nullified. He had great pleasure in supporting the Budget of the right hon. Gentleman.

Major HAMILTON said, the hon. Member for Coventry had told them that a large quantity of rags would come from India. He (Major Hamilton) could not understand what sort of rags would come from the dresses the ladies and gentlemen wore there. He had a story to tell which in illustration of the feeling in Scotland on the question, if he might use the Scotch dialect in the House of Commons. An hon. Member, whose beaming face he was happy to see opposite, went down to give an account of his stewardship a short time ago, and told his constituents how he had given his support to the Government, and to the gallant Premier who defended the rights of Great Britain so well. The hon. Member was cheered; but in an evil moment he went on to say, "Is there nothing more you want of me? Wouldn't you you like a Reform Bill?" They said, "Nae, nae, we'll hae nae rifarm beel; what gude'll the likes o' that be ta us?" "Well, then," he said, "is there nothing else I can do for you? All the Gentlemen who sit on the benches below me, on my side of the House, agree that nothing would do you working men so much good as a repeal of the paper duty. Wouldn't you like me to present a petition from you to get the paper duty taken off?" But they cried out, "Nae, sir, nae; we'll just hae naething o' that kind; and gin ye want a peteetion, yersel, frae us for you to present to the House of Commons, we'll just grant ye a peteetion against marrying yer wife's seester. But there's just ae thing in this kintra that puir folks want; and that is to tak' aff the duty on tea and sugar. If ye winna do that, sir, ye needna come down here and wag your pow amang us Edinbro' folks again."

Mr. BLACK: The hon. and gallant Member must have dreamt the whole affair.

Major HAMILTON said, he could only assure the House that the story was told him by a friend who lived near the place where the hon. Member's constituents were assembled on that occasion. At any rate he believed it gave a true representation of what the feeling of the people of Scotland was, from the Tweed to John o'Groat's House. The Scotch, including, as he might say, with due deference to the hon. Member, all the old women in the country, declared that the only tax which affected them was the tax upon tea. He knew of no more popular cry, and there was none with which he should be more delighted to go to a contested election than the reduction of the tea and sugar duties. Now, he had supported the present Government, with the consent of those whom he represented, so far, and he would still have supported them to the end of the Session, but for the speech he had heard that evening from the right hon. President of the Board of Trade. It was clear from that speech the Government had now abandoned the Gentlemen who supported them on that (the Conservative) side of the House, and chose to go along with those who supported them on the other side. He could not, therefore, lend his countenance to such an intrigue and cabal; he had written to his own constituents by that night's post to tell them of the change. If the Chancellor of the Exchequer had been present at that moment, he would have reminded that right hon. Gentleman of four lines which were put by a very celebrated Irish poet into the mouth of one of the Fallen Angels, and he (Major Hamilton) only trusted that the right hon. Gentleman himself might not find occasion to repeat them a twelvemonth hence, and apply them to his own case:—

"And I forgot my home, my birth,
Profaned my spirit, sunk my brow;
And revelled in gross joys of earth,
Till I became—what I am now."

Mr. CAIRD said, that he could assure the hon. and gallant Gentleman who had just sat down that the surest way of getting for his constituents a reduction of the tea and sugar duties was to bring about a reduction of expenditure, and he hoped that the hon. Gentleman would join those who laboured to effect that object. The right hon. Gentleman the Chancellor of the Exchequer, and almost every speaker who had followed him, had given due weight to the considerations arising out of the deficient harvest; but he wished to point out an omission in all the references made to that subject. No doubt the deficiency in the harvest was very great, but while the loss to the farmers had been severe, it had not pressed with the same severity on the consumers. The price of wheat at that moment was about 16*s.* a quarter less than in the years 1854, 1855, 1856, and the beginning of 1857, and if they considered that this followed a period of three years of low prices it must have a very favourable influence on any financial arrangements. Compared with the years 1854, 1855, 1856, and 1857, he ventured to say that the expenditure of the country upon bread during the last three years had been upwards of £60,000,000 sterling less than it was during the former period. That must have left the country in a much better state to withstand such unfortunate seasons as they had just witnessed. But taking the very worst view of it—supposing the last harvest to have been one third deficient—so enormous were the imports that the deficiency had already to a great extent been made good. Since the beginning of August they had imported of foreign wheat and flour nearly a million quarters per month; and, therefore, for the next four months they would be able to go on with much smaller imports, having a fair supply and moderate prices. Besides, the English crop, which had hitherto been in bad condition for being thrashed, was undoubtedly now becoming fit for being brought to market, and from that source there would be improved supplies. There was, moreover, a material difference in the crop in the three parts of the kingdom. In Ireland, though there had been a deficiency in the crop of wheat and potatoes, there was a considerable surplus crop of oats. In Scotland there was no reason to complain of the late harvest. Last year there was a deficiency of £800,000 upon the malt duty, and of £900,000 in the spirit duty, both resulting from the bad crop of barley; but he had no hesitation in saying, from the extent of acreage sown, that they ought to have a large increase in the barley crops this season, and, therefore, the Chancellor of the Exchequer would most likely reap from that branch of the revenue a larger return than he had calculated upon. One word upon the paper duty. With one exception, every description of land in this country had improved in value since the repeal of the corn laws. That exception was the heavy clay lands. If by any means they could increase the demand for one article which these lands produced—he meant straw—they would confer a benefit upon them. Last year, when the paper duty was under discussion, he received a letter from a very influential papermaker in the north asking if he could point out any district in the country where he could calculate upon a supply of a thousand tons of straw in the year? That of itself showed that the papermakers were turning their attention to that subject without desiring to make too much of this. He maintained that it was impossible to estimate the advantages which would arise to that class of land from the repeal of the paper duty. He must bear his testimony to the great advantages which they had to expect from the financial policy of the Chancellor of the Exchequer, to which he would give his most hearty support.

Major WINDSOR PARKER said, I very much regret that the right hon. Gentleman the Chancellor of the Exchequer had not deemed it to be consistent with his duty so to dispose of the surplus revenue at his command as that the benefit should fall on the many, and the relief to those who are most in need of it. Now, Sir, the losses to which the agriculturists have been subjected during the recent bad harvest are admitted by all. This fact, nevertheless, cannot be too strongly impressed upon the minds of those hon. Gentlemen whose constituents carry on their mercantile and manufacturing operations under cover; and, consequently, are not liable to those serious losses which a fortnight's bad weather in harvest time entails upon the agricultural community. What would the supporters of such hon. Gentlemen say if, by reason of a heavy duty, they were prevented converting damaged property to useful purposes? And yet, such is the effect of the duty now imposed upon malt. In consequence of the badness of the past season thousands upon thousands of quarters of barley are now lying, comparatively speaking, valueless, which might, were it not for this impost, be converted into food for cattle, which would enable the farmers to produce cheaper meat, thereby conferring an immense boon upon the public, and especially upon the poorer classes, who, by reason of its present dearness, rarely taste animal food. I cannot, then, think that hon. Gentlemen are serious, who contend that the repeal of the paper duty will be of such material benefit to the labouring population by cheapening literature, as the repeal of the duty on malt would be—the amount of which, paid by each individual labourer who works through the harvest, being for that period alone no less than 7*s.* 6*d.* per head. Three attempts have been made during the present Session to add to the political influence of the humbler classes:—Firstly, by extending the County Franchise. Secondly by extending the Borough Franchise. Thirdly by giving Vote by Ballot. Now, hon. Gentleman must full well know that, had these concessions been made, the first result would have been a demand for a repeal of the duty upon some of the necessaries of life. Why, then, not grant this repeal at once? Some persons might wish for a reduction of the duty upon tea. But tea, after all, is but a poor nervous substitute for that strengthening old English drink—good home-brewed beer. And if you wish to get a fair day's labour for a fair day's pay, you must give untaxed to the labourer that which is necessary to enable him to perform it. I repeat, I do not believe that hon. Gentlemen are serious, when they say that what the people most wish for is cheap literature. Surely, the daily journals are cheap enough, and the poor man has no difficulty in stowing his mind with the useful knowledge they contain. But he pays a heavy tax on his beer; and I hope that the Chancellor of the Exchequer will, even at the eleventh hour, allow his surplus revenue to go as a first instalment to the abolition of the malt duty.

Mr. MOFFATT said, he had heard several suggestions as to the best mode of disposing of the surplus; to-night, the malt duty and the paper duty appeared to be running against each other; but the real question was, did a surplus actually exist? He had grave doubts on that point; and he knew those doubts were shared by many who were accustomed to look carefully into financial matters. They had learnt not to put implicit faith in estimates or in financial statements, and the experience of the past year alone might well have taught them the necessity and wisdom of trusting to their own judgment. The financial statement of last year was followed by many predictions that the revenue would be infinitely increased by the policy of the right hon. Gentleman; but had these prophecies been verified by the result? He would not allude on the present occasion to the right hon. Gentleman's confession, that he had been wrong to the extent of a million with regard to the succession duties, because it was said during the passing of the measure that the opponents of the right hon. Gentleman had taken the sting out of his Bill and the money out of the Exchequer—an anticipation which had proved singularly correct. He would confine himself to the Estimates of the right hon. Gentleman last year. The right hon. Gentleman had expressed the belief that there would be improvements in the revenue large enough to justify further reductions of taxation. For example, the increased duty of 6*d.* per cwt. on chicory would, it had been estimated, combined with the increased duty on coffee, bring in an additional revenue of £90,000, whereas the actual increase had been on coffee £14,500 and on chicory £7,500, making together only £22,000. Then there was the penny taxation, which had proved as vexatious and obstructive as it was perfectly unremunerative. The right hon. Gentleman stated the income from the penny charges on imports and exports would be £300,000. [The Chancellor of the Exchequer: That is entirely wrong.] If the right hon. Gentleman had not said so of course he would not press the point. Then came the stamp on warrants, which the right hon. Gentleman had computed would produce £100,000. Now, he believed that the whole value of stamps issued—and many of them had not been used—was £12,000, or a difference of about 88 per cent. The stamp on contracts was to produce £100,000, but only brought in about £7,000. With regard to the bonding charges, the Chancellor of the Exchequer stated that so great and overwhelming were the calls for increased bonding accommodation in some of our large inland towns that it was impossible to avoid acceding to the demand; and he, therefore, must impose a certain tax to meet the increased expenditure which would arise on that head. Accordingly, a tax of a quarter per cent was imposed on every transaction in the Custom House and upon every entry there, whether for £2 or £2,000. Now, it appeared that there were upwards of 1,000,000 entries at the Custom House made each year. Consequently there were 1,000,000 calculations to be made on these entries and upon these ever varying amounts, and the House would easily imagine the immensely increased labour, the increased liability to error, the obstruction to commerce, and the vexatious calculations which were necessary in order to collect this small amount. The tax, as he had said, was levied to provide for additional bonding accommodation. Now, he had made inquiries as to the supposed overwhelming demand for bonding accommodation in the inland towns, and instead of Birmingham, Sheffield, and Leeds having immediately taken advantage of the Bill which was passed, only one such store had been established—namely, at Bradford And for the establishment of this one store a tax of a quarter per cent had been laid upon the whole commerce of the country. The estimated produce of the bonding charges was £120,000; they had yielded about £60,000. All these errors in past Estimates furnished the House with reasonable ground for withholding their entire confidence from the right hon. Gentleman's Estimates as regarded the future, unless those Estimates were supported by such facts as would enable the House to judge whether or no they were likely to be realized. The state of things now was much more important and much more critical. They were, in fact, pledging the Revenue of next year; and if they made a false step it would be almost irretrievable without doing that which he regretted to see had been done of late—increasing the national debt. He himself entertained grave doubts as to the Estimates now under discussion. The right hon. Gentleman claimed a surplus of £1,900,000; and, from what had been stated that night, his calculations appeared to be based on the statements of officers of the Executive. As guardians of the public purse, however, the House were bound to ask for something rather more conclusive and definite than the authority of those officers. In the face of the dark and clouded prospects before them at that moment, he denied that the right hon. Gentleman was entitled to assume the Revenue, which he had taken credit for, but of which a bad harvest, or even an average harvest, would certainly deprive him. For if they had a bad harvest there would certainly be no increase in the Revenue, while if they had an average one, the right hon. Gentleman would lose £360,000 in the duty on corn.

There was another point to which, he thought, the House should direct its attention. The right hon. Gentleman said that the Customs duty on paper which he should have to relinquish as a corollary to his repeal of the Excise duty would be about £15,000. [The CHANCELLOR of the EXCHEQUER: For this year.] For this year. Now that he (Mr. Moffatt) thought was a very low estimate; for his attention had been directed to a Return moved for by Lord Camperdown in "another place," from which he found that the increase in the customs duty on paper had latterly been very large indeed. In 1858 it was £9,000; in 1860 it had grown to £27,000. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] It further appeared that in the first quarter of the present year up to March 31, the amount of duty received was £14,057. If that was correct it was at the rate of £56,000 a year. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] Surely the Chancellor of the Exchequer knew the difference between £15,000 and £56,000. The right hon. Gentleman stated that the loss would be £15,000; and he had shown that the duty was coming in at the rate of £56,000—yet the right hon. Gentleman cheered him derisively. He confessed he could not see why. That item, with the loss of the corn duty, if the harvest was an average one, would make about £400,000. He stated these things merely for the purpose of challenging inquiry, and because he thought it was really due to the House that further information should be given to them before they went into Committee, on the understanding that there was a surplus to the amount stated by the Chancellor of the Exchequer. Then, again, he was at a loss to understand how the estimated increase in the Revenue from income tax was arrived at, because he could tell from his commercial experience that last year was a bad one in respect of imports, and it was notoriously bad for the agricultural interests Under such circumstances, he should rather apprehend a decrease in that source of revenue. There was one other item which seemed to him to require explanation, and which he was surprised had not been alluded to by any other Gentleman. The Chancellor of the Exchequer said that in the remission which he was about to make he was not about to give up more than half a year of the paper duty, as the repeal of the duty would not take effect until the 1st of October. His inquiries led him to a contrary conclusion. He believed that the moment they passed the measure for its repeal the duty would practically cease. It would give itself up. They might say that the repeal should not take effect till the 1st of October, but could they compel the manufacturers of paper to go on making it and paying duty when they knew it was to expire at a given date within the present year? Could the right hon. Gentleman compel them to make up anything beyond the stock which they had in pulp at the present moment? If the paper duty was to be repealed, they must make up their minds to the loss of a whole year's duty in the present year—not to a loss of £600,000, but to one of £1,200,000. He should like to hear something more from the Chancellor of the Exchequer on this subject. It might be that the right hon. Gentleman had ready some nostrum which he was not aware of. He did not think that the right hon. the President of the Board of Trade had answered the objections of the hon. Gentleman the Member for Horsham. The case was this. By the treaty which we had made with China we were to receive an indemnity, amounting to £2,600,000, of which a sum of £320,000 had been paid, and the balance was to be paid in regular instalments extending probably over a period of several years. The right hon. the President of the Board of Trade seemed to express surprise that hon. Gentlemen could get at the concerns of China; but the consular returns which were published annually gave £1,350,000 as the Customs' revenue of that country for '59, excluding duty on opium, which yielded about £400,000 more. Adding that, they had the total Customs' revenue of China at £1,750,000. We were entitled under the treaty to take one-fifth of that amount in payment of the indemnity. According to his calculation, that would give us £350,000, which we had got to receive year by year. We had already received £320,000 at Canton, less some considerable deductions, and for the whole year commencing January, 1861, we might receive £350,000, making the total received up to the end of that year about £660,000. What was to take place with regard to that? Under a clear and explicit treaty it was provided that of eight millions of taels, two millions, should be paid to the merchants of Canton as an indemnity for the losses which they had sustained, and that the remainder should go to Her Majesty's Government by way of indemnity for the costs of the Chinese war. Now, on the reading of an ordinary person, it would appear that we were bound to pay two millions of taels to those merchants without any delay. Those two millions of taels were precisely £660,000; so that the whole of this year's surplus must in strict justice go to the payment of the indemnity to the merchants. He would not believe, unless he should hear it from the right hon. Gentleman the Chancellor of the Exchequer himself, that there would be any attempt to step in and deprive those merchants of the money to which they were entitled. Why, some of their property had actually been taken by our forces, for the purpose of offensive operations; and they had already been kept five years out of the recompense which was due to them. He could not think then that Her Majesty's Government would descend to chaffer and haggle with the merchants of Canton. To sum up his objections to the surplus. At present it stood at £1,900,000. Very grave doubt existed as to £300,000 of the customs; and as to the estimated increase of inland revenue, £300,000 of it had not been explained to the House. Then, of the £750,000 China money, he asserted that they could not consistently with justice, receive more than £100,000, and £600,000 of paper duty they could not possibly obtain. It resulted, therefore, that £1,300,000 this surplus they would certainly not get, and the remaining £600,000 was somewhat contingent. He should be glad to find that his calculations were not accurate, for he would rather support the Chancellor of the Exchequer than speak against him; but he thought hon. Members were sent there to protect the national finances rather than to protect any individual; and, if his figures were accurate, it seemed to him that they were debating a very useless question, when they were considering as to whether they should take the duty off tea or paper. Let them first see whether there was really the surplus which the Chancellor of the Exchequer estimated, before they took off any duty whatever. He remembered hearing the right hon. Gentleman say "that tea was not the rich man's luxury, but the poor man's luxury—and that above all it was the poor woman's luxury." There might be in the mind of the right hon. Gentleman very good reasons for adhering to the opinions which he had stated when introducing his financial measure. His conviction was that we had not at the present time a surplus out of which to remit taxation, and he thought it was the bounden duty of the Government to give them proof of a surplus before they entered into a discussion as to what duties they ought to remit.

Mr. WHITESIDE: Sir, the discussion which we have heard on this question must induce one to ask, "What is the Budget?" Is it an attempt made on the part of the Government to reconcile the income of the country with its expenditure, or is it a contrivance to tide over the day and postpone the hour of judgment or retribution? The right hon. Gentleman the President of the Board of Trade told us to-night that the Budget for each year was separate from that of every other year. That is a curious discovery of the right hon. Gentleman. He seems to think that sufficient for the year is the evil thereof; but, with all respect for him, it is impossible in a discussion of such grave importance as the present to avoid all reference to the past and the future, because if the duties which would under other circumstances be paid next year are taken off, and no means be found to supply their place, there must arrive that state of things which seems to delight the present Ministry, namely, a deficit. I quite agree with those who hold that a Budget is in one sense a thing of anticipation. For a reference to the past it is necessary to have a good memory and a clear head, and for a reference to the future it seems that what is most useful to a Chancellor of the Exchequer is to have a lively fancy and a rapid imagination. After what we heard in the debate, and what we recollect to have occurred last Session, one might be disposed to ask this question, and to expect an answer:—What was the real object in the minds of the contrivers of this Budget at the moment when they sat down to concoct it? Was it prepared with a view to the duty which the Government owe to themselves and the nation, and to relieve the people of some of those burdens which oppress them, or was it framed with a design to accomplish one purpose only—namely, the repeal of the paper duty, and to make every figure, every reference to the past, and every prophecy for the future, obedient to that one object?" It is impossible to consider, not merely the measures which have been propounded by the right hon. Gentleman the Chancellor of the Exchequer, but the speeches he has made, and to come to any other conclusion. I will do him the justice to acknowledge that, as a private gentleman, he could have done nothing else but what he has done; because the speeches he latterly made, the pledges he gave, and the intimacies he formed, made it necessary for him to undertake the repeal of the paper duty. I only speak of the right hon. Gentleman in his Ministerial capacity when I condemn the course which he has taken in making those propositions which are now under the consideration of the House. I think that a considerable portion of the right hon. Gentleman's speech was a censure on his colleagues, a censure on the House of Commons, and a censure on himself. Let me for a few moments consider the Budget of the right hon. Gentleman in a financial point of view, in a political, or, perhaps, I should use the word "Ministerial," point of view, and, lastly, from a constitutional point of view. I quite admit that of these considerations the financial is the most important, because the right hon. Gentleman would, no doubt, agree with me in thinking a political Budget a "gigantic innovation." But if, in addition to its other vices, it should appear to be contrived so as either to evade or to subvert a constitutional authority existing in the State for the revision of taxation, then it is fairly open to the objection that it is an attempt to do indirectly what he failed to do directly. The right hon. Gentleman appears to have had this problem submitted to him:—Given a deficit, with declining trade, doubtful prospects, and a reduction of the permanent revenue—you are to find a surplus." The right hon. Gentleman, with all the boldness of a man of genius, and with the skill of a practised hand, proceeded to find his surplus; and, of all places in the world, where did he find it? In China—a quarter which he must have felt considerable delicacy in approaching, because, as Chancellor of the Exchequer, he had been called on to do what must have been very hurtful to his feelings—to find the means of carrying on a war with that country which in its origin I agree with him—and I shall never depart from that opinion—was a flagitious war. He raised the money for the purposes of that war, and has now to get his surplus from China. Having listened to the several speeches which have been made on both sides of the House, I am only astonished at the courage of the right hon. Gentleman, which could lead him to believe that men of business and men of sense would give up a permanent revenue, which is not only productive but increasing in value year by year, in consideration of a thing which is yet to be realized, which is to be subject to charges still to be paid, and one guinea of which, for all we know, may never reach these shores. There is another point in the Budget of some interest. The right hon. Gentleman made a prophecy last year, and calculated that he would receive a largely increased duty from spirits. He was wrong, as might have been anticipated, by no less a sum than £900,000. It may be in the recollection of the House that about the time when summer set in with its usual severity, on the 16th of July, the right hon. Gentleman brought down a supplementary Budget and made a supplementary speech. For my own part, I must say that the speeches of the right hon. Gentleman are always more agreeable to me than his Budgets. On that occasion I perfectly remember his giving an interesting sketch of Ireland, which instantly alarmed me, as I knew that she was going to be taxed. The right hon. Gentleman stated, with very great truth, that Ireland was an improving country; he mentioned in terms of praise the moral behaviour of the constabulary; he showed how numerous they were, how efficient, and how ready an instrument for collecting increased taxation. He then said that, being encumbered by a war which he particularly disliked, he was short of funds—which he generally is—and he determined, on the 16th of July, to inflict a penalty on Ireland, for which, I can assure him, that country is alive to its obligations. The right hon. Gentleman, when he came to explain what he proposed to do with the spirit duties, drew a distinction between them and duties such as those on tea and sugar. He said—

> "It differs from other commodities in this—that when you deal, for example, with tea or sugar, your object is to promote consumption as much as possible, consistently with obtaining the money you want; but when you approach the article of spirits the rule is precisely inverted."

His argument being that the largest sum possible, consistently with justice should be obtained from the tax upon spirits. The anticipations of the right hon. Gentleman on that occasion, and the proposals which he made, are among his many prophecies that have not been fulfilled, and his promises that have not been realized; but they have been attended with great mischief to a large and important branch of trade in Ireland. His prophecy was that the effect of this proposition would be the enlarging of a most important branch of revenue in a permanent form, available from year to year. By the increase of the duty on British spirits the tax, he said, would produce no less than £2,350,000, without taking into consideration any deductions which ought to be made; and here prudence came to the assistance of the right hon. Gentleman, and he added, making those deductions which prudence required, he had only taken credit for £1,000,000, and thus allowed for a diminution of 10 or 11 per cent. As it was then, however, the 13th of July, the right hon. Gentleman only took credit, of course, for part of the year's return, namely, £650,000. The House, I presume, is aware that on the 31st of December, instead of gaining anything by the change, the Chancellor of the Exchequer has received £200,000 less than the mitigated "prudent" estimate which he laid before the House. The reasoning of the right hon. Gentleman on this point is peculiarly deserving of attention. Where he succeeds—as in the case of wine, where I admit his calculations have met with a partial success—he justly relies on the fact of that success; but where he fails, as he has done in this matter of the spirit duties, he relies confidently on his failure. So that whether success or failure be the result of his projects, he is equally confident as to the future. I will direct attention to the manner in which he shaped his argument to meet the case of failure. He stated accurately, that when my right hon. Friend the Member for Buckinghamshire was Chancellor of the Exchequer he equalized the spirit duties throughout the three kingdoms, this was done with the assent of the trade. I have heard gentlemen say in Ireland they believed that step to have been of a beneficial character, and they consequently offered no opposition to it. Its effects, moreover, were not so conspicuously evidenced by an increase in the Revenue till the second year. But now the right hon. Gentleman the Chancellor of the Exchequer, having confidently predicted a great success, and having experienced a conspicuous failure, argues thus—Because my predecessor did a sensible thing and was rewarded accordingly, I—having gone beyond the point at which, particularly upon this article, taxation to be productive must stop—will now endeavour to persuade the House that next year this failure will be changed into a success. The gentlemen interested in the spirit trade in Ireland have made strong remonstrances, and have requested me to make an appeal to this House—which is never insensible to a just claim—to stand between their trade, which they represent to be on the point of extinction, and the rash projects of the Chancellor of the Exchequer. In the petition to which allusion has already been made, they state that they did not object to the equalization of the duties in 1858, though it compelled them to pay a large increase of duty, as they believed uniformity of taxation would be beneficial to their trade, and would, moreover, protect them from the annual interference of Parliament, which was ruinous to their prospects. But they little anticipated the financial experiment to which they were to be subjected in 1860, when by a sudden operation an additional duty of 2*s*. per gallon was inflicted. In consequence of this high rate of duty illicit distillation has increased. The right right hon. Gentleman said the convictions were few; but he has fallen into the common mistake of confounding offences with convictions. Everybody in Ireland knows that offences may be very common, though but few convictions can be obtained. These gentlemen further stated that the effect of the duty was to diminish the quantity they produced, and the greater that diminution was the greater was their loss, as whilst the duty decreased the amount they produced, it did not diminish their establishments, which had cost them the expenditure of a very large capital. They also said that the consumption ending the 31st of December, 1860, was 1,083,762 gallons. This loss amounts to £208,528, or 15½ per cent; and though in England there has been a gain of 8 per cent, and in Scotland a gain of 1 per cent, yet the total loss on the three kingdoms is £70,000, instead of the increase of £500,000 which the right hon. Gentleman contemplated. There are three gentlemen from whom I have communications on this subject. Mr. Roe, the proprietor of one of the largest distilleries in Dublin, has sent me a written communication, in which he states that it will be impossible for him to conduct his business if the Chancellor of the Exchequer is not compelled to return to the old duty, which was a fair duty, and he very fairly asks that the Chancellor of the Exchequer should state to the House any source from which he has got a larger revenue than from the article of spirits. The manager of another eminent distillery, that of Messrs. Jamison, has written to the same effect. He states that the present duty has made it impossible for them to conduct profitably the distillery. They will not produce the article, and, consequently, the revenue anticipated from that article must be a failure. How, then, can a surplus be anticipated which rests upon a calculation such as this? There was a large revenue from Irish spirits before the Chancellor of the Exchequer dealt unwisely with it, and men of business, who have large capital embarked in distilleries, and who spend anxious nights and laborious days in their business, appeal to this House to do them justice, and to save them, as they say, from ruin. It may be said that this being but a provincial interest, if the Chancellor of the Exchequer gets his revenue from the rest of the empire, or from foreign spirits, it does not matter much as to Ireland; but considering that these eminent manufacturers have pledged themselves to these facts, I cannot help thinking that the House will pause before it relies upon the imaginary surplus of the Chancellor of the Exchequer, seeing that his past prophecies have been realized in no way. But suppose for a moment that he had got his surplus, and that we, being taken into his councils as to the disposal of it, had to decide whether we would impose the income tax—for that is the way in which it is to be put—at a particular rate, put a duty on tea at a particular rate, or whether we would remit the duty on paper. It has been said by the right hon. Gentleman, the President of the Board of Trade, that there is an abstract Resolution in favour of this remission. We groan under abstract Resolutions. There is an abstract Resolution in favour of Parliamentary Reform, which has never been realized, nor is it likely to be. There was an abstract Resolution on this subject some years ago that meant nothing, and now it is brought forward to justify the present Budget. But times have changed since that abstract Resolution was passed. When that Resolution was carried the income tax was 5*d.*, and the expenditure was about £64,000,000. It was thought inexpedient to deal with the paper duty on those facts; the income tax has been—for we do not know what it will be—at 10*d.*, and the expenditure of the country is between £70,000,000 and £72,000,000; and the logical deduction of the President of the Board of Trade is that in consequence of an abstract Resolution which passed under such circumstances, and has never been acted upon, you are bound at this very moment to carry the remission of the paper duty into practical operation. Suppose you had a surplus—I do not admit it for a moment, nor do I believe that any facts have been laid before us to justify such an anticipation—why should I not take a lesson from the Chancellor of the Exchequer as to its proper use? I have been taught by repeated speeches of the Chancellor of the Exchequer that the income tax is an immoral tax. He has often laboured to prove—I remember his very words—that it demoralized the nation. He has taught us that it is a war tax—useful in time of war, but highly dangerous if employed in time of peace. If it has all these characteristic recommendations, and the paper duty has none of them, I cannot understand, if there is a question between income tax and paper duty, why it is incumbent on me to remit the paper duty. I cannot believe that the House will be of opinion that the right hon. Gentleman has satisfactorily established that branch of his argument. But, again, on the subject of tea. I see opposite a body of Gentlemen who have a great many abstract principles which they lay down occasionally—I only desire that they would carry them into practice. They tell us that we are to study the happiness of the greatest number, and that we are to have taxes which will rest most lightly on the mass of the people. That was their great argument on the corn laws; but did anybody ever propose to remit the paper duty in order to retain the corn laws? The right hon. Gentleman opposite has himself maintained that tea is a necessary of life. But supposing, before the corn laws had been repealed, you had gone to a poor man and offered him a loaf with one hand and a penny newspaper

with the other, I am afraid that so blind would he have been to his intellectual improvement that he would have taken the loaf. Again, suppose that he wanted to wash down his crust, and you took him to the Pierian spring and told him to drink, as Dominie Sampson drank, from the principal fountain of the town, but not to exceed in his potations, and on the other hand offered him a cup of tea, I venture to say the sensualist would prefer the tea. I do not wish in the least to be understood as underrating the value of the penny papers. I am agreeably surprised at the merit they possess, and I only wonder, as a mercantile speculation, that they are produced at all. I should be glad to do them a service; but, if it is a question between their proprietors and the nation, acting on the principles of a political economist, I prefer the nation. If I go to the moralist and ask him whether we shall take off the duty on tea or the duty on paper, he will tell me that he has been lecturing on temperance and sobriety for years past; that he has addressed mechanics' institutes and written several articles to the penny papers (which they would not publish) advocating the remission of the tea duty. He would go in decidedly for tea. The right hon. Gentleman himself told us that we must increase the duty on spirits, in order to make people sober. I wonder that it did not occur to his ingenious mind, fertile in expedients as it always is, that the reduction of the duty on tea would accomplish the same purpose in a much more practical manner. The deaf and dumb, the blind, all who cannot read can take a cup of tea; tea makes the husband domestic and makes the wife silent and quiet. The right hon. Gentleman the President of the Board of Trade, who addressed us with so much ability to-night, has, I admit, been perfectly consistent on this matter, and his arguments, therefore, are entitled to the utmost consideration; but I will give him an authority, as to the effect of this remission, which he must value, as it is that of the Chancellor of the Exchequer. The hon. Member for Guildford (Mr. Bovill) asked from the generosity of the Chancellor of the Exchequer a drawback on printed books, unbound, in order to save the publishers from the loss which they would otherwise sustain from the repeal of the duty. He got from the right hon. Gentleman the answer which I must say he deserved. The right hon. Gentleman told him that, as the publisher sold his books at a fixed price, he could hardly suffer loss by this change. Would a work, he asked, like Colenso's Arithmetic, which sold for 2*s.*, and on which the duty, according to Mr. Bohn's statement, was ½*d.*, sell for 2*s.* on the 14th of August; and on the 16th, the day after the duty came off, sell for 1*s.* 11½*d.*? Certainly not. This was a measure for the benefit of struggling literature, and yet such, according to the Chancellor of the Exchequer, would be its effect on the price of a 2*s.* book. The same would be the case if you go down to the sixpenny book, which the poor man would read. In fact, by no possibility could the smallest advantage accrue to the poor man from the measure; and I venture to say if you asked him he would rather have the duty remitted on the tea than on the paper that wraps it up. Both as to tea and as to the income tax the reason of the thing and almost the humanity of the question make it our duty, if we have a surplus, at once to reject the plan of the Chancellor of the Exchequer, and adopt one more consistent with justice, with our own pledges, and with the wants and necessities of the people. I said there was a constitutional question involved in this matter which might fairly be touched on at the present moment. As I understand the Chancellor of the Exchequer, all his Resolutions are to be included in one Bill, and amongst them the Resolution for the repeal of the paper duty. What is the object of that change, because last year all the measures were treated separately? The repeal of the paper duty was considered fairly and properly as a separate measure. It was sent up to the other House, and, most fortunately for the Chancellor of the Exchequer, in consequence of what took place there, his deficiency was not so large as it was made by his own measures. Why is it that on the present occasion another course is taken? The Government may contend that, according to old usage, such a thing may be done; but with all due deference, that does not answer the constitutional question. For a series of years our practice has been similar to that which was pursued last year; and, although you may find old precedents to justify the course which you are taking, practice is the best exponent of the principles of the Constitution; and all modern practice, and your own practice last year, prove that the present attempt ought not to be countenanced. There can be no doubt what is the object of this proceeding. There can be no doubt that the object is that the measures for the general taxation of the country shall have this repealing Bill tacked to them in order that the other House may be disabled from considering this particular question. There are two great authorities upon such questions as this. I believe that the first dispute between the Lords and Commons arose as to the alteration of a Bill such as that which the right hon. Gentleman proposes to send to the other House; and that eminent person who is said to have written an honest book upon the Constitution, Mr. Hallam, gives it as his deliberate opinion that the justice and sense of the matter were with the House of Lords. But a brilliant light has lately been extinguished. Lord Macaulay has left us a legacy in the last volume of his history, in the pages of which a question very similar to the present is discussed by him. The House of Commons, in order to confer a favour upon the noble house of Ormond, to usurp some of the prerogatives of the Crown, and to forgive debts which they were not entitled to forgive, tacked the provisions having these objects to a Bill imposing a land tax of 2*s.* in the pound, and the historian says "the ruling demagogues of the House of Commons"—the words of the noble historian are that in order to deprive the other House of Parliament of the opportunity of giving any opinion or of altering a word or a letter, the ruling demagogues insisted that that measure should be tacked to a Bill of Supply which was to provide for the defence and the general expenses of the country. And what followed? There was conference after conference, but the Members of the House of Commons were determined to succeed. They hated Dutchmen—that was not unnatural—and one of their objects was to vent their dislike upon the heroic friends and followers of an heroic monarch. They effected their purpose, and one of the Members who spoke upon that occasion said, "They object to our tacking this Resolution to a Bill of Supply; let them take care that to the next Bill of Supply we do not tack a Bill of attainder"—a remark which, as Lord Macaulay observes, was worthy of a Jacobin Club or of the worst days of the Convention. There are instances in which attempts have been made to coerce the other House of Parliament upon occasions different from this—I do not disguise that the occasions are different, but I submit to the better judgment of those who hear me that it would be more constitutional, more manly, more direct, and more usual for the Government to take up the Bill of last year and propose it again; and, if it was recommended by the deliberate conviction of the House of Commons, I am perfectly satisfied that that conviction would never be treated with disrespect by the other House of Parliament. Nothing but an overwhelming sense of duty would have induced the Members of that House to do what they did last year, but in doing that I believe that they were sustained by the voice of the nation. I am, therefore, of opinion that the constitutional question ought not to be overlooked. As the Budget was originally contrived for the one purpose of getting rid of the paper duty, so I believe that the Bill which is to carry out the proposals of the Budget, has been contrived with the same object. The right hon. Gentleman the Chancellor of the Exchequer at the close of his very able speech, made what struck me at the time as one of the most extraordinary statements which ever proceeded from a Gentleman in his position. Departing from the particular subject of taxation, and turning to the general condition of the country, he said—

> "If there be any danger I confess that it seems to me to lie in our recent policy, and tendency to unbounded excess in expenditure. Without referring to any particular charges, I think that when we perceive the rate at which we have been advancing for a certain number of years, we must see that there has been a tendency to break down all barriers and all limits. Pecuniary waste is a great political and moral evil, and threatens the existence of the nation."

Why, Sir, that is a most astounding statement, and I ask myself who made it? The very Minister who has been intrusted with the charge of the expenditure of the country; the very Minister whose duty it was, if this course of mad extravagance was being pursued by Parliament to stand up against it; the very Minister whose duty it was to say to his colleagues, to whom he has given the assistance of his brilliant talents, "The propositions which you make are unjust, unwise, and extravagant; I can be no party to such measures, and I will quit a Ministry which does not carry out a policy of wise and just economy." Does the right hon. Gentleman do so. No; but he intimates that the House of Commons is as a body so insensible to its duty, that it is guilty of indefensible extravagance merely for the pleasure of hastening the progress of the nation to political perdition, and he represents himself as an injured patriot attempting to stem the torrent of corruption. Why, Sir, does he not address his eloquence to the noble Viscount at the head of the Administration; why does he not endeavour to convince his colleagues? What is the use of attacking Parliament or his opponents while those colleagues are, with his consent, taking Votes for fortifications, for defences, for the navy, and for the army? Why does not the right hon. Gentleman imitate the course taken by the hon. Member for Sunderland (Mr. Lindsay) and put his finger upon some particular item with which he can deal instead of uttering general denunciations of the extravagant expenditure of the country? But how is the language of the right hon. Gentleman to be reconciled with that of the noble Viscount at the head of the Government? The right hon. Gentleman pronounced a panegyric upon the French Treaty, and I do not blame him for that, because the treaty is a thing of the past, and it is our duty now to stick to our bargain both in spirit and in letter. But he also pronounced a panegyric upon the Imperial ruler of France, who makes treaties and seizes kingdoms, and perhaps he can induce that powerful Emperor to lessen armaments which add to our expenditure, and to reduce his army of half a million of men who are panting for victory and fame. The noble Viscount on the other hand made, according to his custom, a very genial and characteristic speech the other night. He was laying down principles at a Lord Mayor's feast, than which there could be no better place for discussing the foreign policy of the Empire, and he said that there were at this moment materials for half a dozen wars in Europe. I think that the noble Viscount was perfectly right, and I venture to say that if the right hon. Gentleman were to endeavour to persuade the noble Viscount, who takes large views of policy, to lay aside our defences and to reduce our army and navy at such a moment as this, he would find in him a manly and a decided opponent. When the noble Viscount gives that account of the state of affairs abroad, how absurd does it appear in the Chancellor of the Exchequer, his colleague, to announce to the House that our expenditure—including, I suppose, what is spent upon the defence of the country—is extravagant, especially when, according to the noble Lord, that expenditure is necessary to maintain the power and the supremacy of this country, as well as the peace of Europe. If the right hon. Gentleman has any great scheme of commercial policy, why does he not state it? If he has any great measures of economy, why does he not expound them to the House, and not permit his supporter, the hon. Member for Montrose (Mr. Baxter) to inform us, as he did to my infinite astonishment, that we ought to follow the example of America, and of what he was pleased to call—though he did not tell us where they were—the United States? The hon. Gentleman told us what was their population, and what was our population; what were their expenses, and what were our expenses. Now, my short answer to his argument is, that their Government is cheap because it is bad, and our Government is comparatively dear because it is good. They, at a great crisis, have shown that they had no Government whatever, no real authority to save the Empire from disruption, or destruction it may be, though may God avert that catastrophe. I did not think that there was a Gentleman in the House of Commons who, in such a debate as this, would tell us that we ought to imitate the policy and practice of America—with a view, I suppose, to incurring a like disaster. I venture to think that the more this Budget is examined the more apparent will become the truth of the censure pronounced upon it by the hon. Member for Huntingdon (Mr. T. Baring); and that it will be found that it is not an honest Budget—for that, I think, is the right word used in the right place. I trust that that conviction will be acted upon by this House, and I am well convinced that if it be that action will be approved by the country.

Mr. HALIBURTON said, that the right hon. Gentleman the President of the Board of Trade had trod upon very dangerous ground when, pointing out the inconsistencies of his opponents, he had forgotten those of his colleagues, who might well say, God help them from their friends! He (Mr. Haliburton) had listened with very great attention to the exposition of the financial state of the country by the Chancellor of the Exchequer. At the conclusion of that elaborate and very delusive speech the right hon. Gentleman indulged in self-congratulations of no ordinary kind. If the subject had not been so grave, it would have been a matter of amusement to hear him talk of the crash of fallacious prophecies, of groundless prognostications, and of a variety of other amplifications of which the vocabulary of the right hon. Gentleman was extremely full. He liked to see a person who had performed what he considered a very great feat satisfied with his performance, but there should be a limit even to vain boasting. The prophecies and prognostications were spectres raised by the right hon. Gentleman's own imagination, conjured up in order to show how, with the skill of the magician's wand, he could lay them. No one else had ever heard of them. So far from the public being surprised, so far from predictions being falsified by the fact, it was the very identical Budget which was expected of him. All knew that the deficit would be concealed under an avalanche of figures; and when it appeared, by a wonderful sleight of hand, it would be exhibited to the House as a surplus. It was well known that the accruing debt for the Chinese war would be thrown into the distance, while the stipulated indemnity was brought into the broad light of the foreground. It was known also that there would be an attempt to use an imaginative surplus for political purposes, and that as the right hon. Gentleman neither forgot nor forgave he would take the opportunity of squaring matters with the other House for the rejection of the Paper Duty Repeal Bill last year. It was well known that the Budget would be lauded to the skies. The very people who would praise it were pointed out—the itinerant politician, the platform orator, the demagogue who sowed broadcast the seeds of discord—he might almost say of sedition—and the man who strove to set the labourers against their employers and the lower classes against the higher classes. Those were the men who saw in the Budget the means of bringing into strong relief the particular object which they had in view—namely, to create a difference between the people and the Legislature. It was known, also, that it would be praised—praised was too feeble a word—it would be extolled to the skies by that mendacious, by that audacious, and by that wicked body of men who, in the most unblushing manner, dared to affirm in that House and on public occasions elsewhere, that the army and navy were not kept up for the defence of the nation, nor for the maintenance of its position, nor for the protection of our colonies and our commerce, but for the mean, base, and despicable purpose of supporting the younger branches of the aristocracy out of the taxes wrung from the hard earnings of the poor. To those and such like people the Budget was certainly one for congratulation. It was a difficult thing for an honest man to draw any comfort from the dissemination of falsehood and scandal, but he was glad that these scandals had been disseminated, because the Budget with its pretended surplus gave a touchstone to try the sincerity of the Gentlemen on the Opposition benches. If the poor had taxes wrung from them for the vile and contemptible purpose which was alleged, let those Gentlemen come forward and join the Conservative party, who, whatever might be the vainglorious boastings and assumptions of others, were the real Liberals of England. In a country like this, of such wealth, of such vast possessions abroad, of such extended commerce, of such a high state of civilization, there must always be, even in the most prosperous time, and in the time of profound peace, a heavy expenditure. There was a heavy interest to pay for a heavy national debt. The army and navy must be maintained in a state of efficiency equal to any emergency, and there was a large civil expenditure to be defrayed. In time of war there must necessarily be what were commonly called war taxes, and it was the duty, as it had been the pleasure of both parties, Conservatives and Whigs, to apportion those burdens so as to fall on those who were best able to bear them. Every description of property had a proper proportion of taxes imposed, and, although an Englishman was naturally a grumbling person, when he saw it was expedient he cheerfully voted the money required. There were occasions when the loyalty of every man in the country was to be relied on—when they had to call on every man, high or low, rich or poor, to contribute, and thus the burden of the tea and sugar duties, of which they had heard so much to-night, had fallen on the poor man. They had borne it because they derived the same benefit, in the protection of their lives, their little property, their families, and their homes, as the proudest and richest in the country. Notwithstanding the temptations which had been placed before them, the delusions which had been practised on them, and the gross and wicked calumnies to which he had referred, they had borne it, much to their honour and credit, with unflinching firmness. Now, therefore, was the time to test the sincerity of the self-styled friends of the working classes. And could any man venture to say that the duty on paper and the duty on tea and sugar were at all on the same footing? Could any man imagine that they had the same bearing on the labouring people of the country? To talk about the duty on paper being a "tax on knowledge" was the veriest cant that ever was heard of. Talk of the publications for the million. Everybody who knew anything about those publications knew that rudimentary works and those books which had an immense circulation were to be had at the price of the paper and printing, and nothing more. The tax fell upon the rich, upon the expensive works, upon those high-priced books which were purchased by the higher classes, and where there was but a limited circulation, and where the edition was considered a good one if it reached 800 copies. When they could get a newspaper for a penny, with good talent employed upon it, and the contents printed on a good paper; when there were club-rooms and free libraries, it was absurd to talk about the duty on paper being a tax on knowledge. It was all cant. If there was one thing more detestable than another, it was cant, whether political cant, or religious cant. Last Session they heard a great many references—hon. Members were ashamed to make them now—to the United States—that beautiful democracy, that country which had neither the incubus of a King, nor a House of Lords, nor an Established Church, nor a system of entails, nor any of those things that belong to a feudal age. There was the empire of pure reason—a land laid out in squares, like a chess-board, a people with equal rights and equal votes. Such was the beautiful system that was offered to their admiring eye. It astonished him much. It happened that he had lived the whole of his life, with the exception of the last five years, on the other side of the Atlantic; and he had been sometimes astonished at that sort of talk, and sometimes amused—astonished at the ignorance displayed, and amused at well-informed people falling into the error. All this was cant, cant, and nothing else. Cant had been the cause of the disunion of the United States. He spoke it boldly and plainly; and he declared that all the dissensions in the United States were entirely owing to political cant. The papers told us, and many persons who could not see below the surface of things believed that the disruption had arisen from the anti-slavery feeling, from the dreadful abhorrence which the Americans felt at having property in human beings. That was all very proper, no doubt. He should admire it if it had any existence, but it had not. There was not the slightest truth in it—not the least in the world. It was a mere election cry, a political catch-word. Slavery was an institution, unfortunately —we must blush when we said so—unfortunately a legacy, we left to the United States. But it was an institution known, and recognized, and protected by the Constitution of the United States from its origin. [" Question, question !"] He was not surprised that hon. Members opposite below the gangway did not like this subject. He could easily understand why it was so distasteful to them, and why they seemed so uneasy when he spoke of political cant. To pass, however, to the matter that had led him to rise, the Chancellor of the Exchequer thought proper in his self-glorification the other night to allude to a petition from North America, in reference to the timber duties, in very insolent and scornful terms.

The CHANCELLOR of the EXCHEQUER: I rise to order, not on personal grounds, but because the language of the hon. Gentleman affects the dignity of the House.

Mr. SPEAKER: The expressions used by the hon. Member are not Parliamentary.

Mr. HALIBURTON said, he bowed to the decision of the right hon. Gentleman. He withdrew the words which had been pronounced not Parliamentary, and regretted having used them. But if he had spoken warmly, he felt deeply. [" Hear, hear !"] This petition was presented—[*Cries of* " Question !"] This was so far connected with the subject under discussion that it was a reduction of certain duties for which credit had been taken. He thought it was within the limit of Parliamentary discussion if he spoke of that. If the House decided that he was not to be heard, he would sit down and submit. But let the House recollect that there were 4,000,000 of unrepresented people across the water; that they were not only not represented in that House, but that they did not ask to be represented. They rarely troubled the House. If any one searched the records he would find that there were very few petitions presented from that part of the world; and from the manner in which this petition had been received there would probably in future be still fewer. He would endeavour to be as brief as possible. A few merchants from that colony last year presented a petition to the House praying that on a certain class of timber — board, battens, and deals — the duty might not be taken off, for want of notice. The petition was not unreasonable. It was expressed in respectful language. The question, however, was decided against them, and they submitted, and there was an end to it. But in alluding to that petition, the Chancellor of the Exchequer said he had heard a doleful wail from Canada (and then he threw his hand back as one would wave away a beggar in the street), and many predictions of ruin; and went on to show that from certain Customs', returns there had been an increase in the timber trade. When the right hon. Gentleman said he had heard predictions of ruin from our North American Colonies, he (Mr. Haliburton) must be allowed to tell him that his ears had grossly deceived him; for such predictions had never been used or insinuated. It was not in the power of the Chancellor of the Exchequer, whatever his legislation might be, to ruin that country. Neither was it in the power of the British Parliament. Nothing could ruin that country but the hand of God or their own folly. The country was too young, too vigorous, too full of enterprise and of resources, to be ruined by anything that the right hon. Gentleman or that House could do to them. What right, then, had the right hon. Gentleman to stigmatize as a doleful wail a respectful petition from a colony which, since the disruption of the United States, was now taking the lead as the first nation on the American continent? "A doleful wail" was a thing that had never been heard from America. Since 1620, when the Puritans first landed upon that shore, up to the present moment, "a doleful wail" had never been heard from that part of the world. The right hon. Gentleman's nerves appeared to be strung upon the principle of an Æolian harp, every breeze against the chords of which produced doleful and melancholy music. He should advise the right hon. Gentleman never to cross the Atlantic, or he would find that his harp would very soon be rendered mute. Let him rather turn to Coventry, and then, indeed, he would hear a doleful wail. There he would find a population which but a short time ago were a happy, industrious, thriving people, now reduced to a state of beggary and destitution in consequence of his French Treaty. There he would see pallid cheeks and attenuated forms, broken looms and broken hearts—a scene to make the stoutest men shudder and good men weep. There, indeed, he would hear a doleful wail. Or let him turn to Oxford, where, in shady groves and academic retreats, his constituents, the remnants of a past age, occupied themselves with the records of bygone times, and taught the dialects of the dead to living men, and there he would hear lamentations that a tacit contract had been too rudely broken between him and them—the contract that whoever had the high honour to represent that great, learned and venerable body, should be a stanch supporter of the institutions of Church and State, and not a man who gave a cold, reluctant, or a silent support; not one of those who—

"Damn with faint praise—assail with civil leer,
And, without sneering, teach the rest to sneer."

("Divide.") What had they to divide upon? They would divide in good time, and, perhaps, hon. Members opposite would be surprised at the result. He had done with that subject. He had, however, felt bound to enter his protest against such a reception as his fellow-countrymen on the other side of the Atlantic had received from the right hon. Gentleman. The inhabitants of Canada were a loyal people. They had given a reception to the heir apparent of this empire in the past season such as no member of the House of Hanover had ever experienced since they sat upon the Throne of this country. They venerated our institutions, and were fond of British connection; and he felt assured that every Member of that House would agree with him when he said that the independence and manliness of that people, their loyalty and affection towards this country, entitled them to our respect; while their lineage, language, and consanguinity entitled them, at all events, to our best attention.

Mr. BERNAL OSBORNE: Sir, it is one of the inconveniences of an adjourned debate, especially of a debate in which no definite issue has been raised, that we are rather puzzled to discover—to use the language of the hon. and learned Gentleman who has just resumed his seat—not only what it is which we are discussing, but what is the question upon which we are to divide. I must add that I do not think the hon. and learned Gentleman has refreshed the recollection of the House as to what this adjourned debate is about; while he himself—in his own words, "the remnant of a past age"—has touched upon nearly every topic except the issue which is immediately under our consideration. The hon. and learned Gentleman is a man famous for his literary ability, and as the author of works of fiction which are universally read; but I must say that, after the exhibition which he has made to-night, he had, in my opinion, better undertake another edition of *The Rambler*. He has told us that he has lived so entirely on the other side of the Atlantic that he is, as a matter of course, unaccustomed to debates in the House of Commons, and he accordingly devoted his speech to observations on the colony of Canada and to the loyal reception which the Prince of Wales met in that quarter, as if the right hon. Gentleman the Chancellor of the Exchequer were not sufficiently acquainted with the subject. Now, I would respectfully ask whether that is the point on which we are about to divide? If not, it would be as well to turn our attention to that which I believe to be the matter really at issue—the financial scheme of the Government. Now, in dealing with that scheme, I may say I am somewhat disposed to think that the hon. and learned Gentleman was one of those who, having prognosticated a large deficit, is somewhat disagreeably disappointed to find a surplus instead. [*A laugh.*] You may laugh if you please, but you have not been able to contradict the simple statement of the Chancellor of the Exchequer, who has better means, I suppose, of ascertaining the real facts of the case than can possibly be possessed by the hon. and learned Gentleman who passed his time on the other side of the Atlantic. But the question arises, what is a surplus? Hon. Gentlemen opposite have had two great assistants in their *sanguine* gloom. We have been subjected to two great afflictions—a Chinese war and a bad harvest. Yet, despite these calamities, there is a surplus. In discussing the question, hon. Gentlemen must bear in mind that it is necessary the Budget should deal with anticipations; and what, let me ask, was the position laid down by the Chancellor of the Exchequer? He took his revenue for the year 1861-62 at £71,823,000, his expenditure at £69,900,000, thus leaving a surplus of £1,923,000. Well, the hon. Member for Horsham (Mr. Seymour FitzGerald) who spoke so ably in the early part of the evening, seems to dispute the justice of his calculations, and referred especially to the question of the Chinese indemnity; but I confidently ask whether the answer of my right hon. Friend the President of the Board of Trade did not satisfactorily dispose of the objections which the hon. Gentleman advanced on that head? But, be that as it may, the point is one—relating, as it does, to a sum of only £750,000—which can be satisfactorily discussed in Committee. The question which now arises is, do you believe the statement of the Chancellor of the Exchequer, or of those Gentlemen who have not access to the same means of information? If you do believe it, next comes the question whether, in the present condition of the country and of Europe, any remission of taxation ought to be made? That may be a fair question for hon. Gentlemen independent of all financial and political considerations to decide in the negative, but, in my opinion, no Chancellor of the Exchequer can wisely come to a similar conclusion. Well, it being admitted that some taxes ought to be remitted, it becomes matter for discussion what those taxes ought to be, and I think hon. Members generally will concur in the opinion that the first burden in which some reduction ought to be made is the income tax. That is a tax which was originally granted—I will not say on false pretences, for we have lately had a lesson in this House against the use of "light and violent" language, but which was to last for a few years only, and which the country was subsequently led to believe would expire in 1860. The income tax has, therefore, I think, the first claim on this House for reduction, not so much for the sake of the great landed proprietors as of those on whom it presses with far greater severity—I mean the class of clerks with incomes of £400 or £500 a year, whose education and position are in an inverse ratio to their means. I am, therefore, of opinion that the Chancellor of the Exchequer most wisely threw us that penny by which the income tax has been reduced. The boon is a trifling one, but it is something, and the granting it proves that the right hon. Gentleman is well inclined to reduce the tax as much as possible, and would do so if he were permitted by his colleagues. The income tax being disposed of, then comes the question, which is the next tax which ought to be dealt with? Hon. Members are not, I presume, so greedy as to desire that all the remissions made should be on the side of direct taxation. The hon. Member for Stamford (Sir Stafford Northcote) said the Budget must be considered in its political as well as in its fiscal light; and taking it merely in the latter point of view, I would rather see the war duties on tea and sugar than the Excise tax on paper remitted. But we cannot consider the subject in that light alone. We must look upon it from a constitutional point of view. We must pay regard to the position in which the vote of the House has placed it with respect to the paper duty. That position has taught us a lesson as to the danger of abstract Resolutions. I for one have never been in favour of them; but, be that as it may, the House of Commons has pledged itself to a repeal of the duty on paper. An abstract Resolution on the subject, moved by my right hon. Friend the President of the Board of Trade, was passed, the only real opposition to it having been offered by my hon. Friend the Member for Norfolk (Mr. Bentinck) the only consistent man on his own side of the House. I have, therefore, nothing to say to him. He is a fine fossil remain; but what, I would ask, was the nature of the Amendment moved in reference to the paper duty, on the Motion that the House should go into Committee of Supply? The right hon. Gentleman moved an Amendment to the effect—

> "That this House is of opinion that the maintenance of the Excise duty on paper as a permanent source of revenue would be impolitic, and that such financial arrangements ought to be made as will enable Parliament to dispense with that tax."

The right hon. Gentleman the Member for Bucks, who was then Chancellor of the Exchequer, did not oppose that Resolution; on the contrary, he said that if all the words after "impolitic" were left out, he would agree to it. (*Cheers from the Opposition.*) Yes, but he said that the tax was not to be permanent. He did more, for in 1858, having reminded us that he had previously spoken and voted for the repeal of the paper duty, he went on to say, "I again take this opportunity of stating that I look upon this tax upon paper as one of those particular taxes which when a favourable opportunity arrives"—I suppose he meant when there was a surplus. (*Cheers from the Opposition.*) Of course, hon. Gentlemen opposite deny that there is a surplus; if they did not, they would have no case at all. They are forced, however, in the absence of proof of their denial, to make rambling speeches about the state of Europe and America. "When a favourable opportunity arrives," said the right hon. Gentleman the Member for Bucks, "I shall be glad to see the paper duty remitted and erased from our fiscal system." Observe, he said, not only remitted, but "erased," from our fiscal system. "As well," continued the right hon. Gentleman—"as well in a commercial as in a moral, a literary, and an educational point of view, I shall be glad to propose a remission of the tax." The hon. and learned Member for Launceston (Mr. Haliburton) has talked about cant. Will he tell me that the leader whom he follows is capable of descending to cant? Yet the right hon. Gentleman expressed his willingness to remit the paper duty in what he called "a moral point of view." Let me address a few words to hon. Gentlemen opposite. There is no doubt that the two great men of your party, whom you have stolen from us—I mean the right hon. Gentleman the Member for Bucks (Mr. Disraeli) who has made you what you are, and whom you could not do without, and the right hon. Baronet the Member for Herts (Sir Bulwer Lytton) whom you should be proud to follow—have both of them condemned the paper duty, and advocated its repeal. What, then, is our present position? We have another Chancellor of the Exchequer, the equal of those two right hon. Gentlemen in every respect, and he has proposed the remission of the duty. I was not one of those who voted for the repeal of the tax last year, but the House chose to pass the Bill which was introduced for that purpose. We know what became of that measure in the House of Lords. Do you think it is not a great calamity to have the two branches of the Legislature at issue upon such a question? I believe it is a great calamity that such a state of things should exist. I am willing and even eager to take the first opportunity when there is a proved surplus to settle the question of the paper duty, and I am surprised that hon. Gentlemen opposite, who are such great sticklers for constitutional usage, and for keeping the two branches of the Legislature in harmony, should refuse to dispose of it in a satisfactory and effective manner. It is not that "noisy party" to which reference has been made, but it is hon. Gentlemen opposite—it is you, the remnants of a past age, who are endeavouring to keep up this quarrel between the two Houses of Parliament. I am prepared, for one, to support the Government in their proposal to repeal the paper duty. We have got into such a position that we ought to be grateful to the Chancellor of the Exchequer for giving us an opportunity of finally settling the question. But what has been the course pursued by the Opposition? I am at once surprised and puzzled by the tactics of hon. Gentlemen on the other side. I listened to the speech of the hon. Member for Huntingdon (Mr. T. Baring) on Monday night with the respect due to his great commercial position, and to his acknowledged legislative ability. He examined the Budget in all its aspects, and he spoke of it in somewhat remarkable terms, for he said it was "neither safe, wise, politic, nor even honest to the country." Well, if you agree with the hon. Member in that statement, why are you content to play the rather shabby part in which you are now engaged? Why do you not come boldly forward and meet the Budget with a direct negative? Why are you endeavouring to follow the course which you pursued last year in the case of the Reform Bill? Do you suppose you can defeat the Budget by stalking it out of the House? When the hon. Member for Huntingdon used the strong language I have quoted—when he gave some most excellent and plausible reasons for his opposition to the Budget—why did he not put a direct issue before the House? He moved no Amendment, but

> "—— back recoiled, he knew not why,
> Even at the sound himself had made."

What took place afterwards? Hon. Gentlemen rose in rapid succession from the benches opposite, and objected to the Budget. The noble Lord the Member for Huntingdonshire (Lord Robert Montagu) was quite shocked at the very idea of the Budget, and denied that there was a surplus; but he proposed no Amendment. The enthusiastic Member for Mallow (Mr. Longfield) was more violent in his language; he called the Budget a "vile' Budget, and told us he "abhorred" it but he sat down without moving a negative Resolution. To-night we have had the same game played over again. We have been addressed by the hon. Member for Cambridgeshire (Mr. Ball), of whom I may say, continuing my quotation from the *Ode on the Passions*—

> "With woeful measures, wan despair—
> Low sullen sounds his grief beguiled
> A solemn, strange, and mingled air,
> 'Twas sad by fits, by starts 'twas wild."

That, in fact, is an epitome of most of the arguments we have heard from the other side. If hon. Gentlemen opposite deny that there is a surplus—if they say, with the hon. Member for Huntingdon, that the Budget is "neither safe, wise, politic, nor honest"—they are not justified in contenting themselves with a mere display of words. Their proper course is to come boldly forward with a Vote of No-confidence. Are they prepared to do that? The right hon. Gentleman the Member for Bucks at the close of the discussion on Monday did not seem to have so far made up his mind as to know what to do; and I defy any man to tell, from the speech which we have heard to-night from the hon. Gentleman the Member for Horsham, what course he is going to take. I want to know, in the words of a previous speaker, what we are debating about, and what is the question upon which we are going to divide? There is no question actually before us. We are told that the Budget is not even honest, and yet the hon. Member for Huntingdon is content to resume his seat after simply asking the Chancellor of the Exchequer to take back his Budget. I hope the Chancellor of the Exchequer will not take back his Budget. I hope he is prepared, with that firmness of purpose which distinguishes him, and which does honour both to him and to the President of the Board of Trade, to proceed with his Budget, and to divide the House upon it even if it should come to a Vote of No-confidence. The right hon. and learned Member for Dublin University (Mr. Whiteside), who made, as usual, a very able speech, has addressed some words to the Chancellor of the Exchequer which are worthy of consideration. With him I say it is not sufficient that the right hon. Gentleman the Chancellor of the Exchequer should come down and read lectures to the House upon its extravagance. It strikes me as a most anomalous state o things that while the House is called upon to remit £2,000,000 of taxation it is also asked to borrow by way of loan £11,000,000 for fortifications. The Chancellor of the Exchequer, who, from his genius and position, is well qualified to lead the van in the battle of financial reduction, ought not to be satisfied with reading us lectures upon the expediency of reducing expenditure. It is his duty to point out how the expenditure is to be reduced; and I am quite sure, considering his great ability, his acknowledged position, and his undoubted patriotism, that if he only leads the way he will not only have a numerous body of followers in this House, but all the thinking men in the country will be with him. I have no great faith in the financial reformers. The other night a large number of those who signed the famous memorial to the Premier, which showed the necessity for military reform and reduced expenditure, voted in the majority when the question came to a division. [An hon. Member: Not all.] No, not all. Of the sixty-three who signed the paper forty-two happened not to be in their places, and the majority was turned by five who voted. Allow me, in conclusion, to thank the House for the attention it has given to my few observations. Unless the Government, from whichever side of the House it may be taken, is prepared to initiate great measures of reduction in expenditure, the country will not be satisfied with any Budget which may be submitted to Parliament. The Estimates must be reformed, and if the Chancellor of the Exchequer is not prepared to follow out a wise and wholesome plan of retrenchment, his Budget will be regarded by the public as a delusion and a deceit.

Major EDWARDS said, after the severe castigation which the hon. Gentleman who had just sat down (Mr. Bernal Osborne) lately received from the noble Lord at the head of the Government, he little expected that the hon. Gentleman would have to-night used such terms to a Member of the House so distinguished for his literary attainments, and whose character in the country stood so deservedly high, as to call him, the hon. Member for Launceston (Mr. Haliburton), the "remnant of a past age." Why, the hon. Gentleman had as much life and brilliancy in him as his assailant would have, for all the presumptuous tone he adopted in the House, if he lived for a century. He did not intend to rise on the present occasion, but when he heard the right hon. President of the Board of Trade speak in such eloquent terms of the prosperous state of the manufacturing districts, he thought it was high time for one who was intimately acquainted and intimately connected with the mercantile interests of the country, and who was especially acquainted with the manufacturing interests of the West Riding of Yorkshire, to rise and state what was the present position of our manufactures. He utterly denied that the manufacturing interests of the West Riding and Lancashire were in the condition that was represented by the right hon. President of the Board of Trade. In Leeds, in Bradford, in Huddersfield, and in Halifax, many of the mills were working only two-thirds of their full time, and the prospect before them was so sad that, if you asked the merchants in any of these places, they would say that they did not know what awaited them on the morrow. Almost every market in the world was glutted with manufactures, and there never was a time in the recollection of commercial men when there was a worse look out for them. At this eventful crisis look at China; look at India; look at North and South America, especially the United States, the great cotton emporium of the world, and one of our best customers. Look at Australia, Russia, and the Levant. Why, he was afraid that three-fourths of our manufacturing population would be reduced to a state of starvation if the representations of our leading journals should prove to be true, and he was not sanguine enough to believe they would turn out to be entirely without foundation; and never was there a greater prospect of a general European war. He believed that never was the state of things so lamentable in the country as at the present moment. And was this a time to take off the taxes on paper, especially when it was clearly proved by those Gentlemen who had gone into a rigid calculation of the figures that there was no surplus, but a deficit? If there had been a surplus ought this particular tax to be selected? No. The country looked to those who imposed the income tax to mark it out as the first to be repealed. The Chancellor of the Exchequer had given a solemn pledge to the House to repeal the income tax as soon as the condition of our finances would bear it. Let him now fulfil his pledge so far as he thinks he is able. No one expected any other tax to be repealed until this impost had either been remitted or materially reduced. Did the paper manufacturers of this country attach much importance to the repeal of the paper duty? The penny-a-liners did. Look at some of the trash issued day by day. The proprietors of the cheap newspapers desired the repeal of the duty, but the paper manufacturers did not. It would be a god-send to the trade of the country if we were in a position to reduce that tax. But, by the same rule, all reductions were a god-send. The paper duty was not the first to be abolished. It was the duty of Parliament to look to the tea duties in the first instance, and if *5d.* per lb. could be struck off, it would be a relief to the poorer classes, to trade, and to the community at large. But was there unanimity on the Treasury Bench on this question? There was not. It was rumoured that only on Monday week were the terms of the Budget settled. The First Minister of the Crown received a deputation on the subject of the paper duty repeal. The noble Lord intimated to that deputation that, under existing circumstances, it would not be repealed, and that such a course would be most inconvenient. The hon. Member for Birmingham, whom he respected for his extraordinary ability, strong political purpose, and unflinching steadfastness, although their political creed was wide as the poles asunder, at this moment occupied a position which might well be envied. Through the influence of the nominees of the hon. Member for Birmingham, the Government had been enabled to effect that which the Prime Minister could not have accomplished without him. It was well known that only a small section of the present Government were in favour of taking off the duty on paper. But when it came to a question of the existence of the Government on this question—when it came to the issue, "shall the majority succumb to the minority?" the hon. Member for Birmingham carried his point, and the House had the present proposal. He (Major Edwards) had listened with attention to the speeches of the hon. Gentlemen the Member for Huntingdon and of the hon. Member for North Lincolnshire, and, with them, had come to the conclusion that there was a real deficiency of £2,500,000. With such a fact staring them in the face, could they, in common fairness, be called upon to reduce taxation? By reducing 1*d.* on the income tax a sop was thrown out to the nation, which was thus to be cheated into the abolition of the paper duties.

MR. MAGUIRE: Sir, I promise the House that I shall approach the question now before it in no party spirit, for I am not a party man, and I owe allegiance neither to one side nor to the other—I shall also deal with it in a purely disinterested spirit, and not with the bias of personal feeling. I am, as most Irish Members know, intimately connected with the newspaper press of Ireland; but I can assure the House that if my own personal advantage incline to one side more than another, it is against the proposal of the Government, and in favour of allowing the paper duty to remain as it is; and, indeed, I might add, that if the price of paper were still higher than it now is, or has been for some time since, it would be more to my advantage, and that of the class of newspapers which I might be supposed to represent. Therefore it must be obvious that I approach the question before the House in a disinterested and impartial spirit. The only question before us is this—is this the time for repealing the paper duty, or is it not? I have listened with the greatest attention to this discussion, and I have been present when the subject was discussed on previous occasons; and neither now nor then have I heard one single argument in favour of the continuance of the tax, on the ground either of its morality, its justice, or its expediency. The principle of the tax has been abandoned by all parties, and the only question which remains is one of time and convenience. Even the hon. Gentleman (Major Edwards) who has spoken last, while characterising the question as one in which "penny-a-liners," who publishéd their "trash" to the country, were alone interested—that same hon. Gentleman who most contemptuously characterised some of the ablest newspapers in the country, yet admitted, inconsistently enough, that if the tax would be abolished, it would be a godsend to the country. Every one admits that the tax ought to be taken off; and the only question which we have now to decide is, whether this is the proper time to do so or not. I shall not attempt to enter into the controversy as to the existence or non-existence of a surplus. I am bound to assume there is a surplus to the amount stated by the Chancellor of the Exchequer; for not only has he stated so on his official responsibility, but I must confess my belief, that, although his statement has been subjected to the ablest criticism, his figures seem to me not to have been shaken in any material point. Hon. Members have spoken of the paper trade of the country as a small interest, and one of trifling importance; whereas, on the contrary, it is one of the greatest magnitude and importance—and that interest is in jeopardy and danger at the present time. Will the House consider for a moment the history and the consequences of last year's attempted legislation, and last year's actual legislation? The Government proposed, and the House sanctioned, the repeal of the excise duty on paper; and the proposal was made and adopted very much in consequence of the state of embarrassment to which the pressure and restriction of the tax had brought the trade. It was not the fault of the Government, it was not the fault of this House, that the proposal then made was not finally ratified by being carried into law. The failure was owing to the course pursued in "another place;" by which the just hopes of the trade were miserably disappointed, and their embarrassment was considerably increased. Unfortunately the evil did not stop there; for the Chancellor of the Exchequer, at a later period of the year, and in apparent forgetfulness of the crippled condition in which he had described the trade to be placed in the early part of the same year, abolished the penny Customs duty, and thus gave an undue advantage to the foreign manufacturer, at a time, too, when the native manufacturer was in the very worst position to meet such competition. The result has been what I then, on the best authority, asserted it would prove to be—the utmost confusion and embarrassment to the home trade. This being really the state of things as I shall proceed to show, I ask, is not the Government bound to afford redress to the trade which it has helped to embarrass; and is not this House—the most important branch of the constitution — more imperatively bound to redeem its promise to the country? I now state, as a fact, that the foreigner is successfully competing with the home manufacturer, to the injury of native industry, and to the prejudice of home employment. This triumph of the foreigner is a deep injury to the interests of these countries; because, for every mill closed in consequence of his successful rivalry, hundreds of people are deprived of work, and thus of their means of self-support. I can give many cases in point; but I shall particularize one only. It is that of a Dublin house. That House was in the habit of supplying an average of six tons of paper per week to the London market, which paper was used for the purposes of the cheap newspaper press, and also for the printing of cheap literary works. But since the 1st September, 1860, when the foreigner was given an undue advantage, not a single sheet of the paper made by that Dublin firm has been sold in the London market. Taking the value of each ton at £65, the gross annual value of the paper thus sent would amount to £18,000 a year; and this large portion of their trade was altogether lost to that concern in consequence of the competition of the foreigner. Other houses in Dublin, as well as in other parts of Ireland, suffered in more or less degree; and the same could be said of many houses in England and in Scotland. I could mention several eminent houses in this country which have lost 20 per cent and 25 per cent of their trade. There are at this moment from twenty-five to thirty British newspapers printed entirely on Belgian or Prussian paper. Hon. Gentlemen may think lightly of, or even deride, such facts as these; but they are, nevertheless, both grave and important, and concern, not so much the town populations in which the hon. Member for Birmingham and the "Manchester School" are supposed to be specially interested, but the rural populations with which Gentlemen on the Opposition side are more intimately concerned. The hon. and gallant Gentleman who preceded me has spoken with unjustifiable severity of the cheap newspapers; but I ask any impartial observer whether extraordinary ability and enterprize have not been displayed in their management? The hon. and gallant Gentleman has also alluded to the cheap papers with contempt; but does he include the *Standard*, which is one of the organs of his own party, and which has the second largest circulation of the penny papers—in his sweeping calumny against the cheap press? Let me now show to the hon. and gallant Gentleman that this penny or cheap press is not the contemptible and insignificant interest which they assume it to be, and that it exercises an immense influence upon the manufacture of paper. The hon. Member for Invernesshire (Mr. Baillie) said, the other night, "the question of the abolition of the repeal of the paper duty is one that only interests some 100 penny newspapers." I take his statement as correct, for the sake of argument; but, assuming that there are only 100 cheap newspapers interested in the repeal of the duty, look to the effect which they have upon the employment of the people. Some of these papers, in small cities, may circulate about 2 or 3,000 daily, while in great cities the circulation of the cheap press is known to rise to 50,000 a day. I am, therefore, justified in taking for each an average circulation of 10,000 copies, or 20 reams a day. That will give 60,000 copies, or 120 reams, per week. Now that, multiplied by 52 weeks, gives 6,240 reams a year—which, at 30*s*. per ream, is, for each newspaper, no less than £9,360. Multiply this by 100, the number of such newspapers, and it will give you a gross sum of £936,000 per year expended by them in paper alone. Add to this, the cost of machinery, type, and ink, which may be taken at £100,000 more, and you have an annual outlay, which no gentleman, who really considers the importance of increased employment to the people, ought to treat with disdain. Ought not such papers to be rather encouraged than otherwise? I utterly deny the truth of the description given of the cheap press, and I maintain that they have done much to promote the welfare of the people. Do they teach immorality?—do they inculcate anything calculated to debauch, either intellectually or morally, the mind of the country? I repudiate such an assertion, as a calumny and a slander. They have done much to promote a literary taste amongst the humblest classes; and, if they are properly encouraged, they will accomplish more in the same beneficial direction. I pass for a moment to other interests than those connected with the press, or with the literary or educational progress of the people. I desire to show that this tax presses with enormous weight upon a particular branch of paper manufacture—that which is most intimately connected with trade and commerce, and enters most largely into general consumption. I now speak of brown or wrapping paper. Taking the gross amount of the tax at £1,200,000, I assert that £700,000 of that amount is levied off the lowest class of paper. The duty on this description of paper varies from 60 to 105 per cent. I take a ton of paper which is sold by the manufacturer at £28 or £28 14*s*. per ton. The mill price of that paper is 1½*d*. per pound, and the duty is also 1½*d*. per pound, with an addition of 5 per cent, that is, a duty of 105 per cent on an important article of daily consumption. The manufacturer of this description of article has to supply two capitals—

one for the duty, and the other for the manufacture. For this duty the Excise gives him a credit of but one month; while he, according to the custom of the trade, is compelled to give a credit of four months. And suppose the wholesale stationer, whom the manufacturer supplies, fails in business, then he, the manufacturer, loses not only his capital and his profit, but the 105 per cent duty which he has paid to the Government. I am justified in saying that upon this branch of manufacture the Excise presses with a leaden weight; and that were the duty removed, much capital would be liberated which is now unproductive, and an amazing impetus would be given to the employment of the people. It has been erroneously asserted that town populations are alone interested in the repeal of this duty. That is not the case. The very contrary is the fact. The paper mills are, as a rule, situated in rural districts; and while their successful operation confers happiness on the neighbouring village population, the effect of their being closed is ruinous in the extreme. I shall briefly describe both sides of the picture—a people employed, and a people out of employment. Some eight or nine miles from Cork, in a retired and remote rural district, there is now a paper-mill in full operation. I may say it is situate in one of the most charming spots that could well be imagined. Indeed, as a rule, such mills are always beautifully circumstanced; for you generally see near them pleasant hills, a sheltered valley, and a stream of running water. The owner of that mill is an intelligent and much-respected gentleman, a member, I believe, of the Society of Friends. All the people employed in his concern are Catholics; and a friend of mine who happened, some three or four weeks since, to attend the Catholic Church of the parish in which the mill is situate, assured me that he never beheld in Ireland, and scarcely in any other country, a better dressed or more comfortable-looking congregation than that which filled that humble village church; and that congregation mainly consisted of the workpeople of the Dripsey Paper Mills. Their appearance was a source of pleasure and admiration to the gentleman who then beheld them. Now look at the other side of the picture. Some thirty-five or forty years since, this mill was in other hands, and was affording an immense amount of employment to the surrounding rural population. It was closed about the time I speak of, in consequence of the then proprietor having become entangled in the meshes of the Excise. Two or three hundred of the workpeople of this mill paraded the streets of Cork in melancholy procession — men, women, and children. The foremost man carried a pole, on which was a loaf of bread covered with crape. [*A laugh.*] Yes, was not this a significant emblem, conveying a fearful meaning? Is it one to deride? Banners were carried too; and on one of the banners were these words—"If our employer be ruined we perish." Is this such a procession as any English gentleman would wish to see pass his own door? Those who remember it passing through the streets of Cork can tell, with truth, that there was not a dry eye in that city as that mournful and melancholy procession paraded its streets. To no part of the United Kingdom would the repeal of the paper duty be of greater advantage than to Ireland, alike from its superabundant water power, and its cheap labour. The duty has crushed many Irish mills into ruin; its repeal would give life to a still greater number; for not only would all restriction and annoyance be at an end but a much smaller capital than is now indispensable would be sufficient to work them with success. Beautiful streams, which now run idly to the sea, would be turned to account; and many hands, which are now of comparatively little use to their owners, would be usefully and lucratively employed. I stated that the paper trade was greatly disturbed and embarrassed by the alterations and disappointments of last year, and I gave some instances in point. I shall now refer to the Excise Returns of the three last years, and prove, beyond doubt, that the trade has been seriously checked in its natural progress, entirely to the benefit of the foreigner. I shall only take the gross results for the United Kingdom, for the convenience of the House. The years I take are 1858, 1859, and 1860. The total quantity of paper manufactured in the year 1858 was 192,000,000lbs. (I do not give the smaller figures). In 1859 the production increased to 217,000,000lbs., or an increase of 25,000,000lbs. over the previous year. Now observe the year following. In 1860 the quantity was 223,000,000lbs. —or an increase, not of twenty-five, but of 6,000,000lbs. on the previous year—in reality, showing a falling of 19,000,000lbs. The increase in 1859 was the natural and legitimate growth of the trade; the falling off in 1860 was the result of the legislation, as well as the broken promises, of that year. Now, take a still more striking fact, which will prove that this is a far more serious question than many appear to suppose it to be, and that something must be done if the trade is not to be handed over to other countries. The exportation of home-made paper amounted in 1858 to 16,000,000lbs. In 1859 it rose to 20,000,000lbs. But in 1860, when we crippled trade, and played into the hands of the foreigner, it fell down to 15,000,000lbs. I ask, is it for the foreigner—for the Belgian or the Prussian—we are to legislate, or is it for our own people? And are we to give undue advantages to those who refuse to give anything in return? The foreigner either imposes a duty of £9, or, in some instances, £14 a ton, on the export of his rags, while in some instances he denies us a single pound of them; and yet we, from false notions of free trade, are to throw open our markets to him, to the injury of our manufacturers and the misery of our people. This, Sir, is not my idea of the duty which I owe my country. Mr. Greer, the proprietor of the Dripsey Mills, a gentleman who pays about £11,000 a year in the shape of duty, thus describes the position to which the trade has been reduced by the events of last year—

"Dripsey House, Cork, 20th April, 1861.

"MY DEAR SIR.—I have received your letter rather late to-day, to give it that consideration it deserves.

"During the past year the paper trade has been in a very unsettled and unsatisfactory state, and will, most certainly, continue so, until the duty question is definitively arranged.

"The free importation of foreign paper, while foreign rags are not procurable by British manufacturers, has been felt most severely, probably by none more than by myself.

"The foreign maker has besides a very great and gratuitous advantage; he can bond his paper in London, and sell it in bond, leaving the purchaser to remove it at pleasure, and to pay the duty. This enables the foreigner to carry on his trade with a much less capital; while I, a native manufacturer, am obliged to keep a large and varied stock of duty-paid paper in London, for the convenience of the very same parties whom the foreigner supplies, and, consequently, have to employ a larger capital and incur a greater risk.

"Last year a large portion of the stock which I held in London when the Budget came out, and upon which no drawback was to be allowed, I had to force into consumption at a considerable loss, in order that none should be on hand upon the 5th of August, after which day the entire duty would have been lost upon all paper remaining in stock, and which had been charged with duty prior to 1st of April. This year the very same thing will occur, while the foreigner will suffer neither loss, nor inconvenience, nor annoyance of any sort.

"You are well aware of the unequal pressure of the tax; some high class papers paying a duty of not more than 10 per cent of their intrinsic value, while, as we descend in the scale, the impost increases, until it reaches 75 per cent, and in some cases even more. There are common wrapping papers selling in the market at 3½*d.* per lb.; their intrinsic or mid-value being only 2*d.* per lb. The duty (which is 1½*d.* per lb. and 5 per cent) is, therefore, upwards of 75 per cent on the value of such papers; and the foreigner can sell these in bond, while the native manufacturer must sell it duty paid, thereby nearly doubling his risk.

"The payment of the duty is evaded to a large extent, and there is no excisable commodity which affords so much facility of evasion as paper. I have been driven out of some localities in consequence of the unfair competition of parties who do not pay duty upon the entire quantity of paper they make.

"Apologizing for this hurried reply to your note, and trusting that the Budget will be carried in its entirety.—I am, dear Sir, yours most faithfully, "ALFRED GREER.

"John Francis Maguire, Esq., M.P., London."

Here is a passage from a letter which was published in the *Star* newspaper of the 9th of this month, in which the writer further explains the injury done to the trade by what Parliament did not do as well as did do last Session—

"What can be harder than our treatment? Mr. Chancellor of the Exchequer writes us, under official autograph, that the duty will be repealed on a certain day. The House confirms his decision; our very *douaniers*, who stamp and seal our packages, announce their departure. We erect buildings, order machinery, prepare for foreign competition, and like a prisoner who has been told to get ready for leaving his cell, we are preparing for liberty, and find, in the gaol yard that the doors are locked. How many industrious traders, who built upon the authority of the Commons and ancient custom, have succumbed under their losses, will never be known. Others have struggled on, hoping against hope, tottering, but not fallen. And now a depression in the trade, deeper than has been known for years, has come upon us. What publisher will not wait a month or two before he begins to print with the chance of a fall in duty of 30 per cent? What man who uses paper, down to the smallest shopkeeper, will not abstain from buying, and reduce his consumption to the *minimum?*"

It is clear that the home manufacturers cannot compete with the foreigners as matters now stand. The foreigner commands our market by his cheap rags, his cheap labour, and his entire freedom from duty, inasmuch as it is his customer, and not himself, who pays the duty; while the home manufacturer, who is open to foreign competition in the home rag market has to pay higher wages, and is burdened by a heavy load of taxation. Surely, no hon. Gentleman ought to wish to continue such a state of things. The Government are accountable in some degree for the crippled state in which the home manufacturer is now placed; but the best way to remedy the evil is, in the first place, to liberate the trade from the trammels of the Excise. But, in my opinion, that would not be sufficient. The foreigner is very selfish in respect to the article of rags; and instead of continuing to offer him a bonus to import his paper to our markets, he should be subjected to a small countervailing duty of 5*s*., or even of 8*s*. I may be told that this would not be according to the principles of free trade; but free trade ought to be fair trade, and if the foreigner puts a heavy duty on his rags I would place some equivalent duty on his paper. More than one hon. Member has said that the trade do not require the repeal of the duty. Such an assertion savours of the character of fiction. Certainly, from my information, I do not believe it to be correct. A few monopolists, who dread the active competition of men with small capital—the very class of men it ought to be an object to encourage—may be opposed to the repeal of the duty; but I say without fear of contradiction, that out of the three hundred paper manufacturers of the United Kingdom, there are not 5 per cent who do not desire the repeal of the paper duty. The trade are not anxious to see their business daily passing into the hands of foreign rivals; and such is the progress of this dangerous competition, that one of the greatest organs of the newspaper press, of which for its literary ability, any country might be proud, and which, I may remark, is not favourable to the repeal of the Excise duty, is said to have been obliged, in consequence of its enormous circulation, to lately order one thousand tons from Prussia or Belgium. No trade can desire to see its operations paralyzed by uncertainty—and this is the condition of the home trade now, and has been for the last twelve months. The right hon. Gentleman the Member for the University of Dublin (Mr. Whiteside) has alluded to another branch of Irish industry which has been unjustly dealt with, and which I certainly desire to see flourish, I mean the distilling trade of Ireland. The Chancellor of the Exchequer has dangerously tampered with that trade, in the hope of obtaining a greater revenue; and it would be a wise policy on his part to reduce the duty, and thus increase the revenue. That question is not now, however, before the House; but when it is—as I hope it will be in the Budget of next year—I shall gladly vote for the reduction of a duty which is destructive to the trade and not beneficial to the Exchequer. But, Sir, if I were given my choice, I should rather see a flourishing paper mill in an Irish village than a flourishing distillery. The distiller, it is true, affords valuable employment to a number of people, but he turns the wholesome food of man into that which is not at all times for the advantage of the individual, or for the happiness and well being of the community; while the paper manufacturer creates a beautiful and useful article out of the merest refuse, which it would be injurious to the health and comfort of society to accumulate and preserve. It has been asked—are we to provoke another collision between the two Houses and bring the two branches of the Legislature again into conflict? So far from that being the case I believe the repeal of the paper duty by this House will have quite an opposite effect; and that the other House will receive the Bill, which I hope will pass this House by a good majority, as a message of peace and not as a provocation to anger. I believe it to be the best possible mode of putting an end to an unseemly struggle, and of establishing a thorough reconciliation. In conclusion, I say this tax has been condemned formerly as well as frequently by this House; it has been condemned by the department entrusted with the task of its collection; it has been condemned by the voice of public opinion; it has been condemned on various grounds and for various reasons, and no voice has been lifted in favour of its justice, its usefulness, or its expediency. One of the most important trades in the country is grievously embarrassed by its retention, and that embarrassment is increased tenfold by the abortive attempts and the ruinous legislation of the last year. We are bound, then, by the pledged honour of Parliament, as well as by every consideration of justice and equity, to repeal the tax this year, and I, for the reasons I have stated, will give my cordial support to this proposition of the Government.

Mr. HORSMAN moved the adjournment of the debate.

Viscount PALMERSTON said, the debate might be adjourned till (Friday), but he understood that the two hon. Gentlemen who had Notices of Motions this day were not willing to recede, and therefore it must be taken on Monday.

Debate *further adjourned* till *To-morrow.*

STREET RAILS.

SELECT COMMITTEE MOVED FOR.

Mr. BRADY said, he rose to move for a Select Committee to inquire into the propriety of establishing a mode of public conveyance by means of iron rails in streets and highways.

Sir JOHN SHELLEY said, that the proposition of his hon. Friend appeared to him somewhat extraordinary. He believed they had Mr. Train again in another form, and, therefore, he should divide the House against his hon. Friend's Motion. His hon. Friend might try his own hand at a Bill.

Mr. WHALLEY said, he lived in the neighbourhood of Birkenhead, where street rails existed, and he never heard anything but praise of them. He believed that Mr. Train's Bill had been rejected on technical grounds only, and as he thought the Motion of the hon. Gentleman was most reasonable he should support it.

Mr. COWPER said, the Bill of Mr. Train last week was rejected on the ground that it was a public Bill, and not a private one. The course of the hon. Gentleman was, therefore, to bring in a public Bill, and not to move for a Committee.

Mr. LIDDELL said, he hoped that the House would pause before it gave its assent to the Motion.

Mr. O'BRIEN said, he would be the last to wish to establish a monopoly for the benefit of an individual against the public, but it was a different thing to ask that a Committee should be appointed to investigate the subject.

Mr. THOMSON HANKEY remarked, that it was quite impossible the House should legislate on the subject until they knew something about it.

Mr. MOWBRAY said, he thought the only course to adopt was to bring in a Bill, and when it was read a second time, it could be referred to a Select Committee.

Mr. MAGUIRE said, he had the authority of an eminent engineer for stating that there were many plans for street railways besides that adopted by Mr. Train. The Committee would prevent a monopoly by reporting on the plans, and each locality could adopt the one most suitable to it.

Viscount PALMERSTON said, he thought that to appoint a Committee without a definite proposal before it would not be likely to lead to any satisfactory result. He differed from many of those who had addressed the House on this subject. He thought it would be a great accommodation to the public if something in the shape of tramroads could be laid down in the streets of our towns. In Milan they had a plan which was found to be of great convenience. Flat pieces of stone were laid down for the wheels of carriages, and the horses went over a different kind of pavement between them. If that could be done without any monopoly, but open to vehicles of any kind, it would, no doubt, be found equally useful in London. But it would be better to bring in a Bill at once, giving the necessary authority to paving boards, or other public bodies that might be authorized to make the improvements.

Lord FERMOY submitted, that if any legislation of the kind were proposed it should be by a Bill introduced by the Government upon its own responsibility. He (Lord Fermoy) trusted that after the expression of the opinion of the House on the Motion, the hon. Member would not press the matter, but leave it in the hands of the Government, it being a very important question.

Mr. BRADY in reply, denied that he had anything to do with Mr. Train, or that Mr. Train had anything to do with the Resolution. The hon. Baronet (Sir John Shelley) had no authority for making the assertion which he had made, and he (Mr. Brady) treated it with the contempt it deserved. He had not expected to have the opposition of Government. If the Government would give an undertaking to bring in a Bill on the subject, he would withdraw the Motion; if not, he would divide.

Mr. KINNAIRD said, he thought the House would do well to assent to the Motion, which had for its object to provide a remedy for that great public inconvenience created by the present state of our street traffic.

Motion made, and Question put,

"That a Select Committee be appointed, to inquire into the propriety of establishing a mode of public conveyance by means of Iron Rails, in Streets and Highways."

The House *divided*:—Ayes 20; Noes 40: Majority 20.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, April 26, 1861.

INDIA—THE SYSTEM OF GOVERNMENT.

PETITION.

Lord LYVEDEN said, he had a petition to present to their Lordships the importance of which was sufficient to justify him in giving a short abstract of its contents. He would only premise that, though he concurred in many of the statements made by the petitioners, he did not agree with the prayer. The petition was from Inhabitants and Taxpayers of Calcutta and Bengal Proper, complaining of the System of Government in India, and praying for relief. It had received the signatures of 1,433 names, not of individuals only, but of some of the most considerable firms engaged in commerce in Calcutta; it had also received the signatures of many wealthy Natives, and of almost all the barristers and solicitors in Calcutta. It was, therefore, in every point of view, entitled to their Lordships' attention. The petitioners began by stating—what he was afraid was indisputably true—that the financial embarrassments of India consequent upon the mutiny had led the Government to resort to successive loans, to put a stop to public works, and to impose new taxes which were exceedingly injurious to the commerce of India. These embarrassments led Her Majesty's Government to pursue the unusual course of sending out a Finance Minister to India, which had never been done before; that the late able financial administrator, Mr. Wilson, had, with the consent of the Council, imposed an income tax which was altogether new in the country, and had also imposed a licence tax, which would reach down to the humblest artisan. Reductions of the expenditure were also recommended, but these must necessarily be a work of time. Yet, in spite of this additional taxation (the petitioners went on to state), and in spite of the recommended reduction of expenditure, the Secretary of State for India had been induced to make a considerable addition to the Mysore grant—the grant awarded to the descendants of Tippoo Sahib. They went on to say that this addition amounted to nearly half a million sterling, which was one-half of the estimated produce of the newly-imposed income tax. But he (Lord Lyveden) was bound to state, having read the papers presented to the other House of Parliament—he was sorry that no papers on the subject had been presented to this House—that this was an exaggerated estimate, and that as regarded the capitalization of the revenues granted to the Mysore Princes in general he did not think it was a profuse grant. But he was surprised at the share allotted to certain of those Princes, because he could state of his own knowledge, having been a party to the arrangements made in 1855 and 1857, that those Princes, when he introduced them to Her Majesty, to an audience of leave, expressed their perfect satisfaction to him with what had been done on their behalf. At the same time he must express his concurrence in opinion with those who dissented from the way in which this arrangement was carried out; and for this reason, that no more dangerous course could be pursued than one which should invite Native Princes or petitioners to resort to this country with appeals against the decisions of the Governor General of India. He regretted, therefore, that his right hon. Friend the Secretary of State for India had been induced, in this instance, to depart from the universal rule that no regard should be paid to petitions that were not transmitted through the Governor General, and the answers returned through him by the Indian Department here. It was obvious that in that way alone the authority of the Governor General could be maintained, and a stop put to the abuse which was beginning to prevail of persons coming over to this country to prosecute in person their alleged claims against the Indian Government. When such persons returned successful to India an impression was produced in India, which they all here knew to be perfectly false, that everything was to be done by the pressure of personal application to Ministers here, where nothing was to be gained by application to the Government in India. The petitioners then proceeded to complain that, having applied to the Legislative Council of Calcutta for information with respect to this grant, their petition had been rejected. He thought this was a just ground of complaint, because if we thought fit to maintain a petty parody of a Parliament in India, it was a hardship that persons in that country could not obtain what every Member of Parliament in this country could procure, and in this instance had procured, from the Minister here. The petitioners then proceeded to complain of a more important matter—the excess of the military expenditure. They said that expenditure was greatly in excess of the wants of the country, and that the Estimates of England were kept down at the cost of India. In that complaint he entirely sympathized. He feared that it not only had been done, but that it would often be done in future. He regarded it as an unconstitutional proceeding. They specified that 20,000 men were charged to the Indian revenue for depôts of soldiers nominally intended for India, but which were in reality part of the national defences of this country. He was aware that since this petition had been framed a reduction was made in the cost of those depôts; but still the charge itself continued to be made, and he considered it was an unjust charge. When the petitioners came to the prayer of their petition they asked that a return of the accounts and expenditure should be made up and laid before the public. This, he might remark, was what was much complained of in this country. There was the greatest difficulty in obtaining correct accounts of the Indian finances; "sketch estimates" were sent over which never answered their purpose, for they never turned out to be accurate. The petitioners then went on to complain that the whole revenues of India were subject to the sole control of the Secretary of State for India, and they prayed that some check might be applied to this. In that prayer he fully sympathized; but in what way the remedy was to be accomplished was a very difficult question. The petitioners also prayed—but in that prayer he could not concur—that the members of the Indian Council at home should be eligible to seats in Parliament. That proposition was fully discussed in 1858, and was rejected by the House of Commons for obvious reasons. He believed the Council of India to be a cumbrous and useless machine, and often a hindrance to the Government. He believed the object would have been better obtained if they had nominated a Council of six or of eight persons to form a Council of Advice to the Secretary of State; but whether few or many he would say, without any sort of disrespect to those gentlemen, that it would add greatly to the difficulty of Government if those gentlemen were to have seats in Parliament, where they might get up and contradict the Secretary of State. This evil was felt in the last days of the Court of Directors, when gentlemen of official authority got up to contravene the opinion of the Minister for India; and the evil would be still greater if those assailants should be members of his own Council. There was one other point on which he wished to address a word to their Lordships. The petitioners prayed that the Legislative Council of India might be enlarged by the admission of certain qualified non-official members. Now, the Governor General and the Secretary of State had already the power of enlarging that Council, which, however, they had never thought fit to exercise. A discussion must take place on this subject hereafter; and, therefore, he would only say now that in the measure which he understood the Government were about to introduce for the regulation of the Legislative Council the Secretary of State would not be deterred, even by the prayer of this petition, from taking a decided and manly course, though it might lead to reduce rather than enlarge the Council. That Council was introduced in the Bill of 1853, and passed without much discussion; in fact, the only person who foresaw the evils that had since arisen from the formation of the Council was his noble Friend near him (Lord Broughton), for whose opinion, having served his apprenticeship under him in Indian affairs, he entertained a high respect, and he stated what had since occurred, that it would form a prolific source of agitation and disturbance. No one entertained a higher respect for representative Government than himself. In this country he was, perhaps, disposed to carry it farther than many of their Lordships; but it did not follow that it was to be adopted in all countries and under all circumstances. It was a saying that if there were a rock in the middle of the sea, and six Englishmen were cast upon it, they would immediately attempt to establish representative Government. Now, in India there was an enormous Native population. You dared not establish a representative Government in that country, but in its place an unreal mockery of representation had been set up. One Member was sent from each Presidency to Calcutta. If the Governor had either some troublesome or some useless person that he wanted to get rid of he might send him to represent the Presidency in the Legislative Council, but he could in no way be said to be the elected Member. He would not prolong the discussion now, but would inquire when the measure relative to the Legislative Council of India would be introduced, which would afford more ample opportunity for operations?

EARL DE GREY AND RIPON said, that before noticing the allegations in the petition presented by his noble Friend, he would say, in answer to a question put by him, that he was not able to state precisely the time when his right hon. Friend the Secretary for India (Sir Charles Wood) would introduce into the other House of Parliament the Bill which he had in preparation in reference to the Legislative Council of India. The Bill was, however, in a forward state of preparation, and he trusted that in a very short time his right hon. Friend would be able to introduce it. In these circumstances it would be improper in him to say anything with respect to the nature of the measure. The first grievance alleged in the petition presented by his noble Friend had reference to the recent arrangement made in the case of the Mysore Princes. He understood that his noble Friend did not concur in the whole of the complaint urged upon this point; but he complained that certain papers had not been laid on the Table of their Lordship's House, though they had been given to the other House of Parliament. The reason why these papers had been produced in the other House was that they had been moved for there, and that there was a technical objection to present by command to one House papers that had been produced on Motion in the other. If his noble Friend chose to move for them, there was no objection to their being produced in this House also. The petitioners stated that a sum of half a million sterling —or a quarter of the new income tax— had been given to the Princes of Mysore, the descendents of Hyder Ali. The fact was that a stock had been created to the amount of £429,000, the interest of which was to be appropriated to the descendants of Tippoo Sahib, in lieu of the revenues of certain districts, which under the Treaty of 1799 were to be applied to the maintenance of the Mysore family. These districts were estimated to produce seven lacs of rupees. About £50,000 a year had hitherto been paid to these Princes, and the result of the new arrangement would be that provision was made for an income of about £17,000 a year. There was in addition a sum of £83,000 appropriated to the payment of the debts the family had incurred at Calcutta, and to enable them to remove to other separate houses instead of the joint residence they had hitherto occupied at Russapugla, near Calcutta. There was a further charge of £12,000 a year granted to members of the family for life; but the recipients were chiefly very aged persons, and the amount was, therefore, liable to rapid diminution. He did not understand his noble Friend to object to the capitalization which had taken place by this arrangement, but he seemed to think that the stipends paid to the members of the Mysore family was too high. He had only to say that no arrangemant could have been carried out different from that which had been effected. It was necessary to have the consent of all the members of the family to the agreement, and unless they were prepared to repudiate the Treaty of 1799 he thought they could not reasonably object to what had been done. His noble Friend took exception to the arrangement on the ground that it had been entered into with Gholab Mohamed in this country and by the Home Government without being referred to the consideration of the Governor General. Now, his right hon. Friend did not invite the Prince to the discussion of the subject; but when it was brought before him, and considering that communications regarding it had often passed between the Home Government and that of India, he thought it afforded an excellent opportunity of settling the matter. He was sure that his right hon. Friend meant no slight upon the Government of India, for no man was more sensible than he was of the necessity of maintaining the dignity and authority of the Governor General of India. The petitioners next complained of the existing character of the Legislative Council of India; and he must say he was surprised to hear what fell from his noble Friend on that subject. He said that the Legislative Council of India was a kind of Parliament, and that, if that were the case, it ought to have all the functions of a Parliament. He (Earl de Grey) denied that the Legislative Council in any way resembled a Parliament. It was simply the Council of the Governor General, and had nothing in it of the character of a Parliament. The petitioners next complained of the expenditure of the depôts for Indian soldiers in this country being charged upon the finances of India, and his noble Friend complained of the military expenditure of India being very large. He concurred with his noble Friend in thinking that the military expenditure was great, and that it ought to be reduced; and he was happy to say that measures were being taken to have it reduced, but he did not agree with the petitioners in thinking that the expense of the depôts should fall upon this country. These depôts were used for the purpose of having soldiers on hand to recruit the regiments in India as necessity required, and such an arrangement was called for to keep the regiments in a state of efficiency.

The men in those depôts consisted of recruits, and, though their presence in this country gave so many more additional men to the numerical force at home, they added but little to the military strength of the country. The Commander-in-Chief had, however, ordered that they should be reduced, but they could not be altogether dispensed with consistently with the efficiency of the regiments in India. The next point to which his noble Friend alluded was the necessity of accurate accounts of Indian expenditure being annually laid before Parliament. In his remarks on this subject he entirely concurred, and he could only say that his right hon. Friend was doing all in his power to satisfy the wish that existed for full and satisfactory information on the expenditure of India. And here he wished to state, in reference to a matter on which a noble Baron not now in his place (Lord Monteagle), had more than once expressed an opinion, namely, that the Returns required by the Act of 1853, showing the moral and material progress of India ought to be produced—he wished to state that in the course of a few days papers on that subject would be laid on the Table of the House. The petitioners complained that the Secretary of State for India in this country had the power to make any charges on the revenue of India that he chose. That was entirely inaccurate. The Secretary of State for India had, no doubt, certain powers, but they were not so extensive as had been stated by the petitioners, he could make no charge on the revenue of India without the approval of a majority of the India of the Council; and this very grant to the Mysore Princes, for instance, had received that approval. He hardly thought their Lordships would be prepared to take away from the Home Government all power regarding financial matters in India. As respected the prayer of the petitioners on the subject of the Legislative Council, he could not now go into details on the subject, as it was the intention of Her Majesty's Government to bring forward a measure having reference to that Council; but this he could say, that if the prayer of the petition was that there should be created in that country a little Parliament which should represent, not the people of India—because that was impossible—but the comparatively small European community, that was a prayer which he trusted would never be complied with, as to grant it would be to set up not a free government but rather an oligarchical tyranny altogether inconsistent with the true interests of India.

THE DUKE OF ARGYLL said, he did not rise to refer to the future policy to be pursued with regard to India; but in consequence of some of the observations which had fallen from his noble Friend behind him (Lord Lyveden), he felt it necessary to allude to circumstances which took place before either that noble Lord or his noble Friend who had just spoken (Earl de Grey) were Members of their Lordships' House. He referred to the inquiry of the Committee of their Lordships' House in 1853, and to the alteration in the constitution of the Legislative Council of India which was made in the same year. He agreed with his noble Friend who had last addressed their Lordships that no change was intended by that Act which should have the effect of converting that Council into more of a Parliament than it had been. He believed that since the Act of 1773—at all events, since the Act of 1784, and still more by the Act of 1794—legislative powers, in the full sense of the word, had been possessed by the Legislative Council of Calcutta, and to such an extent as that it would have been utterly impossible for the Government at home to order it to pass any law. He thought his noble Friend opposite (the Earl of Ellenborough) would agree with him that it would have been *ultra vires* in the Court of Directors to insist on the Governor General and the Legislative Council passing any particular law whatever. The question, then, was as to the change made by the Act of 1853. He could not look to it without adverting to another change, which had been made previously to that year. He believed that between the years 1773 and 1833 there was not only a small Parliament in Calcutta, but a small Parliament in each of the Presidencies. The relation between those Presidencies and the Government at Calcutta was somewhat obscure; but it would appear that they had the power of legislating for their own territories, subject to the sanction of the supreme central Government at Calcutta, and subject, of course, to the sanction of the Court of Directors. By the Act of 1833 that power of initiating was taken away altogether from the minor Presidencies, and they were centralized under the Government of Calcutta. The change made in 1853 was one having for its object, not to enlarge the powers of the Parliament in India, but to amend what had been done in 1833. It was repeatedly urged by the witnesses examined before the Committee of that year, that if the Imperial Parliament did not restore to the minor Presidencies those powers which were taken away in 1833, it ought, at least, to allow those Presidencies a representation in Calcutta. The case, then, stood thus—in 1833, all power of legislation was taken from the minor Presidencies; and the question was whether that power should be restored, and if not, whether they should not be allowed a representation in Calcutta. So far from there being no recommendation to the Government to adopt the latter course, the whole weight of the evidence taken by the Committee was in favour of it. Now came the question whether the effect of the measure of 1853 had been to add to or materially alter the powers of the Legislative Council. He believed his noble Friend (Lord Lyveden) would admit that there was nothing in the wording of the Act itself giving additional powers to the Council; but he understood from him that a legal opinion taken by him at the time stated that the mere fact of adding to the number of the body made a material change in its character. With great respect for the legal opinion, he believed that view of the Act to be unfounded. At all events, he felt certain of this—that it was not the intention of the Government in 1853 to add to the powers of the Legislative Council. It was intended to add to the number of the members, and to give to the minor Presidencies a right of representation, but certainly not to alter the character of the Assembly. If that was a fair statement of the effects of the Act of 1853, there was not a little Parliament in Calcutta at present any more than there had been for the last fifty or sixty years. It seemed to him, then, that what they had to consider was whether the forms of that Council where what they ought to be, and whether it was expedient that the forms of the British Parliament should be travested by sixteen gentlemen sitting round a green board. In discussing the question whether the publicity of the proceedings was desirable their Lordships must remember that in India they had to deal with a free press—with a press that was not only free, but he was afraid he must add, in some instances, licentious. That being so, he thought it right that they should maintain the publicity of the discussions of the Legislative Council, because it afforded the Government its only opportunity of replying to the attacks which were made on it in the public press. While he admitted that there were faults in the Legislative Council, he could not forget that it had discussed very grave subjects—look, for instance, at the manner in which it had dealt with the question of the taxation of India, than which a more important and difficult topic was never debated in any country. In that case the result of publicity was that the speech of Mr. Wilson, which was almost as formal a one as he could have made in the House of Commons, had tended materially to lessen the difficulty of establishing the financial scheme, and to convince the people that some such measure was necessary notwithstanding the opposition of no less a person than Sir Charles Trevelyan. And now, with respect to the subject which his noble Friend had brought under the notice of their Lordships, he would observe that incidental discussions of very great importance sometimes arose in that House; but it occasionally occurred that noble Lords did not think it worth while to take a part in those discussions, because there was no question before them or no division to be taken. In the present instance, though the discussion was to a certain extent incidental, yet, as their Lordships were to be called on before the end of the Session to consider a measure having reference to the Legislative Council of India, he thought it right that they should come to the consideration of that measure with a full knowledge of the existing law, and of the alteration which had been made by the Act of 1853.

THE EARL OF ELLENBOROUGH: My Lords, I shall trouble your Lordships with but very few words; but I must take this opportunity of expressing to the House my deep regret that I was ever led to accept the alteration in the law with respect to what is now called the Legislative Council of India. I did not foresee the evils which would accrue from the establishment of that Council as it now exists; but a noble Friend of mine now present (Lord Broughton) did see them. I remember my noble Friend coming round to me during the progress of the Bill, and in a very earnest manner representing these dangers. Formerly the Governor General and the Executive Council disposed of all the legislative business in a very short time, no one being present but themselves. I remember myself, when Governor General, in a case of necessity passing a Bill in half an hour. But, at the same time, I was quite sensible of the great difficulty in the way of the Governor General and the Council at Calcutta legislating in a satisfactory manner on matters relating to Madras and other distant parts of India; I was aware of the desire of the minor Presidencies to have a representation in that Legislative Council; and I thought that the alteration in the Council was allowable because it would permit it to be reinforced by men capable of giving information relative to those Presidencies. But what have these changes led to? The Executive Council is now compelled to sit in public with the members added to it. The whole together constitute a Legislative Council, and those persons who have been added to the Assembly outvote the Government. The difference between this and the former state of things is the difference between a majority and a minority, which seems to me to be very important in matters of legislation. I have regretted from the first the course which this Council has pursued. I have observed its tendency to nibble at the religion of the people, and at the customs of the country. To the Legislative Council and the imprudence of its action, as much as to any other cause, I attribute the occurrence of the mutiny; for by nibbling at the religion of the people they prepared the public mind of the country to accept the monstrous fictions published with a view to that rebellion. Their conduct recently seems to me utterly inconsistent with the duty attached to such a high office. Having committed an error the first thing to be done is frankly to acknowledge it, and the next to redeem it. I acknowledge my error, and I hope the Government will endeavour to redeem the mistake which has been committed, and that they will have the courage to do what is obviously right. I feel perfectly satisfied that the continuance of the Council constituted as at present, assuming the functions to which it lays claim, is inconsistent with the honour, the dignity, and the strength of the Government of India. I trust Her Majesty's Government, if they entertain that opinion, will act upon it, and, come what may, that they will determine to do what they think right.

THE MARQUESS OF CLANRICARDE expressed his astonishment that the noble Duke (the Duke of Argyll) should have justified by implication the course taken by the Legislative Council.

THE DUKE OF ARGYLL said, his noble Friend entirely misunderstood him. He had given an historical account of the reasons which induced the Government of 1853 to constitute the existing Legislative Council, but he had expressed no opinion whatever with regard to the course recently taken by the Council, which he admitted was open to grave exception.

THE MARQUESS OF CLANRICARDE was happy to have elicited the explanation, because the noble Duke, by justifying the original appointment of the Council, and refraining from expressing any opinion with regard to their recent conduct, appeared by implication to approve the steps which they had taken. The course of action pursued by the Council struck him (the Marquess of Clanricarde) as being so bad that he could not understand how it was that the Government had so long delayed the introduction of a measure on this subject, and the speech of the noble Lord who first answered on behalf of the Government (Earl de Grey) was little calculated to afford encouragement. The noble Earl had not given the House to understand on what day, or even in what week, the Bill would be introduced. Though the end of April had almost arrived, the House of Commons was only about to enter on the consideration of some most important measures relating to other subjects, and August would probably be reached before a Bill relating to the Legislative Council of India would find its way to their Lordships' House. The noble Duke promised on the 11th of March, when he (the Marquess of Clanricarde) made a Motion on the subject, that before a Bill was introduced the fullest information would be laid on the table of both Houses; but, although on that understanding he had been induced to withdraw his Motion, no papers on this subject had yet been presented to Parliament. He believed that the more advantageous course would be to introduce the measure in that House, where there were several noble Lords who had been officially connected with India, and who from their experience and knowledge were peculiarly qualified to discuss the subject. An opinion appeared to exist that because we had succeeded in crushing the mutiny, and in abolishing the East India Company as a ruling power, we had no further duties to discharge in connection with the Government of India; but, for his part, he believed it would not be possible long to retain possession of that vast empire unless its condition engaged immediate and serious consideration. The existence of the Civil Service of India, with its ancient privileges, lay at the root of the question; and as long as that service was maintained on its present footing it would be impossible to put the right men in the right places. To keep our hold of India it would be necessary to enlist on our side and to conciliate a great proportion of the intelligence and wealth of the Native population.

Earl GREY hoped the suggestion made by the noble Marquess would not be lost sight of. In general Bills were more advantageously introduced in the other House; but a measure with regard to which special information was possessed by many Members of their Lordships' House would be discussed with as much utility as in the House of Commons, where the state of the order-book rendered it extremely improbable that a Bill such as that which was contemplated could receive attention for a long time to come. The subject was one of extreme and urgent importance. He could conceive nothing more dangerous or hurtful to British power in India than the continuance of that miserable farce—for he could designate it by no other name—of the Legislative Council. He agreed with the noble Duke that it was of great importance that an opportunity should be afforded of discussing the measures proposed by the Government; but it was decidedly inconvenient that the objections to those measures should emanate from their own officers, and from persons engaged in the public service. That a Judge should be the leader of Opposition was intolerable, nor could the servants of the Government be the organs through which even just objections to the measures of the Government would be brought forward without interfering with discipline, and with the authority which ought to be concentrated in the supreme authority. At the same time he thought that some machinery ought to be, and might be, devised by which the public opinion of measures of the Government might be made known, any objections to them might be stated, and the answer of the Government to such objections might be made public. It was, in his opinion, a fault in the Act of 1833, that it abolished all power of legislation in the minor Presidencies, and centralized the legalization of the immense empire of India at Calcutta. It was, no doubt, necessary that the central Government should exercise a general control over legislation, more especially such as affected the finances; but he had no doubt that, without any improper interference with that control, much useful legislative work might be disposed of in the minor Presidencies. He hoped that this subject would very seriously engage the attention of the Government, and that if they were prepared to deal with it, they would consider the propriety of introducing the measure, having that object in this rather than in the other House of Parliament.

Lord LYVEDEN, in reply, mentioned, as an instance of the differences which might arise between the Legislative Council at Calcutta and the Secretary of State for India, that *The Times* of Saturday last contained a report of the speech of the Secretary of State, expressing his disapproval of a measure which was before the Council with regard to contracts between ryots and indigo planters; and, also, an announcement that that measure had passed the Legislative Council by a large majority.

The Earl of ELLENBOROUGH said, he was not aware that that Bill had passed the Council. He asked the noble Earl opposite whether such a measure was not inconsistent with the pledge given by the Government in September last?

Earl DE GREY and RIPON said, that he had not seen the statement that had been referred to by the noble Baron. No doubt the measure in question was inconsistent with the policy of Her Majesty's Government.

The Earl of ELLENBOROUGH:—And with the pledge of the Government itself.

Petition *ordered* to lie on the Table.

House adjourned at half-past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 26, 1861.

Minutes.] Public Bill.—1° County Courts Procedure.

ILLNESS OF MR. SPEAKER.

The House being met, the Clerk, at the Table, informed the House of the unavoidable absence of Mr. Speaker, and read the following Letter which he had this day received:—

"Speaker's House, April, 26, 1861.

"Sir,—I beg you will express to the House my great regret that I must absent myself from the service of the House to-day.

"The rheumatic pains, under which I have been suffering for the last week, disable me from attending this day.

"I trust that I shall be able to resume my duties on Monday.

"I have the honour to be, Sir,
"Your obedient Servant,
"JOHN EVELYN DENISON.
"Speaker.

"Sir Denis Le Marchant, Bart.
"Clerk of the House of Commons."

Whereupon Mr. Massey, the Chairman of the Committee of Ways and Means, proceeded to the Table, as Deputy Speaker; and after prayers, counted the House, and Forty Members being present, took the Chair, pursuant to the Standing Order of the 20th day of July, 1855.

PROCEEDINGS OF ENGLISH OFFICERS IN EGYPT.—QUESTION.

MR. FREELAND said, he would beg to ask the Secretary of State for India, Whether Copies of the findings of the Courts Martial appointed in India for the trial of Officers charged with insulting Mahommedans while engaged in religious worship in Egypt, and of any reprimands or comments on the proceeding of the Courts Martial by Sir Hugh Rose, have been received by the Government; and whether there will be any objection to lay such Copies, if received, upon the Table of the House?

SIR CHARLES WOOD said, he had received certain General Orders issued by Sir Hugh Rose, and, if the hon. Member would move for them, he should be glad to produce them as an unopposed Return.

On the Motion for Adjournment till Monday,

FATE OF CAPTAIN BRABAZON.

QUESTION.

GENERAL PEEL said, he trusted that in the absence of the Foreign Secretary the noble Viscount at the head of the Government would answer the question, of which he had given notice—namely, What steps the Government have taken to ascertain whether the report of the murder of Captain Brabazon, of the Royal Artillery, by the Chinese, is true; and whether the information received is derived from the personal knowledge of the informants, or rested entirely on Chinese rumours? He had given notice of his question before he had read the Report of the Committee appointed to consider the mode of conducting the business of the House; otherwise he should have selected some other opportunity than the Motion for the adjournment of the House until Monday. Nor should he have volunteered to ask a question upon a subject which must naturally be painful to the feelings of the relatives of Captain Brabazon; but the fact was he had been requested to bring the matter before the House and the Government by Major Brabazon and his family. Major Brabazon, not satisfied with the evidence of his son's death, was on the point of going out to China for the purpose of offering a large reward for any information on the subject, when he was prevented from doing so by an interview which he had with the noble Lord the Foreign Secretary, who undertook on the part of the Government to do everything that was necessary. Far from finding fault with the Foreign Secretary, Major Brabazon had commissioned him (General Peel) to express his gratitude to the noble Lord for the kindness he had shown him; but he complained, with some justice, that anything was left to be done in the matter. He complained that before the Earl of Elgin quitted Pekin he did not take every means in his power of ascertaining the accuracy or inaccuracy of the report of the death of Captain Brabazon. The Earl of Elgin, writing to the noble Lord on the 26th of October, stated that Captain Brabazon, together with a French gentleman, was beheaded, after the action on the 19th of September, by the directions of a Chinese General, who was wounded on that occasion. He added that he was inclined to credit the report, although he had no positive evidence of the facts, and that Captain Brabazon was an officer of much promise, who had held the office of Deputy Assistant to the Quartermaster General. Major Brabazon complained that every step was not taken to prove the truth of that report—that even the most obvious and common methods were not employed. It was reported that after the execution the body of Captain Brabazon was thrown into a canal. Major Brabazon complained that the canal was never dragged, although by such a simple expedient some remnant of clothing or something proving the accuracy of the report might have been discovered. He also stated the extraordinary fact that our troops entered the town where the execution was supposed to have taken place on the evening of the same day, that they remained there for ten days, held an open market, and were in constant communication with the Chinese, and yet that not a single whisper reached them of such an execution having taken place. It had, likewise, come to his knowledge that on the 1st of October, the day after the troops left, a British subject was executed by the Chinese, and that either the fact was not known to the English authorities, or they had not thought it worth their while to take notice of it. The man was a private of the 31st Regiment. Upon application to the War Office Major Brabazon was told that they knew nothing of the subject; that the only information they had received was that a man had died on the 1st of October; and it was only on referring to the depôt of his regiment that Major Brabazon discovered the man was beheaded by the Chinese. Major Brabazon supposed, very naturally, that the execution of this private soldier might have given rise to the report of the death of his son. There were many other circumstances which led him to the same conclusion. Perhaps he was too sanguine in his confident belief that his son was still alive. We all knew how people were apt to cling to the last hope; but he so far agreed with Major Brabazon that, having read with the greatest attention all the evidence which had been produced on the subject, he thought there was no absolute proof of Captain Brabazon's death. He did not wish, of course, to raise any discussion as to the probability or improbability of Captain Brabazon being still alive; but the Earl of Elgin had not left the matter in a satisfactory state. As long as there was, he would not say a probability, but a possibility of Captain Brabazon being alive, it was the bounden duty of the British authorities in China to take every step in their power that no doubt should be left as to the accuracy of the report of his death. Captain Brabazon was a very distinguished officer, and his loss would be a misfortune to the public service as well as to his friends; but it would have been equally the duty of the authorities if he had been the humblest drummer-boy in the army to make every inquiry for the purpose of relieving his friends from a state of suspense, the horrors of which could hardly be exceeded by a knowledge of the reality however dreadful.

Afterwards—

Mr. GREGORY said, he was extremely sorry that he had been absent when his right hon. and gallant Friend (General Peel) had called attention to the fate of Captain Brabazon. It was a matter of great satisfaction to him that that subject had been taken up by one who was himself not only professionally connected with the army, but who had been a Cabinet Minister and a Secretary of State for War. He understood that the right hon. and gallant Gentleman had alluded to the story that Captain Brabazon, having been dismissed by the Tartar general, Sang-ko-lin-sin, and having met the Chinese general who was supposed to have been mortally wounded in a recent engagement, was by him condemned to decapitation, and was so decapitated and his body thrown into the canal at Pa-li-chiau. Now, the evidence which had been received of that story was of such a nature that no insurance-office in the kingdom would pay a life policy upon such unsatisfactory information. The story went that Captain Brabazon was beheaded, and that on the same day the British army marched to Pa-li-chiau, where he was said to have been executed, and remained encamped there for ten days. It was a singular circumstance, therefore, that while such an event as the decapitation of an English officer must, if it really occurred, have attracted the notice of the natives, yet, although our troops were in constant communication with the Chinese people, not a word ever reached their ears during the whole of their ten days' encampment that one of their comrades had been killed or thrown into the canal. Moreover, if it had transpired that he was thrown into the canal, the question naturally arose, how came it that the canal was not dragged for his body, or some part of his clothing that might have led to his identification? The answer made to that was, that the bodies of several hundred Chinese who had been killed in the late action were thrown into the same canal, so that it would have been impossible to tell whether Captain Brabazon was there or not. Now, he had been given to understand on the authority of a military officer of high rank that while our army lay encamped for those ten days he passed close by the canal daily, and never saw the least sign of a human being in it. The right hon. and gallant Gentleman had referred to the case of two other Europeans who were decapitated at Ho-se-woo, and whose bodies were subsequently discovered — a circumstance which might have given rise to the tale of Captain Brabazon and the Abbé de Luc's execution. That tale was, however, utterly unreliable, as might be seen from the papers in the blue book. The Chinese story was contradicted by Chinese authority. He would put the matter as plainly as possible before the House. The Chinese themselves had stated that twelve days after the reported death of Captain Brabazon that officer was still alive. It would be found from Mr. Parkes' despatch that Hangki spoke to him of prisoners detained in the camp of Sang-ko-lin-sin on the 3rd of October, whereas the story of the decapitation was fixed on the 21st of September. From the evidence of the sowar Jowalla Sing it was clear that Captain Brabazon and the Abbé de Luc were separated from the other prisoners, and kept in Sang-ko-lin-sin's camp. The despatch of the Prince Kung, the Emperor's brother, addressed to the Earl of Elgin, also stated that the Chinese had interpreters with them who were quite capable of discussing the points of difference between the two Powers, and among them he mentioned Consul Parkes and a French officer named "I," who was taken to be the Abbé de Luc. Prince Kung's despatch was dated the 3rd of October, while Captain Brabazon's decapitation was reported to have occurred on the 21st of September. To identify the person named "I" with the Abbé de Luc it should be observed that it was notorious there were no Frenchmen with the Chinese army who understood Chinese, and who were taken prisoners, except the Abbé de Luc, who was kept separate from the other prisoners, and placed in conjunction with Captain Brabazon. Whatever happened to Abbé de Luc happened to Captain Brabazon. They cannot be dissociated. No tale could be more absurd than that Sang-ko-lin-sin dismissed Captain Brabazon on the 18th or 21st of September, for the date was variously stated. It could not for a moment hold water. We knew with what tenacity the authorities at Pekin had clung to their prisoners. Discussion after discussion took place between the British and the Chinese as to their surrender, and nothing but the threat to totally destroy the capital enabled us to extricate them from their clutches. Now, we had it alleged that Sang-ko-lin-sin was in possession of an English officer of artillery of high position, and had a foreigner who spoke Chinese along with him; and yet it was stated that, eighteen days before the other prisoners were delivered up by the Chinese with the greatest reluctance, Sang-ko-lin-sin dismissed that officer without any stipulation whatever. That story was almost incredible; and certainly not a stone ought to be left unturned before we abandoned our search for this unfortunate gentleman. For the sake of his suffering relatives the Government were bound to make every investigation in their power in order to obtain some trace of him. In his despatches Consul Parkes particularly alluded to the great anxiety of the Chinese authorities to inquire into the nature of our guns and how far they carried, together with other circumstances connected with our army; and he remarked it as a very notable thing, that since General Sang-ko-lin-sin had held his command extraordinary attention had been paid by the Chinese to their artillery, which had undergone a marvellous improvement between the affair at Canton and the attack on the Taku Forts. It was, therefore, just possible that this young officer, being known to belong to our artillery, might have been separated from the other European prisoners, and put in conjunction with the Abbé de Luc, who was the only other person who spoke Chinese, for the purpose of assisting the Chinese to improve their own artillery. That was nothing but a mere conjecture; yet they ought not to rest satisfied until they had followed up every possible clue to the discovery of Captain Brabazon—an officer of the greatest promise, whom he had known from his boyhood. He could not sit down without paying a deserved compliment to the noble Lord at the head of the Foreign Department for having shown himself, since the commencement of the unhappy business, most anxious and willing to render any information in his power in order to relieve the sorrows and to dispel the incertitude of a bereaved family.

CASE OF CAPTAIN MACDONALD.

QUESTION.

LORD ROBERT CECIL said, the question which he intended to address to the noble Viscount at the head of the Government was one which deeply concerned the comfort and convenience of that numerous class of Englishmen who during the summer vacation were in the habit of travelling on the Continent. The matter did not concern Captain Macdonald alone. If it did, perhaps it would be unfitting that he should take up the time of the House with it; but, unfortunately, it concerned every English passenger who travelled through the territories of Prussia, and was, therefore, important enough to be brought under the consideration of the House. He wanted to know precisely the amount of protection which Englishmen were to expect from their own Government in case of need, and the amount of oppression which they would have to bear from foreign Governments when unfortunate enough to fall into their hands. The case of Captain Macdonald, through the agency of the press, was tolerably well known to the House, and, therefore, he should be absolved from stating it in any detail. Captain Macdonald was a passenger on the railway from Mayence to Cologne. At Bonn the train stopped, and his sister-in-law, her child, and a nurse left their places to get some refreshments. During their absence a Dr. Parow entered the carriage and seized their places. Captain Macdonald represented to him that the seats were occupied, and protested against the intrusion. Dr. Parow replied by calling him a "lout." Thereupon Captain Macdonald called the station master, who unfortunately was a man personally dependent on Dr. Parow, and when he came up, at once took the side of his countryman, and summoned Captain Macdonald to leave the carriage. Not satisfied with that summons he attempted to pull him out. Captain Macdonald, with an instinct natural to an Englishman, resisted; but we had the evidence of German witnesses, totally unconnected with Captain Macdonald, that his resistance had no character of violence. He simply pushed the stationmaster back. No sooner, however, had he laid hands on the sacred person of the stationmaster than several railway officials dashed by the opposite door into the carriage, seized him by the heels, and pulled him out upon the platform. Having done so Captain Macdonald stated, but his evidence was not corroborated by other witnesses, that they maltreated his sister-in-law and the child. He was then ordered to lay down 10 dollars on the spot. Captain Macdonald demurred to that demand and asked what authority they had to demand 10 dollars; but that was a question which Prussian officials were not in the habit of answering; and, instead of producing their authority, they seized Captain Macdonald and threw him into prison — into what Englishmen described as a filthy prison, but what Prussians described as a decent prison. The precise state of things could, of course, be imagined by the House. In that prison he was left for six days. At the end of that period he was brought before a court of justice. They acquitted him of the alleged assault, but they imputed to him what was never charged against him — that he had insulted the stationmaster — on the sole and unsupported testimony of the stationmaster himself, contradicted by other German witnesses; and for this they fined and dismissed him. The House would observe, in the first place, that even according to the Prussian law the treatment of Captain Macdonald was absolutely illegal. The Prussian law, like our own, was very jealous of the liberty of the subject. It provided that every person arrested by the police should, within twenty-four hours of his arrest, be examined before a magistrate, and that the magistrate should sign a warrant for his further detention. But that law was in reality a dead letter. The police were in the habit of constantly disregarding it, and in this case it was treated as of absolutely no avail. Captain Macdonald was thrown into prison, and remained there, without authorization. This was a very serious state of things. It showed that it was competent for any Prussian authority to throw an English traveller into prison, and keep him there for six days, on the simple allegation that he himself had been insulted by that English traveller. Captain Macdonald was not intimately acquainted with the German language, which was the case with many of the gentlemen who travelled on the Continent; what possible security had they that any railway stationmaster might not consider himself insulted by some unwitting word or act on their part, and that they would not be thrown into prison and kept there for six days without bail? It had been asserted in the German newspapers that Captain Macdonald had assaulted the stationmaster and Dr. Parow, but that accusation had been found to be without any foundation whatever. But there was more than this danger. It was not only that a railway official might seize a man against whom he, or anyone in whom he had an interest, happened to have a spite; but, unfortunately, the whole course of proceeding showed that there was a special *animus* against English travellers among the authorities who bore rule in Prussia. He did not mean to cast the slightest blame on Her Majesty's Government, or on the noble Lord the Secretary for Foreign Affairs; he thought that noble Lord had behaved in a very worthy and dignified spirit; but he did wish to impress on the House, and through them on the public, the fact of the hostile spirit in which the Prussian authorities dealt with the subjects of the Queen, and the danger which all English travellers ran in the present state of feeling in that country. In the first place, it was hostile enough, when a man objected to his place in a railway carriage being forcibly occupied by another, that he should be dragged out by the heels to the platform and thrown into prison. That by itself was evidence of hostility, but it did not stop there. No sooner was Captain Macdonald thrown into prison, than the British Consul at Bonn went to the proper authorities and offered bail for his appearance. In England that bail would have been accepted at once, but what was the course taken in Prussia? Consul Crossthwaite went to the State Procurator Möller, and, in writing to Lord Bloomfield the Consul said—

> "He expressed great indignation at the Captain's conduct, and alluded to the manner in which the English generally conducted themselves on the Continent, as if they were not in a civilized land. I replied that perhaps a few might misconduct themselves, but such a complaint could not be made against all. He said at all events people who travelled must know they cannot strike down a railway officer in the execution of his duty. I pointed out to him that I understood Captain Macdonald was an officer of Her Majesty's Body Guard, and, setting aside his rank, it was a serious thing to arrest a British subject and to send him to gaol like a felon—that unless he were speedily released it might have serious consequences. To this Moller replied, 'We will run the risk of that.' I asked if Captain Macdonald could be released on bail, offering to deposit cash to any amount. To this he replied, 'I will not take bail; but if you like to petition the Court and offer to deposit 500 thalers, you can do so, although I tell you beforehand that I shall oppose it. I quite understand what you want—to get the Englishman out on bail, and then he will run off to England, not caring about the money. No; we must make an example of him.'"

That was the spirit in which the representatives of the Prussian Government at Bonn wished to proceed against the English. This functionary considered them as a species of vermin to be hunted out of the land; he stigmatized all Englishmen, and denied the commonest justice to Captain Macdonald because he was anxious to gratify his spleen against the English. But that was not all. The case came on for trial, when Möller, who was conducting the prosecution on the part of the Prussian Government, made a general attack on English travellers on the Continent. Now, there was not a particle of evidence against Captain Macdonald except that of the stationmaster who declared that he had been assaulted; all the other German witnesses — independent people, who had no interest in the matter—declared that Captain Macdonald had done nothing contrary to the law. But in spite of their evidence, the stationmaster declared that he had been assaulted, and the tribunal preferred believing him rather than the independent witnesses. To enforce the evidence Möller made a violent speech against all Englishmen travelling on the Continent, and in language which was well known, having been widely commented upon, he charged them with universal blackguardism. The exact meaning of the word used was a little controverted, and linguists declared that "lubberly" was the true translation. He did not know whether English travellers would prefer to be called blackguards or lubbers; but, whatever was the precise equivalent of the original, it was clear that Möller was animated by a desire to blacken the character of English travellers to the utmost extent. What did the Prussian Government do? Of course, that Government were not bound by the acts of their subordinates if they disavowed them; but they did nothing of the kind. Instead of disavowing Möller, they allowed a prosecution to be brought against the English travellers residing at Bonn for venturing to express their opinions on the subject. They had not inflicted the slightest censure on the stationmaster who had acted in such an arbitrary and violent manner. He did not mean to say that the noble Lord the Foreign Secretary should raise this matter to the dignity of an international difference. He had already expressed himself in terms quite as strong as the circumstances deserved, and which did the noble Lord great credit. The noble Lord said—

> "The Prussian Government has not thought fit to temper its justification of these extreme acts by any expression of regret, and Her Majesty's Government cannot but regard its conduct as too clearly evincing a disregard of international goodwill."

If the British Government were not able to defend English travellers from such unjust, arbitrary, and illegal attacks, they were bound at least to warn them against the dangers they incurred. He thought Captain Macdonald ought to have received some reparation from the Prussian Government. It was a deep injury that had been inflicted upon him, and it was a reflection on the English people that the Prussian Government not only refused him reparation, but allowed Möller to remain without any reprimand, and the author of the whole undisturbed in his office. What he wanted to ask the noble Lord was this—whether he would take any measures to acquaint English travellers with the dangers they ran when they travelled on a Prussian railway? They ought to be acquainted with what was the law of that country—that a stationmaster at any station might, for an imaginary insult, have them dragged by the heels out of the railway carriage on to the platform, throw them into prison, keep them there for six days, and on his sole, unsupported, and contradicted evidence have them punished with fine and imprisonment, even when actively supported by their own Government; the temper and spirit in which Prussian law was administered being specially hostile to all subjects of the Queen of England. English travellers ought to be informed that while travelling in Prussia they were liable to dangers to which they were not subject in any other country in Europe. Wherever passports were issued there ought to be a statement made public of the brutal and barbarous conditions to which travellers in Prussia must submit.

Afterwards—

Mr. MALINS said, it was necessary for him to ask the House to revert to the question which had been put by his noble Friend (Lord Robert Cecil) in connection with the ill-treatment of Captain Macdonald in the Prussian territory. From a personal acquaintance with Captain Macdonald he could positively assert that that gentleman was a most unlikely person to offer offence to any one, and was incapable of any conduct which could at all palliate the gross outrage to which he had been subjected. Captain Macdonald was travelling from Mayence to Coblentz, as had been stated by the noble Lord. When the train arrived at Bonn his party got out for some refreshment, and at that time there were two seats of the carriage only which were covered by cloaks to show that they were occupied. Dr. Parow came and took one of those seats, and when Captain Macdonald demurred he was dragged out by the heels, and after having been subjected to the indignity of imprisonment for six days, he was placed upon his trial, and acquitted. There was one point, however, so utterly repugnant to English law, that he wished to revert to it, and that was that Dr. Parow had never himself been produced at the trial. It was almost inconceivable that an officer in Her Majesty's army, an Exon in the Body Guard, should have been treated in such a manner—kept in prison for six days, treated almost like a felon, and the offer of the British Consul to deposit a sum of money as security for Captain Macdonald's appearance flatly refused, the Prussian official accompanying the refusal by designating the English travelling in Prussia as blackguards. What could be the cause of such wanton insult? He (Mr. Malins) did not believe there was any unfriendly feeling on the part of the Prussian people towards us. Could it be possible that the Prussian authorities were less enlightened than the people? It appeared that it was only an accident that Captain Macdonald was in prison only six days, as he might have remained there ten days longer without trial. In addition to that he had since been insulted by the Prussian papers, which called him a low man, and declared that he had been expelled from the clubs on account of his behaviour towards the railway official. He trusted that it would be clearly understood by the Government of Prussia that the people of this country entertained a strong sense of the indignity which had been put upon an Englishman. He did not think that there was any country in Europe where such treatment would have been experienced, and he hoped that the noble Lord would make known to the Prussians their opinion of it. If Captain Macdonald had been guilty of an assault, by all means punish him for it, but in this case he was acquitted of that charge. Captain Macdonald's object was now, not to obtain compensation for the indignities to which he had been submitted, but he did desire to stand well in the opinion of his fellow-countrymen. But after those proceedings another event occurred. The English residents in Bonn, including among them the Rev. Mr. Anderson, a gentleman well known and esteemed, protested against the conduct of the Crown Prosecutor in styling Englishmen blackguards. For that offence every one of those protesting residents was prosecuted by the Prussian Government, and fines were inflicted, varying from 100 thalers to 20 thalers. Since then he believed the Prussian Government had thought fit to remit those fines, but those were proceedings on the part of a friendly power against which he, as an Englishman, felt bound to protest; and he hoped the noble Lord would be able to say that more would be done than had been yet done to make plain to the Prussian Government the opinion of the country upon these transactions.

[*Post* 1206.]

AFFAIRS OF SYRIA.—OBSERVATIONS.

SIR JAMES FERGUSSON said, he had given notice of a Motion upon the present state of the Syrian question, but in consequence of the unfortunate absence from illness of the noble Lord the Foreign Secretary he should defer it until a future evening. He had been induced to give that notice from a strong sense of the importance of the matter, and, considering also that the greatest anxiety was felt by the European inhabitants of Syria as to the state of the country after the departure of the French troops, that no circumstances should occur which might imperil the integrity of Turkey, or necessitate any further foreign interference in the internal government of that country. He, therefore, begged to ask the noble Lord whether the recommendations of the International Commissioners upon the affairs of the Lebanon had been finally arranged, and the proceedings of the Commissioners closed; also, whether, in the opinion of the Government, there existed a prospect of a stronger government being established in Syria?

THE PAPAL SUCCESSION.

OBSERVATIONS.

MR. NEWDEGATE said, he wished to call the attention of the House and the Government to a statement which appeared in the *Indépendance Belge* of the 20th instant, and which appeared to be confirmed by a correspondent, in the same paper, of the 22nd, to the effect that in the event of the abdication, removal, or death of the present Pope, Cardinal Wiseman was during the interregnum to be appointed Pope to all intents and purposes under the title of Pius X. It was further stated that in this country he was to convene what was termed as œcumenical council to decide on the election of the successor of the present Pope. He should have thought little of this but that the correspondent of the Belgian paper stated that there had been a difference of opinion among the cardinals on this subject, that it was not Cardinal Antonelli who had carried out this decision, but Cardinal Alfieri, whose function it would under ordinary circumstances be to convene the electors of a future Pope in the event of the Papal chair being vacant; and that several of the cardinals were opposed to this undertaking, but the majority of them were in favour of it, and that thus for a time at all events Cardinal Wiseman was to be the successor of the Pope. Now, he (Mr. Newdegate) need hardly say that that could not be agreeable to this country, where they had Cardinal Wiseman already bearing titles and exercising powers contrary to our law, and to international law, hereafter exercising the full functions of the Papacy, pending the appointment of the successor to the Pope, no one knowing how long this interval, for it could scarcely be called an interregnum, would last, and with power to summon an œcumenical council. The *Indépendance Belge* of the date of the 20th April contained the following statement on the subject:—

"With reference to the affairs of Italy the following details respecting a project conceived at Rome are derived from so good a source that I have no hesitation in transmitting them to you, though I do not at the same time pretend to guarantee their authenticity. I am assured that the Holy Father has already, some months ago, made all the arrangements in the event of his death, in the event of his deposition, or even in the event of voluntary abdication. The case of his death is particularly provided for. By a decision approved of by twenty-one cardinals, Pius IX. is said to have nominated as his successor or his representative, until the regular election of a new Pope, chosen at Rome by all the cardinals met in conclave, Cardinal Wiseman, Primate of England. Cardinal Wiseman, whose position in the Church is considerable and exceptional, would thus become invested with all Papal powers, especially with that of summoning at London a great œcumenical council. The difficulties of the situation lead one to suppose that if St. Peter's See should be vacant, there would probably be an interregnum of tolerable length before the regular election of a new Pope. It is during this interregnum that Cardinal Wiseman will administer the affairs of the Church under the name of Pius X. This arrangement is now no longer a mere project, it is a thing definitely settled; and it has already—such is the statement—been promulgated in the Church in order that no accident may endanger the Catholic hierarchy. The Pope, it is asserted, has frequently been tempted to abdicate in order to retire to a monastery; but this project is still vague, whilst the deed of the transmission of the Papal powers to the first Prelate of England has been actually signed. This arrangement of Pius IX. is of a character to create surprise for various reasons. That England should thus be chosen as the moral refuge of Catholicism—as the harbour into which St Peter's barque runs for safety amidst storms—is certainly quite unexpected."

The House could not forget the measure passed last Session to prevent the necessity of the Roman Catholic subjects of Her Majesty being compelled to resort to the Courts of Rome in matters arising out of disputes relating to Roman Catholic trusts. Recollecting the feelings which arose in this country in 1851, when English law was set at defiance, and when the independence of this country was invaded by an usurping authority, he naturally looked with anxiety to the possibility of the recurrence of such aggression, under aggravated circumstances, especially when he remembered that the only premonition of the aggression consummated in 1851, reports current in 1850 of what was about to happen which afterwards turned out to be correct. The reports now prevalent also were characterized by much particularity, and he would quote the further statements of the Paris correspondent of the *Indépendance Belge* of the 22nd of April—

> "One of my colleagues in the task of correspondence has already transmitted to you information respecting a decision of the Holy Father, approved of by twenty-one cardinals, which institutes Cardinal Wiseman, the Primate of England, as representative of the Papacy, in the event of the decease, the deposition, or the abdication, whether forced or voluntary, of the Sovereign Pontiff. The information which I have received completely harmonizes with that already given. It is now in my power to complete it by additional details. It is not Cardinal Antonelli, who, as might have been supposed, has undertaken the working out of this decision (to which the Church attaches the highest importance), but Cardinal Alfieri, *camerlengo* of the Church; and who, in the event of Pius IX.'s death, is to summon the conclave. The number of the cardinals adhering to the arrangement far exceeds the number of twenty-one, whilst those who still express some hesitation are not above five or six."

The writer then went on to comment upon the opinions of the various cardinals, several of whom he named. He would also call the attention of the House to the fact that the Comte de Montalembert, in his work on the political future of England, boasted that acts were committed on the part of the Ultramontane power in England which would not have been attempted in Naples, even under the former *regimé*. He thought it right to call the attention of the noble Lord to these Reports, and to ask whether he could furnish the House with any information on the subject?

BRAZIL AND THE SLAVE TRADE.

QUESTION.

Sir HUGH CAIRNS said, he wished to put a question in reference to the proceedings under the Convention between this country and Brazil. During the last Session he had asked the noble Lord the Foreign Secretary the reason why the proceedings under that Convention, by which the interests of many mercantile firms in this country were affected had been suspended. The noble Lord could not give any answer at that time, because some questions that had arisen had been referred to the law officers of the Crown. From information that had since arrived in England he understood the affair was in this position:—Brazil had under the Convention made some claims of an extraordinary character against this country, created by the exertions of England to suppress the slave trade with Brazil. The result of these claims was that the British Minister at Brazil waited for instructions from home, and in the interval the proceedings under the Convention were suspended. He wished to ask, Whether it was likely these proceedings would recommence, and whether there was any reason why the claims of Brazil against this country should not be asserted in the usual way; also whether the Government would object to lay on the table any papers showing the nature of those claims?

Viscount PALMERSTON: Sir, I quite go along with the right hon. and gallant Officer opposite in the feelings he has expressed with regard to Captain Brabazon. It is very painful for the relatives of that gallant officer to be kept in a state of doubt as to his fate, more distressing than a certainty adverse to their hopes. I, therefore, entirely sympathize with the anxiety the right hon. and gallant Officer has so well expressed to ascertain, if possible, the real truth as to what has happened to that gallant and distinguished officer Captain Brabazon. But, putting together all the circumstances from which we can draw any conclusion, I am afraid we cannot arrive at the conclusion expressed by my hon. Friend on this side of the House. I am afraid the friends of Captain Brabazon can only receive this consolation, that, by the suddenness with which his fate was sealed we may conclude he escaped those lingering and barbarous torments to which his still more unfortunate comrades were subjected in their last hours. At the same time, if it is possible to entertain any hopes of his surviving, I can assure the gallant General and the House that my noble Friend at the head of the Foreign Office has taken every means that can be taken to clear up this mystery. As far back as February the noble Lord sent out most stringent instructions to Mr. Bruce to take every means, official and unofficial, for the purpose of ascertaining distinctly the fate of Captain Brabazon; and I am bound in justice to the Russian Government to say that, as it was sending a new Minister to Pekin, instructions were given to him by his Government that the first duty he had to perform was to use every means in his own power, and to co-operate with Mr. Bruce in clearing up the fate of this gallant officer. At the same time there is no kindness in endeavouring to encourage hopes so likely to prove unfounded; it is better that those interested in the fate of Captain Brabazon should, if possible, take the darkest view of the matter till the certainty can be arrived at. And there is also this circumstance to be considered—I believe the Chinese authorities have accounted for all the prisoners except two—Captain Brabazon and the Abbé De Luc. They either sent them back living, or their bodies were produced; and if the bodies of these two gentlemen were thrown into a canal, as represented, that will account for their not being produced after the demand for them. I should be too happy if the supposition of my hon. Friend should turn out true. If so, I have no doubt the influence of the British, French, and Russian Governments will effect the release of those two gentlemen from the *duresse* in which my hon. Friend supposes they may have been kept by the Chinese authorities. With regard to that point, my noble Friend has taken the steps I have described, and I am not aware that any other steps can possibly be taken in the present state of the matter.

With respect to the other question put by the noble Lord (Lord Robert Cecil) on the transaction in which Captain Macdonald was concerned, the whole of that transaction is explained in the papers that have been laid before Parliament. I can only say, I do not think that any expression used by my noble Friend at the head of the Foreign Office during the discussion is a bit too strong to stigmatize the conduct of the Prussian officials. It is not for us to stand here and bandy vituperation with M. Möller or any one else; but I only say that I agree with the opinion expressed by the noble Lord in his concluding despatch; and though we are told by the law officers of the Crown that the whole proceedings were within the limits of the Prussian law, I think they were of a most unfriendly character, and most unworthy of a Government in alliance with England. I must say I am astonished that a Government like that of Prussia, represented in its foreign department by a distinguished nobleman, who spent many years in England in a diplomatic capacity, and who should himself, therefore, know the feelings and habits of the people of this country—I am astonished that the Prussian Government, looking, as it was bound to look, at the circumstances of the case, should not at once have said, "Our officials have not overstepped our law; we are bound to tell you that; but, *summum jus summa injuria.* We know that if a similar case had occurred in England, you, the English Government, would have gone before our demands to make every honourable apology and every compensation—if compensation were necessary—and we feel it due to ourselves, as a great Power in Europe, to tell you that we entirely condemn the conduct of our officials, and are ready to make every satisfaction which, as between gentleman and gentleman, Captain Macdonald could require." The Prussian Government had every motive for doing this. It is impossible to cast your eye over the face of Europe and to note the relations of the different Powers to each other without seeing that it is the interest of Prussia to cultivate, not the friendship of the English Government only, but the good opinion and the goodwill of the English nation; and, therefore, I should say that their conduct in this affair has been that which a distinguished French diplomatist has described—it has been a blunder as well as a crime. I am asked what steps the British Government have taken, or can take in this matter. It was impossible to have demanded from the Prussian Government either compensation or apology if they were unwilling to make it, because we were told by the law officers of the Crown that, however harsh, unjust, arbitrary, and violent their proceedings were, yet those proceedings appeared to be within the limits of the Prussian law. One regrets, for the sake of the Prussians, that they should have such a law. But that being the case, it was impossible for the British Government to press any demand upon the Government of Prussia. Well, then, what warning are we to give to British subjects who are about to travel in Prussia, as to such acts? Sir, I think the notoriety which this transaction has received, both through the newspapers all over the country, and through the discussions in this House, will prove as great a warning as could be given individually to gentlemen desiring passports for Prussia. I think, however, that a warning will also have been given to the Prussian Government when they know, as they will, the universal indignation with which this proceeding has inspired every Englishman; and, whatever influences may operate, as they no doubt do—party influences, for instance—upon the feelings of persons in authority, I think that that which has happened is not very likely to happen again.

With regard to the question put to me by the hon. Baronet (Sir James Fergusson) respecting Syria, I am sorry to say that I do not think it would be consistent with the public interest to produce any papers on the subject to which his question relates—namely, what Government is to be established in Syria as a permanent arrangement? These arrangements are not yet settled. They are still under discussion by the members of the Commission—by the Turkish Government and the different Powers represented in the Commission—and until the Commissioners have come to some conclusion and a settlement is made it would not be desirable or useful to produce the different arguments which each party may have urged in favour of the particular modification supposed by him to be the best. I can only say that I believe all the Powers are equally desirous of accomplishing the same ultimate object—namely, that of securing to Syria the authority and the Government most likely to prevent the recurrence of those unfortunate events which have led to the occupation of Syria by a French force.

The hon. Gentleman (Mr. Newdegate) has asked me a question founded upon a paragraph which he has read from the *Indépendance Belge*, stating that certain contingent arrangements have been made with reference to the death of the Pope, his abdication, or other cessation of his authority. This statement was copied into one of the English papers, where I have seen it, but all I can say is that the Government have received no information in any degree bearing out the statement. Of course I cannot pretend to know what are the rules and laws by which the Papal Government is directed, but I should very much doubt whether it is in the power of an existing Pope to make during his lifetime arrangements for carrying on the Government, ecclesiastical or temporal, after his death. That, however, is a matter on which I am not competent to form an opinion. I can only repeat that we have no information which at all corroborates the statement of the Belgian newspapers.

The hon. and learned Gentleman opposite (Sir Hugh Cairns) asked a question respecting the discussions that have gone on between the British and Brazilian Governments as to certain claims made on the part of British subjects. He is quite right in saying that the conferences have been suspended. They were suspended in consequence of the Brazilian Government putting forward claims which we think totally inadmissible — namely, that losses sustained by certain Brazilian subjects engaged in the slave trade, and whose ships were captured and disposed of under the provisions of the Act of 1845, should be part of the losses dealt with by the Commission. We contend that these captures have nothing whatever to do with the matters for which the Commission was appointed. We hold that no question can arise with regard to what was done under the Act of Parliament; that we were acting within our own powers, and are not accountable to Brazil in respect of this; and we, therefore, entirely repudiate the claim of Brazil to mix up this matter in the questions which were to be considered by the mixed Commission. An answer to that effect went not long ago to our Minister in Brazil. We have not yet received the answer of the Brazilian Government, but I am sure the hon. and learned Gentleman will see that while the question is pending it is not consistent with the public interest to give papers respecting it.

COLONEL DICKSON said, that the noble Viscount had not entirely answered the question put to him respecting Captain Brabazon, namely, whether the information received of that officer's death was derived from the personal knowledge of the informants, or rested merely on Chinese rumours? The noble Viscount was inclined to believe that there could be no possible hope. But the friends of Captain Brabazon complained that the belief expressed in his death rested entirely on circumstantial evidence, and that no pains had been taken to discover the real facts. The Earl of Elgin in his despatches said that the silence of the Chinese respecting Captain Brabazon led him to believe that that officer must have met with a violent death. That was the only evidence the Earl of Elgin seemed to have relied upon to satisfy himself of Captain Brabazon's fate; but surely, as that young officer had been sent on a most peculiar and dangerous mission —one which had been declined by another officer until he got the written order of the Commander-in-Chief—he deserved even more consideration than another. It was said that his body had been thrown into the canal. Then, why was the canal not dragged and some means taken to find out his real fate? Instructions, it appeared, had been sent out by the noble Lord the Foreign Secretary in February, and the noble Lord had evinced the utmost kindness and sympathy. The Russian Government also, when its Ambassador was sent out in March, directed him to make every inquiry, and to use every exertion to ascertain Captain Brabazon's fate, and that showed that in their opinion there was a probability of his being still alive. He agreed with those who thought there was just a hope that Captain Brabazon might have been spared and carried up the country, and retained for a purpose which had been already suggested, particularly as they had from Prince Kung himself an assurance that the Abbé de Luc was alive a fortnight after both those gentlemen were supposed to have been murdered. He implored the noble Lord to use every diplomatic engine, and all the means which the wealth and influence of England placed at his command, to solve the horrible mystery, and, if possible, to restore a noble son to his afflicted father and a gallant officer to his country.

FLOGGING OF JUVENILE OFFENDERS.

OBSERVATIONS.

MR. KINNAIRD said, he was anxious to call the attention of the House to some Returns which had recently been laid before them in respect to the floggings inflicted on children in the various gaols of England. Hon. Members had just been expressing their indignation at the barbarity of the Chinese; but he hardly knew whether indignation or pity was more roused in considering the subject to which his question referred. That, in this nineteenth century, children who ought to be under tender surveillance, of the ages of 8, 9, 10, 11, and upwards, should be arbitrarily exposed to the lash in private in our gaols was an abuse of law which ought no longer to be tolerated. At Knutsford, according to the Return (and he would only take a few cases), a child of eight got 24 lashes; at Faversham two boys of nine got 15 lashes each; at Spilsby three boys of eleven, ten, and eleven got 10 and 12 lashes each with the cat, an instrument which inflicted immense pain. At Leicester a boy of eleven got 20 cuts with the cat, and when the wounds inflicted by those cuts were healed he had 14 more. At Morpeth a child of ten got 10 lashes with the cat, and another of ten 6 cuts with a new kind of instrument—a leathern strap. At Newcastle there was a perfectly scandalous list of floggings ordered by petty sessions. A child of eight was ordered 8 strokes with the cat, another child of eight 4 strokes, two children of ten and eleven 6 strokes, and three children of thirteen 15 strokes each. At Oxford two children of nine were ordered 24 strokes with the rod, and at Petworth children of seven, nine, and nine years were ordered 13, 10, and 15 strokes respectively. He had had forwarded to him an account of a private flogging at one of the gaols, written by a magistrate, which he would read to the House—

> "I saw a boy marched along in custody, and was told that he was going to be flogged. His age was said to be eleven, but he was a little and delicate-looking child. He was committed the day previous for three days and to be once whipped for stealing. The boy was ordered to take off his trousers, and he was fastened by his wrist to the halberds, arms extended, and further secured by straps. The person who had to administer the punishment was a strong, stalwart man, and he was armed with a huge birch rod, about two feet six inches in length. The child received eight strokes, and then presented a picture of agony and terror, his eyes almost starting out of his head. I inquired how many such strokes constituted a flogging, and was told eighteen, and that that number was always inflicted if the prisoner's physical power would admit of it. I appealed to the surgeon, who said he could not interfere, so long as the boy was physically capable of enduring the punishment. I asked whether we, as magistrates, could not prevent its proceeding further, and was then told that we had the power to mitigate the sentence. This, of course, we at once did, as we should certainly have done at the first stroke had we received that intimation previously. I never witnessed so pitiful a scene, and hope I never shall again."

Here was another instance—

> "I once witnessed its infliction with the birch on three youths of about eighteen or nineteen. They had eighteen strokes each, and their screams, and writhings, and cries for mercy, testified to the

severity of the punishment. One of them, after violent and fruitless struggles, fairly groaned with pain. The foregoing punishment is light compared with one with the cat, which a friend gave me an account of."

The place were these floggings took place was a vaulted chamber under the gaol, where no sound could reach beyond those present. He could scarcely believe that such a thing was possible. The Returns, which he was glad had been printed for general circulation, read more like old tales of slavery, or of Eastern torture than of anything which could take place in England. It could scarcely be said that such punishments were necessary; for they were confined to a few districts, mostly in the north, while in other districts they were not used at all. He did not deny that, in extreme cases, the thing ought to be done; but, that it should assume this ordinary character, and be inflicted on children of such tender years, who were often not themselves to blame, because they had been brought up in misery and crime was a national disgrace, and could never have been intended by the Legislature. He should be glad to hear from his right hon. Friend that he had had the subject under his consideration, and that he would be prepared to take some steps to put a stop to the practice.

Mr. HADFIELD said, he wished, before the right hon. Gentleman the Home Secretary rose to reply to ask him a question on the subject of the practice of flogging in prisons. The Returns already referred to by his hon. Friend (Mr. Kinnaird) near him related to 137 prisons, in sixty-three of which no flogging whatever had taken place either by sentence of the Courts or by order of the visiting justices. In twenty-two others there had been no corporeal punishment by order of the visiting justices. In twenty-six others the punishment had been inflicted partly by order of sessions and partly by the visiting justices, and in the twenty-six remaining prisons the punishment had been by order of the visiting justices only. Now, he submitted that it was never intended by the law that the punishment of whipping should be indiscriminately inflicted upon our criminals by order of visiting justices only. Another matter of which he complained was that no limit was placed on the visiting magistrate as to the number of lashes he might direct to be administered, or as to the instrument—cat-o'-nine-tails or birch—with which the punishment was to be inflicted; and, furthermore, that the punishments were inflicted in private, by which the public eye was drawn away from them; and the press was not allowed to report the proceedings. In many of the cases to which he had directed his observations, the infliction of the lash, no doubt, took place according to the caprice and temper of the visiting magistrate, and not in accordance with justice or the actual merits of the case. In the West Riding of Yorkshire prison, at Wakefield, whipping was entirely abolished, and, with few exceptions, that degrading punishment was disallowed in the county of York. He hoped, therefore, that the attention of the Home Secretary would be at once directed towards abolishing a power which in itself was manifestly tyrannical and susceptible of such great abuse.

Sir BALDWIN LEIGHTON said, that before the question was answered, he wished to ask the hon. Member whether, before a flogging was ordered to be inflicted, an examination must not take place on oath before the visiting magistrate; the proceedings taken down on paper; and the whole matter conducted in a proper and judicial manner? He also wished to ask whether any complaint had been made by the Inspector of Prisons as to the severity of the punishment inflicted by order of the visiting justices? Whether he was not aware that the birch-rod, and not the cat-o'-nine-tails was the instrument usually employed in the punishment of boys? And, finally, was he not aware that the children of the nobility and higher classes were subjected to corporeal punishment, inflicted generally in private by the head master of public schools, in a much more severe form than that employed in public prisons?

Mr. BRISCOE said, that he should lose his self-respect if he remained silent with the convictions which he had in reference to the subject introduced by the hon. Member for Perth (Mr. Kinnaird). They often indulged in vituperation of foreign states, and talked of the cruelties practised in the gaols of Naples and Austria. He would plead for the infants, children of tender age, in English gaols. Could it be believed that not a birch-rod, but a cat-o'-nine-tails, was laid on a child? It should be remembered that one stroke of the cat gave nine lashes, and, therefore, twenty strokes inflicted 180 lashes. [*Laughter.*] It might be a matter of merriment to some hon. Gentlemen, but no one would be allowed to treat an animal with such cruelty.

He hoped to hear from the right hon. Gentleman, the Home Secretary, that a change was intended which would put an end to such disgraceful proceedings.

LIEUT.-COLONEL J. H. KEOGH AND THE ENCUMBERED ESTATES COURT, DUBLIN.—OBSERVATION.

MR. WHITESIDE said, he rose to call the attention of the House to the matters alleged in the petition of Lieutenant Colonel John Henry Keogh, presented to the House on the 14th day of March last. It appeared that the petitioner was entitled to two estates—one in the County of Carlow and the other in Kildare. A petition was presented to the Encumbered Estates Court, Dublin, for a sale of the property to pay debts contracted by the petitioner's father, and an order was pronounced in August, 1851. The Kildare estate was sold in 1852, and it was found to realize more than sufficient to discharge all the claims of the creditors, and amongst them the particular debt which was the subject matter of the petition. It was a judgment debt in the penal sum of £2,000, the bond having been given to one Anne Garstin. The sum due on the bond was £1,061, principal and interest, and the Judge ordered that that amount should be set aside for the personal representative of Anne Garstin, and directed that letters of administration should be taken out to her. That was done in May, 1853, at which time there was no legal personal representative. By the practice of the Encumbered Estates Court, when once the money was allocated by the Court the petitioners received no further notice with regard to it, and did not know when it was drawn out. The trustee of the judgment debt was a clergyman who proceeded to take out administration on the 8th of December, 1853. But before the representative could obtain payment of the money other persons wrongfully did so from the officers of the Court, and when those persons were called upon to refund it, it was found that they were insolvent, and, consequently, only £60 was obtained from their estates instead of £1,100. The trustee of the judgment then applied to the Encumbered Estates Court for an order to sell the estate in Carlow, and the Court could not refuse to make such order on the ground that money had once been allocated for the payment of the debt. Proceedings were then, by order of the Encumbered Estates Courts, commenced in the law courts by the trustee, and the result was the Court of Common Pleas held he was entitled to judgment for the amount claimed, the Judges saying that the money having got into the hands of the wrong person was no answer to the case made by the trustee, who was the right person, and that Lieutenant Keogh must obtain redress elsewhere. That gentleman had had to pay the sum of £1,650 10*s.* 5*d.* to the trustee, and £222 16*s.* 10*d.* costs to his attorney, in consequence of an error committed by an officer of the Encumbered Estates Court. The reason why Colonel Keogh could obtain no redress was that the 15th Section of the Act of Parliament enacted that neither the Commissioners of the Court nor any person acting under the authority of the Court should be liable for anything *bonâ fide* done, or omitted to be done, in the exercise of the provisions and powers of the Act. The officer having acted under the powers of the Act, there was no redress at law to Colonel Keogh, and the question was whether he was to have any redress rendered to him elsewhere—that was to say by that House? If there was a fund in court Colonel Keogh ought to be paid out of it; but if there was no such fund, then, as the House had compensated Mr. Barber for injuries done to him, so the Government ought to put Colonel Keogh's name upon the estimates for the amount which he had lost through negligence of an officer of the Court. There could be no doubt that a grievous injustice, under the Act of Parliament, had been done to Colonel Keogh, and he hoped the Government would give a satisfactory answer with regard to it.

MR. COGAN said, that there could be no doubt that a great hardship had been done to this gentleman. He had to pay twice over a sum of money through the negligence of a public department, and had failed to obtain redress, in consequence of an Act passed by that House. He (Mr. Cogan) thought it was a fair case for the interference of the House, with the view of affording some redress for the wrong that gentleman had sustained. He believed there were funds at the disposal of the Court by which that gentleman might be compensated without putting any burden upon the country. If the Secretary for Ireland saw any difficulty in dealing with the case now, he (Mr. Cogan) trusted that the right hon. and learned Gentleman (Mr. Whiteside) would be granted a Committee to inquire whether public justice could not be done?

THE CHANCELLOR OF THE EXCHEQUER said, that his part in the case of Colonel Keogh was a very slight one. Such a case, indeed, had no connection with the ordinary departmental discretion of the Treasury. The case of Colonel Keogh was certainly a very grievous one, and he should feel himself unable to oppose an investigation with a view, in the first instance, to the establishment of the facts. At the same time the matter involved many difficult and important questions which could not be decided off-hand. It would be impossible to take any step which, by recognizing any claim upon the public in such a case, would simply announce to the officers of courts of justice that they might with impunity commit any neglect or misconduct as long as it could not be proved wilful fraud. The difficulty of such cases was increased by the fact that officers of courts of justice were not under the control of the Executive Government. The vote of the House in the case of Mr. Barber was proposed with doubt and misgiving; but it was clearly established in that case that the wrong inflicted upon Mr. Barber was inflicted by persons who were under the direct control of the Executive Government. In the Irish cases to which reference had been made no claim upon the public was recognized.

DUTIES ON TRADERS.—REPLY.

THE CHANCELLOR OF THE EXCHEQUER said, as he could not address the House again, he would answer by anticipation a question of which notice had been given by the hon. and learned Member for the Tower Hamlets—namely, Whether it was his intention to lay before the House the Bill regulating the imposition of the Duties on Traders mentioned in the 8th, 9th, and 13th Resolutions before taking the opinion of the Committee on those Resolutions? In reply he had to say that it was not in his power to present the Bill to the House until the Resolutions had been passed and reported.

MR. AYRTON stated that last Session the right hon. Gentleman first read a somewhat similar Bill the second time, and then passed his Resolutions on the subject in Committee of Ways and Means. He wanted to know whether the right hon. Gentleman was going to pursue the same course on the present occasion? He wished to know the grounds on which the Chancellor of the Exchequer had selected the three classes of traders mentioned in his 8th, 9th, and 13th Resolutions specially as the subjects of taxation? and he thought the best mode of obtaining that information would be from the Bill itself; but, as the right hon. Gentleman declined to lay the Bill on the table, he would put the question in another shape, which would enable him to get the information he wanted in an oral form.

APPROPRIATION OF SEATS.

MR. COLLINS said, he did not rise to pursue the subject of flogging. Most hon. Members who had been at public schools had had the advantage of personal experience of what a flogging was before they entered that House. The question he had to submit to them was a much more important one; it related to the postponement of the Appropriation of Seats Bill. That seemed to be the only Reform Bill they were to have during the Session, and it had hardly met with the respectful treatment from its parents which it had a right to expect. It received a second reading on the 25th of February, and was put down for Committee on March 7th. It then stood No. 1 on the Orders, but it was postponed to the 11th; then it was postponed to the 14th, and then to the 21st of March. Before the 21st came it was postponed to April 15th, when it stood low down among the Orders, and it was then postponed to the 25th, when there was no chance of its coming on. The right hon. Gentleman the Secretary for the Home Department had stated that the Bill would not come on until after the financial statement had been disposed of, but, as there was no chance that the debate on the Budget would be over before the following Thursday it was evident that a still further postponement must take place. Under those circumstances, and as the measure was one which excited considerable interest, he trusted the right hon. Gentleman would fix some day definitively for its discussion. He would remind the right hon. Gentleman that independent Members had not the same inducement as the occupants of the Treasury bench to remain in the House until two o'clock in the morning to watch the Bill.

SIR GEORGE LEWIS: Sir, I am not conscious of having behaved, as the hon. Member for Knaresborough (Mr. Collins) has alleged, with any want of respect to the House in regard to the Bill for the Appropriation of seats. In the beginning of the Session an opinion was expressed, somewhat in terms of censure, that the Government were to blame if they did not introduce their Bills at an early date. In accordance, therefore, with what I thought the general wish of the House I introduced the Bill in question at a comparatively early period of the Session, and it has been read a second time. If I had seen an opportunity for the consideration of the Bill in Committee, I should not have failed to have availed myself of it. The House, however, is aware that the Government are in a more unfavourable position than private Members with regard to the consideration of their Bills at that period of the year. A private Member can put down his Bill for Wednesday, and if sufficiently high on the list it will come on, but it is impossible for a Government Bill of this kind to be taken up when there is important business on the paper, such as Committee of Supply, when a couple of nights are sometimes occupied with preliminary Motions. I am not aware that I have failed to avail myself of any opportunity of bringing on the Bill, or that I have postponed it on any occasion when it could seriously have been expected to come on; I can only repeat that as soon as the financial business shall have been concluded I will fix a day for the Bill.

As to the flogging of prisoners I would observe that there are two classes of cases in which that punishment is inflicted: one is where the Judges at assizes or quarter sessions have pronounced that sentence after an indictment. The law in certain cases allow this punishment to be inflicted on adults, and more frequently on children. That is the sentence of a competent Court; and it is inflicted by the gaoler, just as a capital sentence would be if pronounced by a competent Court. In that case, then, it is not in the power of the Executive Government to interfere with the mode of its infliction, although the Crown may remit it. As far as legislation on this subject is concerned it is under the consideration of the Committee which is now sitting on Offences against the Person. This punishment, more than any other, has been under the consideration of that Committee. They will, no doubt, make certain recommendations which will come before the House, and without anticipating their decision, I think the House may dismiss the subject, leaving it to the consideration of the Committee. The other class of cases is where flogging is administered by order of visiting magistrates on prisoners for prison offences. There is obviously a difficulty with respect to prison offences, because punishment has to be inflicted on those who are already in a state of punishment. Ordinary modes of punishment being thus taken away the law confers on the visiting justices the power of flogging for prison offences. Before inflicting that punishment the visiting justices, as has been correctly stated by the hon. Baronet (Sir Baldwin Leighton) take evidence as to the offence, which is accessible to the prison inspector. I am not aware that any case of excessive flogging by order of the visiting justices has been reported by the prison inspectors, or made the subject of special complaint to the Home Office. If any such complaint had been made it would, of course, have been attended to. From the returns it appears that a boy of a tender age has been subjected to flogging with the cat, which is certainly a severe instrument of punishment. In the New Bailey Prison, Salford, in November, 1857, a boy aged fourteen years seven months, was sentenced to eighteen lashes with the cat. His offence was, "shouting repeatedly in his cell at night, after having been cautioned by the watchman, this being the seventh report since conviction in May, 1857." He was probably an incorrigible boy, who had given a great deal of trouble to the prison authorities. In March, 1858, in the same prison, a boy eleven years old was sentenced to thirty-six lashes with the birch-rod, for "shouting loud in his cell to other prisoners, this being the ninth similar offence in four months, in addition to other disorderly conduct." In April, 1858, in the same prison, another boy, thirteen years eight months, was sentenced to forty-eight lashes with the birch for whistling and shouting in his cell, that being "the third similar offence (incorrigible), and eighth offence in seven weeks." That is the nature of the offences for which corporeal punishment is inflicted on prisoners by direction of the visiting justices. If the House thinks fit, it can, of course, impose some restriction on the discretion of the visiting justices by defining the instrument to be used in different cases, and limiting the number of lashes to be administered. It would be competent for the Home Office to inquire into any particular case of cruelty and to take steps in consequence; but not to issue a circular letter to the visiting justices, limiting their discretion in the execution of the law. I will, however, consider whether I can make any suggestion on the subject. It certainly appears that in some prisons this punishment is inflicted more frequently than in others, but that is sometimes owing to the defective construction of the prisons, and not to any fault of the officers.

COLONEL NORTH said, that last Session he had brought this subject under the notice of the House, when he had shown that the system of flogging children was most tyrannical, brutal, and of a disgusting nature. In the army a court-martial, which could order a soldier to be shot, could only direct the infliction of fifty lashes. But in Lancaster gaol there appeared to be no limit to the authority of the visiting magistrates. He had never heard of a boy being flogged with a cat-o'-nine-tails in the army at all. A soldier entered the army at the age of eighteen, and must be a most accomplished blackguard to earn a flogging within a year. So that it might be said that nineteen was the earliest age at which a soldier was liable to flogging. But the Return before the House showed that a lad of fifteen years and two months had received forty-two cuts with a cat-o'-nine-tails for defacing some books in prison. Another boy, of sixteen, for refusing to work had received sixty cuts with the birch. He observed that 190 of the floggings took place in Lancashire. The hon. Member for Birmingham, therefore, would have been much better occupied in his own county than in dragging before the country General Sir Richard Dacres, the commandant at Woolwich, for having flogged the greatest ruffian that ever disgraced the army. It was all very well to talk of the brutality of flogging in the army, but what could equal the brutality they had heard of that evening? If he commanded a regiment at Oxford, he, as colonel, could not flog any man in the regiment without a regimental court-martial; but as a visiting justice, he could go to the prisons and flog as many men as he pleased. He was an advocate for flogging in the army, because he did not believe they could govern the men without it; but he would never consent to place it in the power of any one man to subject another to the lash, except in a case of mutiny when instantaneous example was necessary to suppress it.

ASSISTANT-SURGEONS IN THE ARMY.

QUESTION.

LORD BURGHLEY said, he rose to ask the Under-Secretary of State for War, Why a large number of Staff Assistant-Surgeons have been placed upon half-pay, and how long it is probable that the state of half-pay as regards these officers will be continued? He knew it was said that they had been placed on half-pay because the present Vote was not sufficient; but why was the present Vote not sufficient? It seemed hard that a number of officers just entering on their profession should be placed on half-pay, and their prospects of promotion in the army retarded, when they themselves were not in fault. He did not blame the War Department; he believed they were inclined to be liberal. He hoped they would take the case into consideration, and, perhaps, do something to remedy the evil.

GENERAL LINDSAY said, that with reference to the notice which had been given by his hon. and gallant Friend (Colonel North), he wished to call attention to the reduction of the second assistant-surgeons of regiments of the Line. He had mentioned the other evening that this reduction had either commenced or was anticipated. The importance of the subject had been felt very deeply, for the addition of a second assistant-surgeon to regiments of the Line had been recommended by the Commander-in-Chief and nearly all the important witnesses before the Sanitary Commission on the Army. To some extent the House had been deceived by the statement made the other night by the hon. Under-Secretary of State. He was far from attributing to him any intention to mislead, but the fact was that what had been stated by him in Committee, was, so far as he could learn, the reverse of what had actually taken place. An order had gone out reducing in several instances the second assistant-surgeons of regiments serving at home. The question was not, perhaps, quite understood by the hon. Gentleman, for the reply that was wished had not been given. When an hon. Member stated that the order had gone out for the reduction, the hon. Under-Secretary said, if such an order had gone out it had not gone out from the War Department. He (General Lindsay) was extremely anxious to have the matter cleared up, and if an order had gone out without the knowledge of the authorities, that it should be reversed as soon as possible. The sanitary interests of the private soldiers made this a matter of no ordinary importance, as no officer was so useful to them or so well acquainted with their wants, and it involved in a great degree the comfort of medical officers themselves. He thought it a great hardship that a medical officer could not have leave of absence, in consequence of the great responsibility which devolved upon him, without employing another practitioner to perform his duties.

Mr. T. G. BARING said, he would state to the House precisely what he had intended to say and what he believed he had said the other evening. He meant to say two things; the one was that the second assistant-surgeons of the battalions of of Guards would not be taken away from them as they were included in the Estimates for 1861-62; and the other was that no second assistant-surgeons of Line regiments would be placed on half-pay. He did not intend to say that they would not be taken away from their regiments. It was considered by the noble Lord the Secretary of State and by the Commander-in-Chief that the second assistant-surgeons in regiments at home were no longer necessary. As the gallant officer had mentioned the Report of the Sanitary Commission, and the opinions of those supposed to be most conversant with the wants of the soldier in regard to medical treatment, he must say that no one, in whatever position, had paid more attention to that subject than Lord Herbert; and no one was better qualified to decide how those wants could best be attended to. His opinion was that second assistant-surgeons should no longer be attached to regiments at home. The House itself was able to judge whether three medical officers were required to attend 800 men between the ages of eighteen and thirty, and whose complaints were mostly of a character which, though rendering them for a time unfit for service, did not require very serious treatment. Lord Herbert, therefore, held the opinion, in which his Royal Highness the Commander-in-Chief concurred, that second assistant-surgeons for regiments at home were no longer required; and in the Estimates for this year only one assistant-surgeon was taken for regiments at home. It was to be regretted that it should be necessary to place any medical officers upon half-pay; but the Chinese war having ceased the services of a certain number of them could be dispensed with. In effecting reductions the rule was to deal with the junior officers, and twenty-nine assistant-surgeons had been placed on half-pay, none of whom were the second assistant-surgeons of regiments, all of them being on the Staff. He hoped it would not be requisite to keep them on half-pay for any great length of time, it being intended to give them active employment as vacancies occurred. The change had been made entirely with a view to the efficiency of the medical service. He (Mr. Baring) did not mean to imply by what he said upon a previous occasion that those assistant-surgeons were idling away their time from any fault of their own, but that with three medical officers for one battalion there was not a proper opportunity for them all to improve themselves in their profession.

DEEP-SEA OYSTER FISHERY IN THE CHANNEL.—QUESTION.

Mr. CAVE said, he would beg to ask the President of the Board of Trade, Whether there is any prospect of inducing the French Government to consent to an extension of the time allowed for the deep-sea oyster fishery in the English Channel? He thought this the proper opportunity for asking the question, because on the following Wednesday a great annual injustice would again take place, and several hundreds of as gallant and skilful mariners as ever risked their lives in assisting a stranded vessel—men who in time of need might do good service to their country at sea—would be thrown out of employment in an arbitrary and unnecessary manner. The facts were simply these:—In 1839 a Convention was made with France, chiefly through the instrumentality of the noble Lord now at the head of the Government. That noble Lord, he understood, prided himself upon it, and justly, for it settled many disputed points between the two countries. Among others the distance which the French fishermen were obliged to keep off the English coast. There were also provisions with regard to the oyster fisheries. These were, of course, intended to apply to the oyster beds in shallow water near the coast, which were the only ones then known. Since then, however, other oyster beds of a different character had been discovered in deep water in mid-channel, to which the regulations were held to apply, and this was the hardship. Because, with regard to those oysters the spawning season did not begin for a month or two later than it did in the shallow water, and what was quite right for the protection of the one was unnecessary for the protection of the other. The fishing for the deep-sea oysters was a much more hazardous and difficult operation than that for the others; and in boisterous weather there were several weeks sometimes during which it could not be pursued. So that, after a stormy winter like the last, it frequently occurred that the supply brought into the Shoreham River, the Adur, and other rivers on the south of England was quite inadequate to the demand during the fence months, and this was a very serious thing. No one could mistake the two kinds of oyster who had ever compared those served up at the clubs, for instance, with those sold in stalls in the streets; but few hon. Members knew how great the consumption for the latter was. They were cheap, and a favourite food with the poorer classes. They were sent all over England, and were found at every fair and racecourse, and throughout the manufacturing towns of the north. The Brighton Railway Company cleared many thousand pounds annually by their carriage. The French apparently did not appreciate them, nor did they like the rough work of deep-sea dredging. It should be fully understood that the English and French could only debar each other by arrangement from dredging these beds. They were not in the jurisdiction of either power, and he understood that the Dutch and others fished there with impunity during the fence months. This constituted a peculiar hardship to our fishermen on the south coast. He had presented a memorial to the Board of Trade last April, praying for an extension of time to, at the earliest, the end of May. He had also been with more than one deputation to the President of that Board. Their representations had met with the courtesy and attention always given by the right hon. Gentleman. In July last he (Mr. Cave) had received a communication from the Board of Trade to the effect that Her Majesty's Government intended making strong representations to the Government of France. Their hopes, which had been raised by this, were destroyed by another letter dated at the end of October, which stated that the French Government, having considered the matter, were of opinion that the concession could not be made without danger to the fisheries. They had heard a great deal lately of the liberality of the French Government, and he was not going to question it, but he thought that that Government had been misled by officials, who were perhaps afraid of an increase of trouble from any new arrangement. The French had lately paid great attention to the oyster beds on their own coast, and were probably afraid of depredation, but they ought to watch those beds themselves, and not require our Custom House to assist them by overhauling our fishing-boats. Besides, they could not protect their oyster-beds by merely excluding us from a ground which was open to all other nations. He believed that if the French fairly understood the matter they would no longer insist upon an arrangement which was felt to be a serious grievance on the south coast, and pressed most cruelly upon a large number of our most enterprising and hardy fishermen.

Mr. MILNER GIBSON said, that in consequence of representations which had been made to Her Majesty's Government, the Government of France had been invited to consider whether it would be practicable or right to modify some of the provisions of the fishery Convention now in force between the two countries, with a view to allow oyster fishing in the deep-sea during May, June, and July, which were called "fence months." The reply they had received was that the French Government, having carefully examined the matter, had come to the conclusion that it was not advisable, even for the interests of the fishermen themselves to permit such fishing during those months, and that they did not think it would be right to depart from the stipulations of the Convention.

CASE OF CAPTAIN MACDONALD.

OBSERVATIONS.

Mr. VINCENT SCULLY said, his object in rising to make a few observations in reference to the case of Captain Macdonald was to express a hope that no course would be taken by the Government that would seem to imply a *causa belli*, so that the good feeling which existed between the two countries would be disturbed. He believed the case had been wholly misrepresented to the House, and as the noble Lord at the head of the Foreign Department might have to deal seriously with the subject, he (Mr. Vincent Scully) hoped he would take the trouble to inform himself upon it before he came to the conclusion that the British Government was in the right and the Prussian Government in the wrong. That Government had no opportunity of giving any answer or being heard in that House. He thought that every Member of the House, on the evidence which had been presented to it, would come to the conclusion that there was no ground for blaming the conduct of the Prussian Government, which had done what it could consistent with not setting aside the laws and institutions of that country. The case had been tried three times, and the evidence was of a most contradictory nature; yet our Government had assumed that the Prussian evidence was all false. In many cases Prussian officials had been strictly punished, short of actual imprisonment, on complaints of a similar character. It was clear that personal violence had been used by Captain Macdonald, for it had been sworn that he put his hand on the shoulder of Dr. Parow's wife to remove her from the railway carriage, and that he had given the station-master a violent blow on the chest, which he had felt for some days afterwards. He thought Captain Macdonald's punishment a very lenient one. He could not but complain also of the arrogant tone of the despatches of the noble Lord at the head of the Foreign Office, which was calculated to sow the seeds of misunderstanding between two friendly Powers who were closely allied. There was no fear of British subjects being ill-treated when travelling abroad if they properly conducted themselves.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

House adjourned at a quarter after eight o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 29, 1861.

MINUTES.] *Sat First in Parliament.*—The Earl Cawdor after the Death of his Father

PUBLIC BILLS.—1^a Passengers (Australian Colonies); New Provinces (New Zealand).

2^a Queen's Prison, &c.

3^a Post Office Savings Banks.

THE AMERICAN STATES.

QUESTION.

THE EARL OF MALMESBURY: I beg leave to put to my noble Friend the Under Secretary for Foreign Affairs a question, of which I have given him private notice, in reference to a subject which deeply interests this country, and, I may say, the whole of Europe. All your Lordships have, no doubt, read the accounts which arrived this morning from America, and must have learnt with pain and with some astonishment that a civil war has broken out between the Secessionists in that country and the other States of the Union. Fortunately, up to the date of those accounts, no blood, hardly any, had been shed, and too much praise cannot, I think, be bestowed upon the commander of the fleet engaged in the transaction to which I refer for abstaining from entering on a useless contest which could only envenom the spirit of both parties. It is impossible, however, my Lords, that a struggle such as that which seems now impending in America—a struggle so unnatural, and calculated, I may add, to prove so fatal to the parties concerned in it—it is impossible that such a struggle should not produce a reverberation throughout the rest of the world. I may further observe that no country on this side of the Atlantic is, perhaps, more likely to suffer from the civil war which threatens the United States than our own; for, altogether apart from those feelings of regret with which we must witness the breaking out of strife between persons belonging to the same family as ourselves, and kindred to us in language as well as in blood, our political and material interests are deeply involved in this unhappy schism. That being so, I cannot but believe that Her Majesty's Ministers, feeling upon this question with all Her Majesty's subjects, have already done their utmost by officious means to bring about some arrangement by which so dreadful a calamity as that of which I am speaking may be averted. I, therefore, wish to ask my noble Friend the Under Secretary of State, What steps the Government have taken with that object; whether they have made any attempt to prevent the quarrel between the different States of the American Union from coming to a bloody issue; what hopes they entertain of succeeding in so laudable an endeavour, and whether they have invited, or are in correspondence with any other European Government with the view of obtaining their assistance in seeking to put a stop at the outset to a civil war, of which, if once fairly commenced, it will be impossible to foresee the end?

LORD WODEHOUSE: My Lords, need scarcely assure my noble Friend that the Government, in common with him, and I feel confident with every one of Her Majesty's subjects, have learnt with the deepest regret the intelligence of the dissensions which have taken place in the United States. We have also received with the utmost concern the accounts to which my noble Friend has alluded, informing us that those dissensions have brought that country to the brink of civil war—if, indeed, civil war may not be said to have already broken out. In answer to the question what steps have been taken by Her Majesty's Ministers to avert this great calamity—for a great calamity it undoubtedly must prove to be not only to the Americans themselves, but to England, which is so closely connected with them by the ties of kindred—I have to state that, after the most mature deliberation, the Government came to the conclusion that it was not desirable that this country should intrude her officers or counsel on the Government of the United States. However great the interest which we may feel in the welfare of her people, and however anxious we might be to rescue them from the misfortune which appears to be impending over their heads, we yet thought that a great and independent nation might not welcome advice given with respect to her internal affairs, if that advice were proffered without being solicited. The instructions, therefore, given to Lord Lyons were, that he should on every fitting occasion express the earnest desire entertained by Her Majesty's Government that the differences which prevail between the Northern and the Southern States should be arranged. He has not, however, been instructed to give, either officiously or officially, any counsel or advice to the American Government, unless such counsel or advice should be asked for by the contending parties themselves. That is the answer I have to give to the question of my noble Friend. It naturally follows that Her Majesty's Ministers have not been in communication with any foreign Government as to any steps being taken of the nature of those to which he has alluded.

POST OFFICE SAVINGS'-BANKS BILL.

MOTION FOR RETURN.

Lord MONTEAGLE *moved,* That there be laid before the House, Report made to the Postmaster General by the officers of the General Post Office on the Post Office Savings Banks Bill.

Lord STANLEY of ALDERLEY opposed the Motion as one quite unusual and unprecedented, it being a confidential communication from the subordinate officers to the head of the department for his guidance and information.

On Question, *Resolved* in the *Negative.*

POST OFFICE SAVINGS'-BANKS BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

Lord REDESDALE asked what would be the probable expense of working out this measure?

Lord STANLEY of ALDERLEY said, that there would be no objection to lay on the table an account of the probable expenses of the new system; £3,000 a year was computed as the cost of working the system on the experimental scale proposed at present. If the system should be extended the expenses would, of course, be greater.

The Earl of HARDWICKE inquired what was intended by the Government in reference to the salaries of the small postmasters, whose duties would be very onerous?

Lord STANLEY of ALDERLEY replied that exactly the same course would be pursued as had been adopted with respect to the money-order offices—namely, the postmasters would receive a percentage on each transaction.

Lord MONTEAGLE said, he could not see without regret and alarm what seemed to him meant to produce a breaking up of the existing savings banks, and the substitution of the action of a salaried Government department for what he might call a great public charity, directed by benevolent persons acting gratuitously in their own neighbourhood. The present system cost in its management between £120,000 and £130,000 a year; and the paid officers holding situations of trust found security to the amount of £740,000. The cost of the proposed scheme they had no means of estimating, but he doubted whether the whole of the persons in the employment of the Post Office who were to carry out this Bill could give security to an equal amount. Yet the Bill tended to supersede the trustees, managers, and paid actuaries of the existing savings banks. [Lord Stanley of Alderley: It will not interfere with them.] He asked their Lordships to read this Bill, and say whether it had not been framed with the view of leading to a breaking up of the present savings banks, transferring their deposits to the Postmaster-General? The Bill would, in fact, create within the Government a great centralized bank, and would place at the disposal of the finance Minister an enormous amount of money being the savings of the middle and humbler classes. He objected to the power which the Chancellor of the Exchequer possessed of using the funds of the savings banks for stockbroking purposes. He was so impressed with the danger by which the measure would be attended that he should deem it his duty to put his objection on record by saying "Not content," to the Motion, though he would not put their Lordships to the trouble of a division.

LORD STANLEY OF ALDERLEY said, that the Bill did not propose to deal with the existing savings banks; and if it should have the effect of subverting those institutions it could only be because the public would prefer the new banks to the old, as affording greater facilities for the deposit of their savings, and giving an increased security, that made up for their diminished rate of interest which they would receive. He could not, therefore, admit that that was any ground for complaint. With regard to the present banks, he knew that in many instances the greatest difficulty had been experienced in finding gentlemen who would accept the office of trustees of these establishments. Practically the administration of the existing banks depended almost entirely on the managers, the trustees being merely the names of certain gentlemen who were put before the public, but who neither did nor could give the requisite amount of attention to the matter. These gentlemen were not responsible by law for the deposit, but at the same time, when a failure did take place, feeling themselves to rest under a moral obligation, and unwilling to see their poorer neighbours incur any injury, they had sometimes voluntarily and handsomely come forward and contributed the money from their own resources. In the case of the Rochdale Savings Bank the amount of loss incurred was £37,000, and from that moment to this it had been found impossible to re-establish a bank there, or to induce any one to come forward and act as trustee. But the substantial objection of his noble Friend was not to this Bill itself, but to the state of the law with reference to the deposits in savings banks. His noble Friend was of opinion that the money in the hands of the National Debt Commissioners enabled the Chancellor of the Exchequer to deal with the funds, and thus to exercise control over the money market. Well, at any rate, the present Government were as little liable to blame on this ground as any of its predecessors; for last Session the Chancellor of the Exchequer introduced a Bill by which he proposed to tie his own hands up so far as £30,000,000 of deposits in savings banks was concerned. That Bill, however, so far as it related to the present question, was not approved of by the other House; but his right hon. Friend was quite willing to re-introduce it on the first opportunity; and in the present Bill there was a clause which directed the production of annual returns for the information of Parliament of all the transactions which took place with the savings banks monies, and which would operate as a great check upon his proceedings in the direction referred to. This Bill was calculated to effect an object which all must desire to see carried out. It did not interfere with the existing savings banks, whilst it afforded the poorer classes an opportunity of depositing their money more readily, and he believed more safely, than they could do now.

On Question, Motion *agreed to.*

Bill read 3^{a}.

On the Question that "the Bill do pass."

LORD REDESDALE begged again to call attention to the clause relative to the transfer of money from existing savings banks to those connected with the Post Office. The Bill required these transfers to be made by a certificate signed by two trustees. This, he thought, would lead to very great inconvenience in many instances. He believed it would be far better to let the depositor withdraw his money himself and re invest it himself.

LORD STANLEY OF ALDERLEY said, that under the plan proposed in this Bill, the transfer would be effected by the National Debt Commissioners, on receiving the certificate of the trustees, simply removing the sum from the account of the present savings bank and entering it to the credit of the Post Office Savings Bank, and the necessity for any selling-out would, therefore, be entirely obviated; in case of panic or anything of the kind this would be a very great advantage.

Amendment made.

Bill *passed* and sent to the Commons.

PROTEST

Against the Third Reading of the Bill.

"Dissentient—

"1. Because it is inexpedient, without deliberation and evidence, to transfer to the centralized authority of a Revenue Department, already charged with laborious and incompatible duties, functions which have been hitherto performed by independent trustees, acting gratuitously, freely appointed, and who, by their administration of the Savings Banks throughout the British empire, have conferred a signal benefit on their country by encouraging habits of prudence, industry, and forethought.

"2. Because such a transfer cannot be made without implying a mistrust in that system of self-government to which England owes so much prosperity and happiness, and her charities and voluntary institutions so much of their success; and whereby all classes of society, being united in the discharge of their local functions, are trained in habits of business and responsibility, and are thus fitted for the fulfilment of other and more weighty duties.

"3. Because this change is made without any clear and distinct explanation of the proposed system, or any estimate of its probable cost—a cost which, whether supplied by Parliamentary grant or by a deduction from the interest payable on deposits, equally demands the most careful and jealous attention.

"4. Because the proposed change is the less called for when it appears that, under the existing local management, the amount of deposits in Savings Banks and Friendly Societies has steadily augmented, and on the 28th of November, 1860, had reached the extraordinary sum of £43,298,320; and that a further sum of £768,275 had been pledged by the officers of the existing Savings Banks as a security for their faithful discharge of duty.

"5. Because the Legislature, in passing its earlier laws for the regulation of Savings Banks, described the sole object of those institutions to be 'the receipt of deposits for the benefit of the depositors, and the accumulation of so much of the interest as shall not be required by them;' yet a practice has subsequently been introduced, and largely extended, by which the funds of Savings Banks have frequently been advanced to meet financial difficulties of the State, a power being conferred on the Executive Government described by high official authority as being 'larger and more absolute than is required for the public service.'

"6. Because these practices, condemned by high Parliamentary and official authorities, are not only left uncorrected by the present Bill, but are liable to be more largely and freely applied, by reason of the substitution of a Revenue Department for the more constitutional control of the existing Boards of trustees.

"7. Because no provision is made under this Bill for compensation or reward to the paid officers of the existing Savings Banks, however long and faithful their services, and who will be liable to be turned adrift and replaced by the nominees of the Government.

"8. Because the proposed system, brought altogether under the central authority of a revenue department, may, when dealing with a capital of £45,298,320, facilitate and encourage the sale and purchase of public securities on account of Savings Banks in a manner to influence unduly the value of the Parliamentary stocks, and thus to affect injuriously both public and private credit.

"9. Because, while it is not improbable that the agency of the Money Order Department of the Post Office may be usefully employed in the mere remittance of the funds of Savings Banks as between the local trustees and the Commissioners for the Reduction of the National Debt, no evidence or authority has been produced to justify the novel and objectionable principle on which the present Bill is founded.

"Monteagle of Brandon."

House adjourned at a quarter past
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, April 29, 1861.

Minutes.]—New Writ Issued.—For Montgomery Borough, *v.* David Pugh, esquire, deceased.

New Member Sworn.—For Tynemouth, Richard Hodgson, esquire.

Public Bill.—1° Industrial Schools (Ireland).

CONVEYANCE OF VOTERS BILL.

QUESTION.

Mr. PEACOCKE said, he wished to ask the hon. and learned Gentleman who has charge of the conveyance of this measure, Whether he intends to proceed with it on Wednesday?

Mr. COLLIER said, that if he was to understand that the measure of the Home Secretary for the prevention of Corrupt Practices at Elections was not to be a mere Continuance Bill, but would deal with the general question, and that it would also be pressed forward without unnecessary delay, he thought it would be better to leave the subject of the Conveyance of Voters in that right hon. Gentleman's hands.

BRIBERY AT BERWICK.

QUESTION.

Mr. R. HODGSON: Sir, I rise to put a question to the hon. and learned Attorney General of which I have given him notice. I wish, before doing so, however, to read a letter I have received from the Secretary to the Commission which sat to inquire into the existence of bribery at the last election for Berwick-upon-Tweed. I am informed that in strict accordance with the rules of the House I cannot do so unless I have the permission of the House. I do hope, however, that in a matter affecting my personal honour I shall not appeal to the House for that permission in vain.

Mr. SPEAKER intimated that, on the statement of the hon. Member that the matter affected his personal honour, the House would permit the explanation to be made.

Mr. R. HODGSON: Sir, it effects my character in this way. The Commission which sat to inquire into the existence of bribery at the last election for Berwick-upon-Tweed stated in their Report that I had been guilty of bribery.

Colonel FRENCH: I rise to order. I wish to know whether an hon. Gentleman has any right to complain in this manner with reference to any transaction which took place when he was not a Member of this House? A Member, no doubt, has such a right if the subject matter of complaint arises while he is so.

Mr. SPEAKER: In strict order the hon. Member should be confined to the general rules of this House—he should be satisfied with asking his question. I told him so before I was aware that the matter involved in any respect his personal honour; but when the hon. Member had made that statement I felt it was not for me further to interfere.

Mr. R. HODGSON: I am somewhat surprised that the hon. and gallant Member for Roscommon should interrupt my short statement. The question I shall conclude by asking is a repetition of that put one night last week by the hon. Member for Nottingham to the hon. Gentleman the Under Secretary of State for the Home Department, "Whether the law officers of the Crown have yet formed their judgment on the Evidence and Report submitted to Her Majesty by the Commission appointed to inquire into the existence of Bribery at the last Election for Berwick-upon-Tweed; and, if so, what steps the Government intend to take thereon?" Of that question I gave notice to the hon. and learned Gentleman, and, likewise, enclosed him a copy of the letter I received from the secretary to the Commission, with the speech I made on which that letter is founded. I trust, therefore, unless I greatly exceed the limits which the kindness the House has accorded to me, I may be permitted to give a few words of explanation. I was about to say when I was interrupted that undoubtedly the decision of the Commissioners was very much influenced by an inference they drew, and which, as stated in their Report, I will read to the House. But I must first of all explain that in my own evidence I admitted

that previous to the last election for Berwick-upon-Tweed, before a vacancy had occurred, before I was a candidate, and before I thought of being one, I paid a person a sum of £65 for collecting a large amount of evidence in order to enable the sitting Members to defend their seats. That £65 has been held by the Commissioners as having been given with a view to a future election, and spent in bribery at that election at which I was a candidate. One of the reasons for which they came to that decision is undoubtedly the inference they had drawn from the circumstance that my collecting that evidence was not communicated either to the Conservative agent in London or at Berwick-upon-Tweed. On his first examination Mr. Rose, the Conservative agent in London, stated that he had not received that information. But Mr. Weatherhead, the Conservative agent at Berwick, reminded me of a circumstance which enabled me to bring to the recollection of Mr. Rose that I had distinctly informed him that a large amount of evidence had been collected by me for the purpose of enabling the sitting Members to defend their seats; and Mr. Rose wrote a letter to the Commissioners stating that he had inaccurately given his evidence in the first instance. If the House will permit me I will read the letter Mr. Rose wrote to the Commissioners—

"December 12, 1860.

"Dear Sir,—Since my evidence was given before the Commissioners on the Berwick Inquiry I have had my attention called by Mr. Richard Hodgson to a point upon which I fear I may have unintentionally committed an error. Had I been previously aware of the subjects upon which the Commissioners desired information from me I should have taken all the means in my power to refresh my memory, but as I had no knowledge beforehand of what the Commissioners intended to ask me I could only answer to the best of my recollection at the time. In reply to an inquiry whether I had ever heard from Mr. Hodgson that he had been engaged in getting up evidence in defence of the seats of Captain Gordon and Mr. Earle, I replied in the negative; and I further stated that I did not remember having had any communication with Mr. Hodgson on the subject of Berwick until within a few days of the close of the Session of 1859, though I added that, as Mr. Hodgson was frequently at our office upon other business, it was possible I might have seen him. This was strictly accurate as to my recollection at the time; but Mr. Hodgson has reminded me of an interview he had with me about the 8th or 9th of July, 1859, when passing through London on his way to the Continent, at which he mentioned that he had not been idle at Berwick, and that, in the event of the petition being tried, he should be in a position to supply important information as to cases of bribery on Mr. Marjoribank's side, and that he would place them at our command;

and he requested us to write to him at Aix-la-Chapelle in case of need. And I find among my papers a memorandum of his address at that place, which I took down at the time in order that I might communicate with him if necessary. As I never had occasion to act upon his suggestion, and the petition was withdrawn shortly afterwards, the circumstance of this interview had escaped my recollection, and would probably never have again occurred to me but for Mr. Hodgson's reminder and my discovery of the address he gave me. I much regret that I should to any extent have misled the Commissioners in my statement, and I take the earliest opportunity of admitting the inaccuracy into which I have unintentionally fallen; and I shall feel obliged by your placing this letter before the Commissioners.

"I remain, dear Sir, yours faithfully,

"(Signed) Philip Rose.

"C. E. Coleridge, Esq., Temple."

With respect to that letter I have to say that, in addition to the statement to Mr. Rose that I had collected this evidence, I did place in Mr. Rose's hands the evidence I had collected—the cases, with the witnesses who were to support it. That evidence was sent down to Mr. Wetherhead at the time, and it was this circumstance that enabled him to communicate to me the fact which I brought to the recollection of Mr. Rose. The Commissioners, in their Report, at page 13, state—

> "It is singular that if Mr. Hodgson really employed M'Gall to collect information, and received and digested evidence of the importance represented to us, he did not inform the Conservative agents of the task he had undertaken, and submit to them, from time to time, the proofs which he had accumulated against the petitioners."

Upon that ground—on the ground that I had not communicated to the Conservative agents the information I had collected—the Commissioners came to a decision that the evidence I gave them was absolutely false, and reported that I was guilty of bribery. When the question was put the other night by the hon. Member for Nottingham to the Under Secretary for the Home Department I was a candidate for Tynemouth. There was a great ferment in the borough; much use was made of the question and answer, and it became absolutely necessary, in my opinion, that I should disabuse the public mind on that subject. I offered such explanations as I had it in my power to give, and I did criticize the Report of the Commissioners at some length. I also sent a copy of my speech, as published, next day to the Commissioners and their Secretary. And now, having given these explanations to enable the House to understand the meaning of the letter I received from the Secretary to the Commissioners, I will read the letter itself. It is in these words—

"5, Mitre-court Chambers, April 25, 1861.

"My dear Mr. Hodgson,—I wrote to you yesterday, wishing not to lose a moment in explaining a most disagreeable matter.

"To my astonishment Mr. Vaughan informed me yesterday that he had never seen the letter referred to in your speech at Tynemouth, from Mr. Rose. I immediately saw Mr. Lushington on the subject, and he informed me that he never saw it. Mr. Barstowe says the same. I have been to Mr. Rose, who has shown me a copy of the letter, and I am quite sure I received it.

"It is dated December 12, and by a reference to other matters, I find that on both that and the following days I went to the committee room where the Commissioners sat. Mr. Vaughan and Mr. Lushington were alone there, Mr. Barstowe being absent on circuit.

"My invariable habit was to take down all letters I received, and to give them to the Commissioners there, stating who they came from. I have searched every paper and cannot find that letter, and I have, therefore, no doubt I took it to the committee room. Mr. Vaughan and Mr. Lushington have made a like search, and have not succeeded in finding it. I am quite convinced they never saw the letter, and equally convinced I took it down to the committee room, as was my invariable custom. It must somehow or other have been mislaid and overlooked, but how I cannot imagine.

"If it arose from any want of care on my part, I can only assure you that it was utterly unintentional, and must apologize to you for the wrong impression that has been caused.

"The Commissioners desire me to say that their Report as to this matter was founded on the evidence of yourself, Captain Gordon, Mr. Weatherhead, and Mr. Rose, and had the letter alluded to been brought to their notice they would have felt it their duty to recall Mr. Rose.

"I trust you will make any use you may think fit of this letter, either by publishing it or otherwise. "I remain very truly yours,

"(Signed) C. E. Coleridge."

Sir, I thank the House for enabling me to make this explanation. I will not abuse their kindness by making any remarks on the letter.

Mr. DISRAELI: Mr. Coleridge is the Secretary to the Commission.

Mr. R. HODGSON: The question I have to ask is, Whether the law officers of the Crown have yet formed their judgment on the evidence and Report submitted to Her Majesty by the Commissioners appointed to inquire into the existence of bribery at the last election for Berwick-on-Tweed; and, if so, what steps the Government intend to take thereupon?

The ATTORNEY GENERAL: Sir, I had the honour this morning, a short time ago, to receive a letter and a handbill from the hon. Gentleman. I have been unable as yet to read either. If he deems it material that I should do so before answering his question he will probably repeat his question to-morrow; if he does not deem it material I am ready to give an answer now. But I must first explain to the hon. Member that the Government gives no directions upon this subject. If I prosecute him it will be on my own responsibility; and if I forbear to prosecute him and to try him at the next assizes it will be on the like responsibility. I will tell the hon. Gentleman the determination at which I have arrived. I have read the Report carefully, and had the evidence carefully analyzed. It appears to me that the conclusion that the hon. Member was guilty of bribery is founded, first, on the evidence of a man named M'Gall, alleged to have been an agent of the hon. Gentleman. M'Gall would be a necessary witness, but he has absconded. He is not forthcoming. I could not have him, and even if I did have him I could not make him speak. The next foundation for the conclusion of the Commissioners is the statement which the hon. Member himself made before them. Now, I abstain from stating my own opinion with regard to the accuracy of the conclusion to which the Commissioners have arrived; but I feel it my duty not to engage in any prosecution of this kind unless there is a certain expectation of obtaining a conviction, and, having no such expectation in the case of the hon. Member, I shall forbear to prosecute him.

WAYS AND MEANS—COMMITTEE.

ADJOURNED DEBATE. THIRD NIGHT.

Order read, for resuming Adjourned Debate on Question [22nd April], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

MR. HORSMAN: Sir, towards the close of the discussion on Thursday evening an apprehension was expressed on this side of the House that those who were unfavourable to the Budget might resort to the same delays as last year defeated the Reform Bill. And there is no doubt that there is a sufficient resemblance between the two cases—that there is such a remarkable similarity between the relation of the House and the Government to the measure before us and to the country, that, at first sight, that apprehension might appear not to be ill-founded. In the month of April last year we were considering a measure which derived its chief character and importance from one leading provision which was desired only by a minority of the House, which the House generally both disliked and dreaded, and which it was well known that a majority even of the Cabinet viewed with anything but favour—but as to which the personal honour of a leading Minister was so committed, that he was allowed by his colleagues to experiment on the opinions of the country. This year we have a Budget which also derives its chief interest from one leading provision, which is again acceptable mainly to that same minority—which at the close of last Session a majority of this House and the country plainly showed that they did not desire—which again is believed to be the not willing act of the majority of the Cabinet—but, as to which the personal honour of a Cabinet Minister is again so committed, that he also is allowed to indulge his fancy by a still bolder experiment on the patience of Parliament and the good sense and understanding of the country. Last year the hon. Gentlemen on the other side of the House refrained from committing themselves by any opposition to the second reading of the Reform Bill. They knew that the feeling against the £6 franchise in the form then proposed was as strong on this side of the House as on that. They knew it was too earnest and too honest a feeling to be long suppressed by honourable men; and they judged, and, as the events proved, wisely judged, that the rejection of a measure which was so distasteful to both sides could not be devolved exclusively upon one. This year they are equally well-informed. They know that the reopening of the paper duty, with the constitutional question it involves, was anything but an agreeable surprise to many hon. Gentlemen on this side of the House. They know that the disapproval of that step is again felt by earnest and honourable men. They again hesitate, and wisely hesitate, by a hostile Motion at the very outset to give a party character to objections which they know are not confined to one party, and as to which that rumour, so fatal to the Reform Bill is again afloat—namely, that among the secret ill-wishers and only half-disguised disapprovers of the measure not the least considerable may be found on the Treasury Bench. In this condition of affairs—each party watching the other and hoping much from the earnestness and sincerity of the other—the country meanwhile as immovable as it was last year, but plainly repudiating all sympathy with the agitators for change—the possibility might be feared of our being again drifted into the desultory discussions and protracted skirmishes of last year. But the parallel goes no further. The preliminary debate in which we are now engaged is but the necessary clearing of the ground for the real battle to be fought in Committee. The feeling and opinion of the House are now too well known, the duty of the House is too unmistakable, to allow of any more trifling with the question. And, Sir, the character and dignity of this House require that we should proceed with great deliberation to select the points on which the war is to be carried on, and then grapple closely with them, fight manfully with them, and leave the issue to the country. I must say I think it a matter of great regret that these questions of the paper duty and the House of Lords have come upon us again so soon. The events of last year are not so remote, nor our recollections so obliterated, nor the repeal of the excise on paper so urgent, nor the case against the House of Lords quite so clear, as to justify any Minister in assuming that the defeat of July will be converted into a triumph in April. The restirring of the question on this occasion is, I think, every way unfortunate. We have hitherto had an unusually tranquil Session, in every way the reverse of last year. The Ministry in their policy have not been aggressive; the House, on the other hand, has been anything but obstructive, and we had begun to hope that the Government, after running through the Estimates without sustaining any other than a few harmless defeats, would have rewarded our good behaviour by an early prorogation in July. But the sky is suddenly overcast, and a storm has come from the quarter whence we least expected it. The Chancellor of the Exchequer, sailing on a smooth sea, with the whole ocean of finance to navigate in, has run his vessel on the only rock that was laid down in the chart. I think the matter is very much to be regretted, but our astonishment is even greater than our regret. We came down here on the night of the financial statement, all expecting to listen to a Budget which we hoped and believed it would have been a pleasure for us to pass with unanimity. We were prepared, perhaps, for some high colouring to which, under the circumstances, there would have been no objection. We expected to be told that the national finances were in a most flourishing condition, and I certainly do not know what is the state of the national finances which my right hon. Friend, with that courage which makes light of difficulties, with that power of persuading himself that what ought to be may be and shall be under his earnest and vigorous treatment —I cannot, I say, imagine any condition of our finances so desperate that, under his agreeable but at the same time powerful handling, might not be shown to be most flourishing. Of course, we expected to hear that this year he really had a surplus, although I am forced to confess that, after a fortnight's very diligent study of his figures, I am not reassured by the very ominous resemblance it bears, both as to its amount and source, to the ill-fated surplus of last year. We were promised last year, after all remissions and deductions, a surplus of £464,000. This year, after all remissions and deductions, the surplus is with more moderation but with equal confidence, placed at £408,000. Last year the surplus was obtained by leaving out of the account the expenditure in China. This year a surplus is obtained by putting into the account an indemnity of three-quarters of a million, which, as far as the evidence before the House goes, it is most probable we shall never receive from China. I was prepared to hear, and with other Members who had opposed it, I should have been rejoiced to learn that the commercial treaty with France, as far as time had permitted a development of its results, had proved as successful as its promoters could desire. These were all statements for which we were prepared; and if in any respect my right hon. Friend should appear too sanguine in his views, he would at least carry with him the sympathies and good wishes of the House for the full realization of all his hopes. But, I confess, I was not prepared to hear my right hon. Friend take a proud stand upon the Budget of last year, and remembering how the revenue from the paper duty, which he attempted to squander away in February, became a godsend in July. I was not prepared to hear him adopt the tone of an injured man, and taunting those who last year, distrusting his calculations, had checked his prodigality, and saved his Exchequer. I did not expect to hear him taunt them with the injustice of their opposition, and the ignorance of their unfulfilled predictions. But least of all was I prepared for his calling upon the House, upon the very first occasion, with the shortest interval of breathing time, to repeat what is now acknowledged to have been the folly of last year, and to do so not simply and courteously to the Lords, but mistaking the feeling of the country, and miscalculating the strength of the Government in this House, he asks us to do it by a measure in such a new form as to combine a repeal of the duty with an affront to the House of Lords. I repeat, I think it is a matter of extreme regret that we should thus have a revival of the controversy of last year, which would have been better buried with the year—and, before the Budget is disposed of, I think my right hon. Friend will himself feel the embarrassment occasioned by his aggressive proceeding. Last year, when the Budget was introduced, all the odds were on his side. The House was with him—the country was with him—his alleged surplus was generally believed in, and his opponents had a difficult and uphill battle to fight. But they won the battle, and before the summer was far advanced the country was awakened to the delusions of the spring. This year all is changed, all but the high courage which courts danger, and the indomitable faith that will acknowledge no defeat. All else is changed. The relative claims of the taxes to be dealt with is better understood. The Government is not more strong, the Chancellor of the Exchequer, its brightest ornament, its mainstay and support—for he is the keystone of the arch that joins Birmingham to Tiverton—he has been proved to be not infallible; the mistake that would have been made by the repeal of the tax last year is now universally admitted; and many members on this side of the House come to the consideration of this question in a very different mood, and are determined to look for themselves into the finance of the country, as a responsible and real business.

I will not upon this occasion trouble the House by entering into those financial details, on which grave doubts have been raised on higher authority from both sides of the House. I apprehend our object upon this occasion is rather to consider the general character and principles of the Budget, and to elicit from the Government those explanations, and from the House that general expression of opinion, which may guide and simplify our deliberations and proceedings in Committee. The financial policy of the Government is presented to us in a series of Resolutions—which we cannot rightly appreciate or deal with except in the manner which the right hon. Gentleman invites us to consider them—as a whole. The first Resolution is a reimposition of the war tax on incomes, at a slightly reduced amount. The second Resolution reimposes the war taxes upon tea and sugar. The third repeals the Excise on paper; and then comes—last, but certainly not least—the proposal of the Government, which has not been set down on the paper, but as to which the speech of the right hon. Gentleman was but too intelligible, that all these Resolutions, so varied in character, so opposite in their ends, are not to be embodied, as last year, in separate Bills, but are to be combined in one Bill, and sent to the House of Lords in that new form, purposely and most significantly to deprive the Lords of their hitherto acknowledged and accustomed power of independent deliberation and judgment; and to leave them no alternative but either submissively to accept it on their responsibility reject the financial policy of the Government as a whole—and I say on their responsibility to reject, because the supply granted to Her Majesty being inseparably mixed up with the other portions of the Bill, new and embarrassing consequences may be involved in its rejection. Each of these Resolutions, as the House will observe, raises a distinct and important question of policy. Upon the first Resolution, for reducing the income tax, we must consider whether the income of the country is greater than its requirements are likely to be. That compels us to look at the aspect of the Continent, the probabilities of peace or war, and the calls that may be made upon us for an increase of our war expenditure. The second and third Resolutions suggest a comparison of taxes, and, assuming that a reduction of taxation is practicable, we have yet to consider the policy or the justice of repealing the duty on paper in preference to lowering the duties on incomes or tea and sugar. But when those which are peculiarly financial questions—and as financial questions are common to every Chancellor of the Exchequer and every House of Commons—are disposed of, then comes that very different and greater question as to the form in which we are to give legislative effect to the changes we have determined upon. Are we to do it in a new form, provoking a conflict with the House of Lords, by seeking to deprive them of a right which they would have continued to enjoy without question if last year they had not presumptuously interposed between the Chancellor of the Exchequer and mischief to the country? The House last year, with the utmost deliberation, and after the fullest inquiry and discussion, came to the almost unanimous opinion that the House of Lords had committed no invasion of our privileges. Are we now to descend so low as to allow my right hon. Friend and the minority who supported him, even with the aid of the colleagues whom he has since coerced, to reverse that judgment and prostrate the House of Lords, betrayed and abandoned by us at the feet of that minority who, when the question was fairly raised last year, were so distrustful, if not of their cause, at any rate of their strength, that in the division forced upon them the loudest complaints against the Lords actually voted with the majority for their entire requittal? We must remember, when we come to discuss this Bill, that the form in which it is to be sent to the House of Lords is not on this occasion a mere technicality. It might have been so two years ago, and might be so two years hence; but now, when the very first occasion is seized to reintroduce the same Bill by the same Minister, cheered on by the same party, it ceases to be a mere technicality, for we cannot separate the change from the motive which dictates it. It assumes the character, not merely of a rebuke and reprimand, but it takes the form of a Bill of pains and disability, calculated to signalize the triumph of one party and the defeat and degradation of another.

Now the first point in the Budget is the reduction of the duty on income, and it is stated that a great boon is given to the country by reducing the duty 1*d.* in the pound. But, so far from admitting that the reduction of the income tax to 9*d.* is a great boon, I say on the admission of the right hon. Gentleman himself, and on his own figures, it is the perpetuation of a great injustice. Because what does he tell us? He says he has a surplus of £2,000,000, which he intends to divide equally between income and paper. But, I beg to ask, are those two taxes regarded in the same light by the country at large? Do they fall under the same classification in our financial system? Why, the manner in which this remission of the income tax is put forward to sugar the repeal of the paper duty is conclusive on that point; and if, before the scheme was determined on, the country had been polled as to which tax should be remitted, I will not say ninety in every hundred of the whole population of the island, but, I believe, ninety-nine in every hundred, would have voted for a remission of the income tax and the war duty on tea and sugar in preference to the Excise on paper. If that is the case, are we faithful to our duty to the country in allowing any portion of the surplus to be applied to the repeal of the least onerous and the least obnoxious tax? I have said I do not admit that the reduction of the income tax is any boon; but I say more—I deny that there is any reduction at all. Practically, the right hon. Gentleman reimposes it, and that was very clearly shown by the right hon. Gentleman himself in his Budget speech of last year. He made no mystery about it, and if any one will refer to that speech he will see the very different mode in which this tax has been dealt with on two different occasions, when two different policies were pursued by the Government. Last year it was the object of the right hon. Gentleman, the Chancellor of the Exchequer, to reconcile us to additional taxation; accordingly, he began his speech by giving us what was really an appalling account of the state of the national finances. The deficit was described as a "great chasm," but how was that chasm created? "I take the war taxes," said the right hon. Gentleman, "not at the rate paid in the last year, but at the rate at which it now stands by law." The income tax expired on the 31st of March; using that expiration for the purpose of his argument, he made it the commencement of the "great chasm." The war duty on tea and sugar expired at the same date, and it was treated in the same manner, as adding to the deficit. There was the chasm, and the only question was how it was to be filled up—whether by a shilling or one-and-sixpenny income tax; but the general conclusion was that there must be a great increase of direct taxation. But, as the right hon. Gentleman commenced in the process of reconstruction, replacing one after another the duties he had removed, and after we had been kept in apprehension for some time, he at last told us he was only to increase the income tax by a penny, the sensation of relief was indescribable, and the gratitude of those who had not watched the process was absolutely boundless at the result of that miraculous operation that could avert national bankruptcy with a penny. But those taxes were only renewed for one year; they have again expired, but where is the "great chasm?" We have not heard of any "great chasm"—we have not heard of any deficit this year. Those same duties, the lapsing of which last year formed the most interesting and exciting portion of the right hon. Gentleman's statement, have this year been passed over in total silence as a matter of course portion of the legitimate and natural elements of an available surplus. It is quite obvious why a different argument has been used on two different occasions. Last year we were thrown into a panic to make us part more easily with our money. This year, as we were not to be taxed, there was no need that we should be frightened, so our nerves were spared, and we were let off more easily. I do not notice the different mode of proceeding last year for the purpose of complaint, or even of criticism. All the right hon. Gentleman did was to put forward on each occasion, with the most prominence, the arguments and illustrations that made most for his case. I only ask permission to apply the same process to the Budget of this year, and to treat the taxes that have expired as lapsed taxes, and, legally, non-existent. They have been demolished by law. Then, for the work of reconstruction, it will be necessary to reimpose the income tax; but at what rate? Manifestly at the rate required to meet the exigencies of the country. But what rate is that? The right hon. Gentleman has told us that an income tax of 10*d.* will give a surplus of 2 millions, therefore an income tax of 10*d.* is not required; a tax of 8*d.* will suffice, and we may take off 2*d.* from the tax. Well, if the right hon. Gentleman can take off 2*d.* of a war tax, and only takes off a penny, applying the other penny to the remission of a less exceptionable duty that is not a war tax, I say, so far from conferring a boon on the country, he is only perpetrating a great injustice. This repeal of the paper duty, as the hon. Member for Horsham (Mr. Seymour FitzGerald) told us, is regarded by everybody out of doors not as a financial, but as a political concession; so far from being a relief to the nation it is only a sop to a clique. But I must say, looking at the state of affairs abroad, and listening to the speeches of our own Ministers, I find it very difficult to believe that we can safely reduce the expenditure at all. I find it still more difficult to reconcile the warlike tone of the speeches of the First Minister of the Crown, and of the noble Lord, the Secretary for Foreign Affairs, with the Chancellor of the Exchequer's, that self-contradictory objurgations of the increased expenditure of the country. He invites us to compare the expenditure of 1853 with that of 1861, and pronounces the increase to be enormous and incredible—"incredible" was the epithet he used. And then, assuming to himself entire freedom from all complicity with the folly and immorality of the nation, he turns from the painful evidence of the warlike spirit of his own countrymen to the more pleasing contemplation of the peaceful attitude of France, the truly Christian spirit the Emperor has displayed in his interviews with Mr. Cobden; the hatred he has exprsssed for war, his love and respect for treaties, and the truly benevolent and enlightened spirit in which he has tamed down the military passion of his countrymen, and won them over to the interests of trade and the arts of peace. Now, before I proceed to speak of the policy of France and its effect on the taxation of England, I beg to put to the House one question. If the expenditure of the country is too large, who is responsible for it? Who prepares and proposes the Estimates? Who finds the Ways and Means? Under whose authority is the scale of our armaments adjusted? Everybody knows that there is not a shilling of the expenditure that is not suggested, recommended, and demanded by the Ministers of the Crown. On their responsibility they make known the national wants, and on their representations we adopt them, and I think it is rather hard on us that we should be so often taken to task by my right hon. Friend for extravagance for which, if it be extravagance, he, more than any man now living, is responsible. I do not wish to deal ungenerously with the right hon. Gentleman, but let me in a few sentences show what our expenditure is. I make no reproach against the right hon. Gentleman—quite the reverse. [*Laughter.*] He will understand me, though, by that laugh, it seems some hon. Gentlemen do not. I have here a table of the expenditure of the years from 1853 to 1861. The three years 1855-56-57, being the years of the Crimean war, are exceptional. But I find that in 1853 the expenditure on the army was £9,256,000; in 1857 it had risen to £12,370,000; in 1858 it was £12,512,000; in 1859 it was £14,056,000; in 1860,

£14,900,000; and for 1861 it is estimated at £15,266,000. The navy, in 1853, cost £6,511,000; in 1857, £9,937,000; in 1858, £9,215,000; in 1859, £11,823,000; in 1860, £13,331,000; and the Estimate for 1861 is £12,029,000. Now, observe that though in 1857 and 1858 there was a considerable increase, as compared with 1853, yet the most remarkable and striking increase has taken place in the last three years, 1859, 1860, and 1861. But under what Administration, under what Chancellor of the Exchequer? The expenses of the army in 1857, when the right hon. Baronet the Home Secretary was Chancellor of the Exchequer, as compared with 1853, has risen 25 per cent. In 1858, when the right hon. Gentleman opposite (Mr. Disraeli) was Chancellor of the Exchequer, the difference was also 25 per cent; but in 1861, as compared with the same year, it was 40 per cent. In the expense of the navy the difference between 1853 and 1857 was 35 per cent; in 1858 it was 35 per cent; and in 1861 something approaching 100 per cent. Now, I will repeat that it is creditable to the Government that during the last three years they have undertaken this increased expenditure in order to put the country into a proper condition of defence. I repeat—and this, perhaps, will be now more intelligible—that it is no reproach to the right hon. Gentleman the Chancellor of the Exchequer that he, a Member and mouthpiece of the Government, should have asked us to vote these Estimates. So far from being a discredit to him, I say that I am one of those who have urged upon the Government this increased expenditure, and I have expressed my readiness to vote any censure upon them if they had neglected to make it. I mention this, therefore, as no reproach to the Chancellor of the Exchequer; but if the country does not reproach him, he certainly ought not to reproach the country. I would put this question to him—As a Minister of the Crown, speaking in this House with the knowledge which he possesses as a Minister of the Crown, does he, or does he not, think any portion of this military expenditure unnecessary and avoidable? If he tells me what I do not expect to hear—that which I should be much surprised to hear—that he does think it unnecessary and avoidable, then I would ask how could he reconcile it to his public duty that he should be the Minister to propose it for our adoption? How can he employ his influence and his eloquence to persuade us to adopt that which in his conscience he condemns? But if, on the other hand, he tells us—what I am sure he will tell us—that, however much he regrets it, he thinks this expenditure necessary and unavoidable; then I say, what is the meaning of those speeches in which he holds up the country in an odious light to public reprobation, as influenced by foolish, by aggressive, and even by immoral tendencies.

With regard to these Estimates there is another point, if we analyze our expenditure, which is still more remarkable. The other day my right hon. Friend in his financial statement congratulated us upon the completion of the French Treaty and pronounced an elogium upon its good fruits. Well, Sir, we are prepared to welcome its good fruits, but among them we cannot yet count the diminution of our war expenditure, because the year 1860, the year of the commercial treaty, is the very year in which our war expenditure has taken the greatest jump; and these two years, 1860 and 1861, in which the commercial treaty (on one side at least) has been in operation are the two years in which the Budgets presented to us have shown the very highest Estimates ever known by this country in a time of peace. They have been, more than any others, war Estimates. The present Budget breathes of war; almost every important item tells of military preparation and sounds the signal of alarm; Estimates unparalleled in peace proclaim the fears of the Cabinet and the well-founded anxieties of the nation. But they are the Budgets of the present Chancellor of the Exchequer to which he applies the epithet "incredible." But let me ask this question—is England the only nation that has thus increased her war expenditure? Is there a single State in Europe which has not been similarly arming; and are they to be told that their arming also is unnecessary, that it is a folly or an immorality; or that they are arming for purposes of aggression? Cast your eyes abroad. Look first to Germany. Germany, torn by conflicting interests and ambitions — trembling for her own boundaries—is her arming folly or a crime? Look at Austria—stricken and struggling, with half her population in revolt, and financially even more than politically insolvent. Go on to Russia, still bleeding from the wounds of the Crimea, and her strength, and her resources severely tried by a great and noble effort of social reorganization. Look at the secondary States of Europe. They will all tell you the same tale of increased expenditure, but none of them will pretend to ignore the cause. Put the question to them. With one voice they will all reply, "There is one quarter to which every eye is turned. There is one name that quivers on every lip. There is one terror that overshadows every throne." And the noble Viscount, our own First Minister has proclaimed it as plainly as any of them. "It is no use disguising the fact," the noble Lord told us in this House, "we are arming against France—against France with an army of half a million of men, capable of sudden expansion, and with ships of war in every quarter of the globe, where she can have no commerce to protect." "We are arming against France" is the universal cry of all the nations—"against France, the destroyer of treaties, the rectifier of boundaries, the champion of nationalities"—and from 1853, the very year fixed on by the Chancellor of Exchequer with singular infelicity for the the commencement of this race of armaments, for he must have forgotten that 1853 was the first year of the restored French Empire, for it was just as that year was about to open that the then ruler of France found himself sufficiently secure on the throne to assume the title and traditions of his Imperial uncle—from that year 1853 Europe has been daily assuming more and more the spectacle of a great camp—her armaments growing with the growth of French power, her alarms and anxieties increasing with the development of French designs. I beg to ask those hon. Gentlemen who are so very much shocked at the increasing military expenditure of England whethey they have ever had the curiosity to cast their eyes across the Channel, and inquire into the progressive expenditure of France during the last few years. If they have done so, they can tell us that in this very year 1861 the Finance Minister of France, with a smaller debt than we have to meet an army and navy more cheaply maintained, has presented a Budget of £75,000,000 sterling. They can tell you this further fact, to which the term incredible might indeed be fitly applied—that in the ten years ending 1858 the debt of France was increased by no less a sum than £120,000,000. Then the Italian war was supposed to have added £30,000,000, and the French papers now inform us that a fresh loan for a further sum of £30,000,000 is about to be negociated, making in all, in addition to an annual expenditure of £75,000,000, no less a sum than £180,000,000 added to the debt of France in twelve years by an Emperor who proclaimed to the world that his mission was peace, and whose friends and eulogists in this House, which is the only free spot in the world where he has friends and eulogists, never lose an opportunity of telling us that he cares for nothing but commerce. Why, let any commercial man picture to himself the effect upon the commerce of Europe of this abstraction of 1,000,000 of men, which is the addition that the aggressive policy of France is computed to have made to the standing armies of Europe—let any commercial man imagine, if he can, the effect upon the commerce of Europe from this million of men being withdrawn from productive labour and maintained in idleness as soldiers. Look at the account which the most intelligent French writers give us of the paralysis which at this moment has struck the trade of France. Every Bourse in Europe is agitated by alarms, because every Government in Europe seems to be watching and waiting upon the will of one man. But when these men are not idle—when the trumpet of war has summoned them to the battle-field, there is another column of loss by desolation and death to be added to the black account; and I say he is a bold man to be a Minister of England—more bold I think he will be deemed than prudent—who can stand forward in this free assembly and venture to invoke any portion of our sympathy or admiration or praise for a monarch, who, tried by any law that we acknowledge, of political morality or Christian faith, can be adjudged to be no other than a devastator and disturber of the world. I must say that I agree most cordially with what was said the other night by the right hon. and learned Gentleman (Mr. Whiteside) that the Chancellor of the Exchequer, in his high position, with the influence that he commands, might have pursued a course far more just and far more efficacious if, instead of addressing his reproaches to the House of Commons, he had felt it his duty, speaking in the presence of the most non-aggressive and conservative assembly in the world, to direct his expostulations to that monarch whose aggressive policy it is that keeps the world in arms. We should have listened, not with applause merely, but with sincere thankfulness to his denunciations of that restlessness which disturbs all Europe; and a warning eloquently and solemnly conveyed by him that the sympathy and the might of England would be directed against any great disturber of the world's peace, would have done more for the reduction of our armaments and of our Estimates than all his upbraidings of his own countrymen for preparations which he knows to be the instinct of self-defence.

Considering the Resolutions as a whole, it appears to me that when we come to Committee we shall have to concentrate our attention on two points, and two points only; the first, the existence of any surplus; and the second, the application of it. There is one conclusion I gather from this preliminary discussion, and that is that on the part of those who last year opposed the repeal of the paper duty, and upheld the privileges of the Lords, there is on this occasion no disposition to recede one step from the position then honourably taken up and successfully maintained. If the stand which they have determined to make should be a successful stand, the Budget will be sent back for correction, and what will be the consequence of that? That is the question which everybody has been asking—to which every one endeavours to get an answer; and the answer to which I believe is very easy. The hon. Member for Huntingdon (Mr. T. Baring) the other night commenced this discussion in a speech which was remarkable for its ability—still more remarkable for the knowledge, the thought, and the mastery of the question which it displayed, but most of all remarkable for the strong conviction of the impending danger, and the deep sense of responsibility under which he spoke. It was evident to those who listened to him that he felt more than he ventured to say, and that he feared more than he expressed. I must say that I think he acted most fairly to the House, and in conformity with the oldest and wisest usages of Parliament when he refrained from committing it by a Motion to any definite expression of opinion at that time. His object was to place our condition fairly before us, and gain time for us to pause and reflect; and I think it is very difficult to over-estimate the public service he has rendered by securing to our proceedings that necessary deliberation which only one in his high position as an authority on financial matters could have commanded. And when he both commenced and concluded his speech by the strongest expression of his opinion that a change of Government, caused by a defeat of the Budget, would be a public misfortune, he expressed, I will venture to say, not only the general sentiment of this House, but the opinion of every thoughtful man in the country. No one, looking at the state of affairs abroad, and of parties at home, can be anything but a careless observer who would not regard a change of Ministry at this time, caused by an aggressive movement, as a most perilous event. But I am comforted by the conviction that there never was a time when such a change so caused was not only so improbable but so impossible. The reasons are very simple. There must be two parties to every change of Government, the party going out and the party coming in. It is apprehended that the Government may be defeated in Committee of Ways and Means on one of the series of Resolutions in the details of the Budget, and although the general construction of the Budget will not be in any way affected by that defeat, still they are to take it so much to heart that they will resign their offices. I should like to know why? I do not wish to remind them of their misfortunes, but certainly it is a fact that they have undergone some other defeats, and their worst enemy cannot say of them that under those defeats they have shown themselves too sensitive or thin-skinned; and on this occasion, in the present state of Europe, and in the responsible position of the Government, with no one desirous to remove but every one assisting to keep them there, I must say that for any friend of the noble Viscount to imagine that he would take such a course as is apprehended is not very complimentary either to his patriotism or philosophy. But suppose anything so improbable were to happen, in what way would it be met by the party opposite? I think they would very naturally tell us that this was a House of Commons which had been elected by their own appeal to the country, that its first act was to displace them by a vote of want of confidence, and for them, therefore, to undertake the Government at this time in the same House of Commons with a declared majority against them —so far from being in fulfilment of any public obligation or public duty, would be, under the circumstances, so impolitic, if not so rash, that among leaders and followers there could be but the interchange of one opinion, that in the present position of the party, with their improving prospects, and consequently their increasing responsibility, such a proceeding would not only be undignified and unsafe, but absolutely suicidal. I think, too, it was no less necessary, and no less becoming, that the hon. Member for Huntingdon should give us that assurance which the House had a right to look for, and which he gave us most unmistakeably in his speech, that that great party, though not ready to assume the Government, did not on that account feel itself relieved from the functions and responsibilities of Opposition. Never, surely, did it behove any constitutional party in this House to be more wise in council, and more united and vigorous in action than when they have publicly declared their wish not to displace the Minister in whom they trust; and yet have to guard against the peril of their unwillingness to displace him, leaving the national finances, and even the national institutions, unprotected, while another colleague of that Minister, whom they think a rash colleague, under the warrant of his more Conservative chief whom in his own Cabinet he has coerced, turns the administration of finance into an instrument of political change, and even goes out of his way to combine a simple relief from an Excise with a stab to the Constitution. I should, indeed, despair of the House of Commons, I should think our boasted institutions might become a bye-word, and the terms "Constitution" and "Conservative" might be expunged from our political vocabulary, if, on an occasion like this, a majority of Members scattered through different parts of the House, but under one common conviction of impending danger, could be deterred by subordinate and secondary considerations from discharging a great duty to the public in the face of threatening events, of which we have been warned so impressively, and feel so deeply, and are, by our principles or antecedents, committed and pledged so strongly. I gather from the speeches on both sides of the House that there is not likely to be any opposition to the first Resolution regarding the income tax. Ministers have proposed that reduction on their own responsibility, and the House can the more easily assent to it because, as the machinery of the tax still remains, it can at any time be easily reimposed, and we know that the nation will readily submit to anything which the public safety demands. But I must say that we shall neglect a great public duty if we let this opportunity pass by without doing that which has of late years been too much neglected if we do not call the attention of the country to the real nature of that tax, to the exceptional circumstances under which it was imposed, and also to the obligation of Parliament under its pledges to reduce it. We are bound to show the country that we think it no light matter to continue this war tax at such a high rate in time of peace, and that we only consent to do this upon the pledge and determination not to allow any less exceptional tax to be repealed in preference. As to the second Resolution, I did not gather from the speech of the hon. Member for Huntingdon whether he intended to move any Amendment or not. He appeared to me divided between his desire to reduce the tea duties and his disinclination to undertake the responsibility of a further diminution of the revenue with so doubtful a surplus, and he did not intimate exactly what course he meant to pursue. Of course it is a matter still open to his consideration, but if it results in his not moving an Amendment, I should also hope that the House will not allow this Resolution to pass as a matter of form. This tax assumes a very peculiar complexion from circumstances which have lately been made known to the House. There are four articles of consumption which are mainly necessary to the poor—these are tea, sugar, tobacco, and fuel. The price of coal within the last year has risen 20 per cent. With regard to the first three we were told the other night by the Chancellor of the Exchequer that the consumption had fallen off; but what a strange confession is this to be made by the House of Commons to the country, that those articles which are in largest consumption among the poor, and of which the consumption is regulated by the cost, are now at such a price that consumption is actually falling off. I say there never was an occasion when it was more obligatory on us to apply that prolific principle of Sir Robert Peel—by a lowering of duties and a reduction of price so to stimulate consumption as to get, with lower duties, more revenue. And when we come into Committee we must on this question have better reasons than any which have yet been given for continuing these high duties at such a time, and we must have reasons not only from the Chancellor of the Exchequer, but, from hon. Gentlemen who represent, or possess to represent, more than any others, the interests of the poor. There is especially one class of hon. Members on this side of the House whose attention will be directed to these taxes in Committee, and whose opinions I hope we shall hear. There are among us those who, through life, as employers of labour in the manufacturing districts, have been brought into constant association with the poor, and whose wants they well know. Some of them are noble examples of employing the means which great prosperity has given them in promoting the moral and material advancement of those by whose hands their fortunes have been made. They have done much, and they have received gratitude and affection in return. And I shall like to know whether, when the new fact is brought under their notice that the consumption of these articles has fallen off, they are prepared to remit the duty on paper, which will give an advantage, certainly not to the poorer classes of the country, and to continue those high duties which are diminishing the comforts of the operative classes, and more and more every day limiting their power of consumption. If we tell them that we are giving more than £1,250,000 to the interests which are represented by the paper repealer, the operative classes will not clearly understand what amount of injustice is done, or the extent of the boon which might be offered to them. But if we give them the account in a way more familiar to them—if we tell them not how much it is a year, but how much it is a day, they will know by the information which is happily now so extensively circulated by means of the penny newspapers the exact sum which their representatives in this House are giving to the paper repealers and taking away from the operative classes. They know, from information, most minutely and very persistently afforded to the public, that the sum which is now in question is £4,567 1*s*. 3*d*. daily. That is the exact sum which the House of Lords last year prevented being given to the paper repealers, and reserved to be distributed to the poor. That sum is so immaterial to the middle classes that it is but a fraction of the income tax they pay according to the schedules published by all the penny papers. But £4,567 a day laid out in the reduction of the duties on tea and sugar would create an enormous addition to the comforts of the poor. A Chancellor of the Exchequer with that sum has great means of showering benefits, and he can say every day of his official life, "I have distributed among the poor no less than £4,567 to be spent by them in tea and sugar." Besides, in that form there is no difference between one year and another; if it be leap-year so much the better for the poor. At the time last year when the House of Lords rejected the repeal of the paper duty the operative classes did not know the extent of the boon which would be given them if the duties were taken off tea and sugar, or the extent of the wrong which would be done to them if the repeal were given to a class who do not require it. But light has been dawning upon them lately. As these debates advance I believe they will grow in knowledge, and by the time we come to the next general election probably their education will be completed.

If no Amendment be moved or carried upon the first and second Resolutions there is no doubt that a very serious issue will be taken on the third Resolution. It will be a very much larger issue than the mere excise on paper. As regards the paper duty, everybody that I know of is quite willing it should be repealed if it can be done wisely, safely, and justly, and if it can be vindicated upon sound principles of finance. When the repeal of that duty was moved ten years ago by the right hon. Gentleman the President of the Board of Trade, I came down on every occasion ready and anxious to support it. I was not induced by the speeches of Ministers to vote against it, as many of their supporters did; but on every occasion I was deterred from voting for it by the speeches of Chancellors of the Exchequer, who entreated the House not to agree to that repeal because the national finances would not bear it. Two of those Chancellors of the Exchequer are now seated on the Treasury bench. In the majority of those occasions was a third Member of the Cabinet, who since has also held the office of Chancellor of the Exchequer, and now they all three insist in urging upon us as a political measure that which on financial grounds they viewed with apprehension, and besought and implored the House not to pass. The proposal of this change, emanating, as we know that it does, rather from political than financial motives, gives far more serious importance to the question as to whether there is any surplus at all, and that question will have to be decided by a its unsoundness. I believe that if any private individual were to deal with his affairs as the country has been lately dealing with its finance, he would go to prison. I believe that if any commercial establishment were to do so, it would soon be in the *Gazette.* A nation cannot go to gaol or figure in the *Gazette;* but history tells us that there is a national retribution not less logical and inevitable, and that financial disorganization is the sure precursor of political disorder. We cannot, of course, at once right our finances; we cannot establish them in one year on sound principles; but we can at least arrest this downward course; we can relieve Parliament from the stigma of a precarious, a capricious, and, so far as it is political, a corrupt finance, and from the spell of a Minister who is bold and eloquent, ingenious, honourable, and most sincere, but of whom it is quite consistent with admiration of all his high and brilliant qualities that we should add that he has not among them that more sublunary gift, most indispensable to the department which he governs, which could alone lead him to be regarded as a safe financier. When we have passed these Resolutions—if, indeed, we should ever pass them, because I look on such an event in a Parliament that professes to regard the interests of the poor as among the greatest improbabilities of an enlightened and moral age—then we shall come to the question which has been mooted by the right hon. and learned Member for Dublin University—as last year you sent up these Resolutions to the House of Lords in two Bills, why are you going to send them up this year in one? We are told that that mode is to be adopted in order to arrive at a pacific settlement of the question. The settlement of what question? The only question it will settle will be the independence of the House of Lords, and I must say I have never yet heard that if two friends have differed, and if the one that is in the wrong, taking the other unawares, gives him a knock-down blow, that would be considered a satisfactory and pacific settlement of all differences between them. I do not know what the experience of the right hon. and learned Member for Dublin University, in the course of his varied observation of character in the sister island, may have been—though I think it is possible he may somewhere have met with a professor of such a school of logic—but I certainly never expected to hear a great moralist and logician recommend it to the friends of the Constitution in the House of Commons. Sure I am that recommendation will not be heeded, because we know well that there are some modes of pacific settlement more perilous than any contest, more damaging than any defeat, more humiliating than any submission; and I hope that there will still be found a majority in the House of Commons true to the principles which were last year all but unanimously affirmed, and both able and determined to defeat this most ill-advised attempt to make the versatility of one House of Parliament the instrument by which to destroy the independence of the other.

Mr. BRIGHT: Mr. Speaker, Sir, the House will not feel surprised if I say at the beginning that I do not intend to follow the right hon. Gentleman into all the details of his somewhat discursive speech. I shall, however, make a complaint of the right hon. Gentleman, which I have had occasion to make of him before, and that is, that he indulges in a manner which is perilous to weak nerves in dangerous prophecies and prognostications—that he leaves the realm of fact in a manner which I think is hardly compatible with useful debate, for the regions of imagination. Two years ago the right hon. Gentleman alarmed the House with fearful statements in regard to the nearness of war, and especially the nearness of that greatest of all calamities—a war between England and France. Well, these forebodings were followed, not by a descent on our shores, as most people expected who believed the right hon. Gentleman, but they were followed by the concluding of an elaborate and most important commercial treaty. The conclusion of that treaty was followed almost immediately afterwards by a measure on the part of the French Government which indicated the greatest anxiety that the peoples of the two countries should comprehend each other, and comprehend their true interests—I mean the entire abolition of passports in the case of Englishmen travelling in France. But the right hon. Gentleman last year alarmed us—he chilled the souls of some of us, and he threatened to chill the bodies of our not remote posterity—by telling us that our coals were speedily about to be exhausted. However, the hon. Gentleman the Member for Glamorgan (Mr. Vivian) immediately after demonstrated, as far as science could do so, that if this country lasted as long for the future as it has lasted since that day when the dove did not return into the ark, still the supply of coal beneath this island would not in all probability be exhausted. The right hon. Gentleman last year drew another picture of a fearful character. He wished to persuade this House that we are not to be trusted with the regulation of the finances of the country, and that it was absolutely necessary that the House of Lords should do that which for 400 years past has not been done—namely to step in and correct the well-considered conclusions of the House of Commons with regard to the supply of money to the Crown for the service of the year. And now, Sir, he has given to this question of the Budget that very political aspect which he says a Budget ought not to possess, and he has endeavoured to bring up again those questions which it is obvious the Chancellor of the Exchequer and many of the most judicious Members of the House would have wished should not be imported into the debates on this question. But the right hon. Gentleman complains as if the Chancellor of the Exchequer and the House were about to do something of a most fearful character in proposing that the Resolutions of the House, whatever they may be, should go to the other House in one Bill, and not in several Bills. I will not now go into a discussion of that matter, because it will come up—I presume that the right hon. Gentleman will bring it up probably at a future stage of our proceedings; but I venture to tell him this much, that he will find, if he chooses to look into the journals of Parliament not further back than the years 1801, 1802, and 1803—he will find that the House of Commons repeatedly, indeed almost constantly, took the very course which the Chancellor of the Exchequer recommends that the House should now take. On the 19th of February, 1801, the House of Commons ordered that "a Bill or Bills"—leaving it optional—should be brought in, pursuant to the Resolutions which had been agreed to by the House. These Resolutions were 143 in number, and they referred to duties on tea, to duties on paper, stained paper, on books, on maps, to a drawback on books exported, to excise on linens and stuffs, and to a drawback on the exportation of them, and to many other matters. And it is only necessary to go the journals of the House to find that in the course which is now recommended, the House is only asked to do that which, up to that period at any rate, it was the universal practice of this House to do. But if the right hon. Gentleman is alarmed, I may ask him to consult the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), who, I am sorry, as I am about to quote him, is not in his place. That right hon. Gentleman was Chairman of the Precedents Committee last year. Nobody supposes, who was on that Committee, and the right hon. Gentleman the Member for Carlisle (Sir James Graham) will bear me out, but that while the right hon. Member for the University endeavoured to do what he believed to be just in the matter of the Committee, he showed no disposition to be hostile to the House of Lords. That right hon. Gentleman prepared a Report for the Committee—I speak now of the draft Report, as he offered it to the Committee—and the last two paragraphs of it were to this effect. I will give the substance only of the first, and will quote the last textually. The first of those two paragraphs stated that two circumstances have materially weakened the powers of the House in matters of supply—first, the practice of perpetuating duties in general statutes for unlimited periods of time; and, secondly, the practice of keeping back a large amount of annual taxation till near the close of the Session. The last paragraph runs thus—

> "It should, likewise, be remembered that the powers of the House over matters of Supply and matters incident thereto is necessarily much weakened by dealing with them separately in separate bills, instead of uniting them as much as possible in one measure, so that they may form part of the financial arrangements to be made for the year."

Now, although, in accordance with the decision of the Committee, which refused to give an opinion upon any matter, and gave only the catalogue of facts, these statements were left out of the Report as presented to the House, yet I will undertake to say there was not one single member of that Committee who expressed in any way his dissatisfaction with the substance of that paragraph, and, I believe it met with the unanimous approval of the Committee. That is my answer, Sir, so far as this matter is concerned.

Now, to discuss the matter before us, and the charges and the fears of the right hon. Gentleman. I say that the right hon. Gentleman, with those eccentricities which I have been describing, is not a counsellor that I would take advice from on a matter of this nature. Listen to his speech to-night! There is not a horror in connection with the public affairs of Europe and the world which he has not treated you to. Has he not spoken of dangers worse

> "Than fables yet have feigned or fear conceived,—
> Gorgons, and hydras, and chimeras dire."

Why, Sir, if the right hon. Gentleman believes all he has told us, he ought to present a Resolution to the House condemning the Government for not entering on an expenditure of £80,000,000 instead of £70,000,000, and he should refuse utterly to consider any question of repealing any tax whatsoever. Now I will ask the House to go back to that memorable night—this night fortnight—when hon. Gentlemen were so fascinated with the eloquence of the Chancellor of the Exchequer that it took them a fortnight to find out the difficulties of this question. I have sat opposite hon. Gentlemen on the other side of the House for about eighteen years, and I have taken stock of their modes of thought—of their opinions, of the effect produced upon them by great speeches from this side; I have watched with interest the change of countenance which takes place when anything occurs which greatly moves and surprises them. Now, I must divide hon. Gentlemen opposite into two parties in the observations I am about to make. I leave out for the moment the Gentlemen who some time expect to come back into office, and take those who are the main bulk of their followers. As the Chancellor of the Exchequer proceeded with his speech, there was a feeling of individual pleasure and relief on the countenances of Gentlemen opposite. They felt that there was to be no increase of taxation. They felt there was a surplus, which they did not expect would be so large, or so clearly made out. ["Oh."] Well, I can appeal to the consciences of scores of hon. Gentlemen opposite whether what I now say is not true? But when the right hon. Gentleman the Chancellor of the Exchequer came to the reduction of 1*d*. on the income tax, there was a positive enthusiasm—and I said to a Gentleman near me, "How comes it that these country Gentlemen, who are said to possess properties varying from £5,000 to £20,000 and upwards a year, are more delighted with the remission of this penny than if I had opposite to me two hundred clerks of the City of London, whose average incomes were not more than £250 a year? No doubt, they were greatly delighted for the sake of their constituencies. We will put it in that way—in that way if you like—I do not want to give any improper or forced interpretation to their feelings, but it is obvious that there was great excitement and pleasure on that side of the House when the announcement in question was made. Now, when the Chancellor of the Exchequer came to the question of paper, there was a difference of expression. It was not one opposite to that of pleasure, but it seemed to me that there passed through both sides of the House a feeling that, after all, as the Chancellor of the Exchequer was able to offer a reduction of a penny in the income tax, and had also sufficient surplus to make the remission which he proposed with regard to the paper duty, the less said upon unpleasant things in the past the better, and that, perhaps, for both Houses of Parliament and for everybody concerned, it was desirable that the proposition of the Chancellor of the Exchequer should be accepted. I appeal to hon. Gentlemen opposite if it is not the fact that they did not doubt the existence of a surplus on that evening? What was said generally was this—I do not know whether it is Parliamentary to repeat it—"Gladstone is very clever and very lucky." And if a man is clever, and has luck on his side, nearly everything he does is pretty sure to succeed; and the general conviction was that this was a sensible proposition, and one which the House would be willing to adopt. I do not include the right hon. Gentleman the Member for Buckinghamshire and his friends, for I do not think that they felt all the pleasure which their followers felt. They saw before them the prospect of an opposition with nothing to oppose—an opposition out of work—a spectacle of distress far worse than the frozen-out gardeners—a condition which I am sure my right hon. Friend the President of the Poor Law Board would have no remedy for. It was necessary, therefore, to attack the surplus; and the right hon. Gentleman told us the other night, with a coolness that was charming, that that attack did not originate in the least from his bench, but from the independent party. It is delightful to know that there is an independent party on that side of the House. And it came from an hon. Member who is one of the most eminent, as well as one of the most independent members of that party. No doubt, Sir, when this surplus was to be attacked, it was desirable that somebody should be put up who has a commercial reputation and is supposed to be able to deal with figures, and the hon. Member for Huntingdon turned up by accident just in the nick of time, and nothing could be happier for the right hon. Gentleman the Member for Buckinghamshire. I do not know if the hon. Member is in his place, but he will allow me to say that I do not hold him to be an authority in these matters. I have known the hon. Gentleman in this House for eighteen years, and it has been my misfortune to have observed that he has always been wrong. Now an authority that is always wrong becomes at last to be no authority at all. Everybody knows that *Moore's Almanack*, which is sometimes right, is reckoned to be no authority except among the ignorant; and I say that the Member for Huntingdon, who upon these questions has been invariably wrong, cannot be a safe authority for us to follow. [" Oh, oh!"] Of course, hon. Gentleman opposite who agree very much with him are not likely to agree with me in that observation. I am only going to state that he is wrong according to the facts—it may be so much the worse for the facts—but it is clear that, if what we have been doing in this House on these subjects for the last twenty years is right—and the country believes it to be right, if you do not—that the hon. Member has for all that time being wrong. But I say that a Gentleman who is conspicuous for perpetual and invariable failure on these matters of Budgets is the last man that I should think the House of Commons would be disposed to follow in opposition to the recommendations of the Chancellor of the Exchequer. In this particular case his prognostications are altogether fanciful, and his reasons are altogether unsubstantial. In searching for reasons why the House should reject the propositions of the right hon. Gentleman, he " surveyed mankind from China to Peru;" but he could not give you a single fact; he could only give you the apprehensions and alarms of his own brain; and I am not at all certain that if the news had come to England before the hon. Gentleman made his speech as I believe it did not until afterwards, that there was a proposition for the Pope to set up his establishment in London, that he would not have brought that up as an additional reason why we should not accept this Budget. But he was not alone: there was the noble Lord who has been so lively during the speech of the right hon. Gentleman; there are twenty Members who have offered themselves as nascent or full-blown Chancellors of the Exchequer, whenever the right hon. Gentleman the Member for the University of Oxford shall have vacated that office. But I am much more modest than hon. Gentlemen opposite, and I declare it as my creed, which I hope always to hold, that if a Chancellor of the Exchequer declares there is a surplus I shall believe it. I pledge myself to that. I have believed every Chancellor of the Exchequer, whether it was Sir Robert Peel, or any of the three or four Whig Chancellors of the Exchequer we have had. I have always believed them when they have said that there was a surplus, and I have confined my criticisms to the manner in which they proposed to remit the taxes with which the surplus enabled them to deal. I have been separated from the hon. Gentlemen opposite all my life, but I have now a greater reason than ever for repudiating a party altogether which is hostile to a surplus. I take the same view that the country will take, when I say that I will have nothing to do with Gentlemen who are not willing that the Chancellor of the Exchequer should, when he is able to do so, make a fair, just, and sensible remission of taxes. So that the House will see that I am obliged to commence my argument by assuming the declared surplus to be a real one. The question I have to ask is this—are the remissions proposed judicious and fair? I mean fair to the various interests of the country. Last year what did the House do? It actually gave the Chancellor of the Exchequer a penny extra on the income tax to allow him to repeal the paper duty. What does the Chancellor of the Exchequer ask you to do now? He says, " Gentlemen, I give back the penny on the income tax, and I give you the paper duty, too." What can be more ungrateful, what can be more intolerable, what can be more indefensible, after what took place last year, than that a single man in this House, who does not like the paper duty for its own sake, should refuse the proposition which the Chancellor of the Exchequer now makes? He meets the prejudices and weaknesses of hon. Gentlemen opposite with a carefulness which must be gratifying to them, for he gives half the surplus to direct and half to indirect taxation. Each shares the gift. Now, when some Gentleman opposite gets up after me to-night, I hope he will tell us on what is based this special hostility of his party to the repeal of the paper duty; that is a point which we have not yet had fairly explained, and I think that in common honesty to the House and to the country some Gentleman on that side should explain it. When the glass duty was taken off by Sir Robert Peel it excited no emotions of this kind. Everybody knew that glass was brittle, but that was not said in the debate, and the glass duty was abolished. When in the year 1853 the present Chancellor of the Exchequer proposed the repeal of the Excise on soap, everybody knew that if soap was sufficiently used, what has been called "the great unwashed," would be extinguished, but yet, as far as I recollect, not a single Member of the House objected to the repeal of the Excise on soap. I want to know why there is this affection for the Excise in the case of paper? Is there anything in this particular trade which deserves the fetters which you impose upon it, and the maltreatment to which you subject it? I have heard say, and I wish somebody would contradict it or admit it, that there is this great difficulty—that paper is the foundation of the manufacture of books, that it is the medium of the transmission of news, that it is the raw material of the great educating power, and that if there be cheap paper, no stamps, and a perfectly free press, power will be given to the weak, and light to them that sit in darkness. I should be sorry to accept, and until lately I did not accept, that explanation of the course pursued by hon. Gentlemen opposite; but when I see this marked and special hostility to this particular remission—an hostility which has never before been shown to any remission of a similar character—when the right hon. Gentleman the Chancellor of the Exchequer is pursued with an opposition which is almost vindictive, merely because he proposes this single remission—then, I say, I have a right to suspect that there is more in your hostility to the repeal of this tax than a mere opposition to the repeal of such an amount of taxation. The right hon. Gentleman the Member for Bucks is in some difficulty with regard to this matter. My right hon. Friend the President of the Board of Trade appealed to him in a very powerful manner, and asked him not to be a party to the course which his friends appeared bent upon taking. I appeal to him with additional arguments, which his friends and himself will, I hope, forgive my urging upon him. In the debate in the year 1858 the right hon. Gentleman did not simply allow the Resolution of the President of the Board of Trade to pass; but he in distinct words expressed his opinion upon it, and I think it is fair to remind him of what he said. These were his words:—"I agree with the right hon. Gentleman that the maintenance of the Excise on paper as a permanent source of revenue would be impolitic." But I understand from the right hon. Gentleman who has been speaking below me (Mr. Horsman) that he does not intend the paper duty to be repealed, although he has often come down to vote for that measure, until the income tax is abolished; and I think that a great journal which is supposed to have been much interested in this question proposes in addition that it shall not be touched until the tea and sugar and some other duties have been brought down to much more moderate amounts than those at which they now stand. If that be your project you will really make it a permanent source of revenue, and that is what the right hon. Gentleman the Member for Bucks declared would be impolitic. But, further, when the right hon. Gentleman asked the President of the Board of Trade not to hamper his Government with that Resolution, he said that the Government entertained "very little difference of opinion on the topic with the right hon. Gentleman," and urged as one of the chief reasons why he could not agree to it, this very peculiar one—that there were "many duties in our Customs that really do not pay the cost of collecting and receiving them." That was quite true, then; but these very Customs' duties were all swept away last year by the Chancellor of the Exchequer, and, therefore, the main reason which he urged is gone, and I think I have this Session a fair right to ask him to vote with us upon this question. Finally—and this is important—the right hon. Gentleman said in that debate, "I am not prepared to say that the tax on paper itself is not one which requires, if not immediate, yet early consideration." That was said three years ago, and I think, if the tax required early consideration three years ago, we are not precipitate in taking it into our consideration now. But I appeal to the right hon. Gentleman on other grounds. He is himself an eminent literary character. He might have occupied—and I now speak the consciousness of his own mind—he felt that he had within him powers which would have enabled him to occupy a literary throne in this country. He gave up that in order that he might come into this arena, where he thought either that there was more opportunity of usefulness for him or that there was a greater field for the display of the genius by which he is distinguished. Now, is it worth while, when the right hon. Gentleman is so committed as a politician, as a Minister, and as a literary character, is it worth while, merely to defeat a Chancellor of the Exchequer, merely to gain a party triumph, that your books of science, of history, of biography, and of fiction, your school-books, your humble tracts, and the all-knowing and all-teaching newspapers should be subjected to a burden like this, and that these, which are universally messengers of pleasure and of profit, should go staggering under this tax, halting on their way, and hindered from doing all the good which they are capable of doing in the million homes of the people? I do not know whether the hon. Member for Lincolnshire (Mr. Banks Stanhope) is in his place, but he made a speech the other night in which he said he had a great preference for tea and sugar over paper. That is the view taken on the other side. Now, I can understand how those who do not know the precise incidence of the Excise on paper should come to that conclusion. We may be all equally interested in the poor man's breakfast table and have a different opinion of the manner in which it is to be served; and when I gave five years, the best of my life, to induce hon. Gentlemen opposite to supply the poor man's breakfast-table with untaxed bread and butter, they must forgive me if I am slow to come to the opinion that their intense preference for tea and sugar is founded upon any sympathy for the poor man over that which I myself feel. I can understand how some gentlemen connected with the City, and those interests to which the hon. Member referred, with large stocks of tea and sugar in bond, and to whom the repeal or the modification of the duties to any considerable extent would be a direct —I do not say an improper—gift of some thousands of pounds — I can understand how a gentleman in that position can have such a sympathy, but I cannot understand how those who have no such direct interests could prefer the reduction of the duty on tea and sugar to the abolition of the paper duty. Let us look calmly at a few points of contrast between them. I am as much against taxing tea and sugar as any man on that side of the House; but I will say you will do as much for the working classes in disposing of this million in the abolition of the paper duty as in lowering the duty on tea and sugar. I will show you why. It is obvious that if a million is not taken by the Chancellor of the Exchequer it remains in the pockets of the taxpayers. It remains an addition to the labour fund of the country; and, in the same way, whatever you remit of the income tax also remains in the pockets of the taxpayers. But if you remit the duty on tea and sugar it is a million given up and remains in the pockets of the consumer according to the quantity consumed. It does nothing with regard to the opening of any new or particular trade. The hon. Member for Edinburgh (Mr. Black), although no great authority on some questions upon which I have heard him speak in this House, must be admitted to be a good authority on the question of paper. He stated the other night in his short speech that when the Chancellor of the Exchequer took £1,200,000 on Excise paper duty it was a direct charge on the people of not less than £2,000,000. He told you that a man must have double capital to carry on the business. If a man sells £100 worth of paper he must charge it as £200. He must have the insurance for the extra risk he runs, and the sum he pays into the exciseman's hands. I have paid some attention to this subject, and I believe in my conscience that the total abolition of the Excise on paper will be as great a relief to the industry and trade of England as if the Chancellor of the Exchequer could take off his million on the income tax, and a million each on both tea and sugar. The other night the hon. Member for Dungarvan (Mr. Maguire) made a speech upon the paper duty—a speech I was sorry was delivered so late in the evening, when the House was not so full as it had been before; that speech, I will venture to say, was absolutely conclusive both for the facts and the arguments it presented to the House. He showed how trade was harried and worried under this system of Excise, and further, the peculiar grievance which the House of Commons will commit upon the paper manufacturers if they allow another year of embarrassment, and uncertainty, and difficulty, and ruin—as it will be to many of them—to pass over, retaining this duty of

Excise on the statute book. The right hon. Gentleman below me (Mr. Horsman), in several parts of his speech, and in the statements of his case and his arguments upon them, was exceedingly unfair. He argued as if the £1,000,000 was to be given to the papermakers. He put it in this way—" Will you give £1,200,000 a year to a number of paper makers ?" [Mr. HORSMAN: I said paper dealers.] The right hon. Gentleman says he did not mean papermakers; but when he was speaking to the working classes, and hoped they would understand the question, he should have taken care that they could not misunderstand it. The right hon. Gentleman said the amount of the tax would go into the pockets of the paper manufacturers.

MR. HORSMAN: I do not think I said the paper manufacturers. I certainly meant to say the paper dealers. What was in my mind—what I meant to say, was this—I said it over and over again last year—that there are three classes whom the remission of the duty would benefit—booksellers, papermakers, and cheap newspapers, and putting them in one category, I called them paper dealers.

MR. BRIGHT: I am glad to have had this explanation, because it only goes in confirmation of what I am arguing, for we know very well that many of the largest papermakers have not been enthusiastic for this repeal, on the ground, I presume, that their interest is opposed to the interest of the public. But if the paper dealers, booksellers, and everyone who has to do with paper in commerce or literature is benefited, I think it almost comes to the same thing, in the wide diffusion of its benefits, as if you were to make the reduction on tea or sugar. There is, however, one point which hon. Members opposite will think of some importance. It is this, that between 1838 and 1856, a period of eighteen years, the number of paper mills in England sank from 416 to 314, being an actual destruction of paper manufactories to the extent of one-fourth. In Ireland, during the same period, the number of paper mills sank from sixty to twenty-eight. As to Scotland the number was unchanged. The total reduction of mills in that period was 162. Hon. Gentlemen will say, in answer to this, that paper is made in much greater quantities now than in 1838. The paper mills have diminished, but the paper manufacture has increased. Granted. But that is one of our greatest charges against this Excise. Our charge is that you strangle all the striving little men in the trade; that you do that which excise has done in every trade—you build up the trade as a monopoly in a few great hands, and destroy that fair competition which would exist if the trade were free. The right hon. Member for Hertfordshire (Sir Bulwer Lytton) I do not see in his place. I do not think he much likes to come down to that side of the House when the paper duties are discussed; but I will quote what he said in a very brilliant speech that he made in 1855, when the Chancellor of the Exchequer proposed the repeal of the newspaper stamp. He said, in answer to an Amendment moved by the hon. Member for Kent, who objected to giving up the £200,000 raised by that duty—

> " I cannot consent to allow the grand principle involved in this Bill to be dwarfed down to the level of a Budget. What is that principle ? . . . that you ought not, in a free country, to lay a tax on the expression of political opinion—a tax on the diffusion of that information on public affairs which the spirit of our Constitution makes the interest and concern of every subject in the State. Still more, you should not, by means of that tax, create such an artificial necessity for capital that you secure the monopoly of thought upon the subjects that most interest the public at large to a handful of wealthy and irresponsible oligarchs."—[3 *Hansard*, cxxxvii, 1120-21.]

I do not use the term " oligarch " to paper manufacturers or newspaper proprietors. I quote the language of the right hon. Gentleman, and I say that the influence of the Excise is just that which he condemned, that it drives all little men out of the trade —nay more, that the uncertainty of last year and of this year is rapidly driving them out, and concentrating the whole of this great manufacture in the hands of a comparatively small number of persons of great capital, whose interests, as they regard them, are clearly not the interests of the public.

The right hon. Gentleman below me (Mr. Horsman) touched upon the question of the House of Lords. Further than I have spoken upon that question I shall not refer to it except to say I am perfectly certain that that man in this House who is most anxious to have this question speedily, and without irritation, discussed and settled, is the greatest friend to the House of Lords, as he is, at the same time, the greatest friend to this House, and to what I understand to be the Constitution of the country. I must ask the hon. Member for Horsham (Mr. S. FitzGerald) to attend to me for one moment, in consequence of an observation which he made when I was not in the House, but which I read in the newspaper from which I gather much of my information. The hon. Gentleman said that this Budget of the right hon. Gentleman—and the right hon. Gentleman (Mr. Horsman) has to-night echoed that statement—was not a financial but a political Budget. He said for one thing that it was intended to conciliate me. Now, I must give the hon. Gentleman this credit, and I do it in the hearing of many of his friends, that though when he was in office I found no man more disposed consistently with duty to do everything that he could to conciliate me—he did not—he does not—ever remember that I asked him to overstep the line of his duty in anything. I am sure his colleagues will say the same. But the question is whether, in adopting a policy which I have always publicly recommended, the Chancellor of the Exchequer has gone out of the way of his duty from any condescension to me? And the hon. Member spoke, too, of "a noisy," and I do not say it was "uninfluential," or "influential," for I am told it is differently reported; it may be "a noisy and influential section" on this side of the House. The hon. Member might have heard that we are in the habit of making much clamour; but I will undertake to say that there is one description of clamour he never heard from these benches, or from any of those Gentlemen who are supposed to act frequently with me — he never heard the slightest clamour for office. If they do raise any clamour for anything it is for some object they believe calculated to promote the public good; and whether the present Chancellor of the Exchequer be in that office, or the right hon. Gentleman the Member for Buckinghamshire himself, I will undertake to say that there is no man in this House that can charge us with having swerved one hair's breadth from the straight line of the policy and principles we have always propounded, with the view of giving support to or attacking any Administration that happened to be in Power. I admit this is my Budget. I admit it. I approve it and I adopt it, and, therefore, it is mine; and in a few days it will be the Budget and the policy of the House, because they approve of and they will adopt it. More than that, I will undertake to say, whenever that reference is made which the right hon. Gentleman below me (Mr. Horsman) has spoken of, he will find out it is the policy of the country also. As to the ninety-nine out of every hundred of the people condemning it, I ask the right hon. Gentleman to go and try it amongst those friends of his he visited in the winter? I will undertake to say, if he will lay the case before them honestly and fairly, that he will be obliged to come back with a very different report. In the same sense, let the House bear in mind that the Budgets and policy of the last eighteen years have been mine, because, while that great revolution in our commercial legislation which they embodied was being brought about, I invariably gave to them my earnest, though humble support. But you have always opposed them. Am I to be ashamed of this policy? I ask hon. Gentlemen what are its fruits? An hon. Member—one of the most respected of your county Members—one who had been, I suppose, one of the most honourable but one of the most resolute opponents of our policy of free trade—said to me not long ago in the presence of several persons—"Ah! how much good you did us; but," he added, "we did not know it." Well, Sir, if this policy be so wise, I ask you what reason have I to be ashamed of it now, or what reason has the majority of Parliament to be ashamed of it? Look at the speeches of the hon. Gentleman the Member for Huntingdon (Mr. T. Baring), the right hon. Member for Stroud (Mr. Horsman), and several others. We have had speeches that have ransacked all the world to show the troubles which are afloat. Russia has troubles to face in Poland. Turkey, notwithstanding the declaration of the noble Viscount, is going fast from decrepitude to absolute ruin. Austria is bankrupt, the right hon. Gentleman says, in finance even more than in politic power; Italy is going through a great revolution, and we have the afflicting intelligence of great events—the end of which no man can see—on the other side of the Atlantic. Well, it is true that convulsions rend the air, and that there are political earthquakes in divers places; but, if you are now in the secure enjoyment of your estates, if Parliament can meet unawed by the tumult of discontent, if the Queen of England wields an undisputed sceptre over a tranquil realm, and if in the eye of the world Britain can hold her course majestically as she now does on "the unfathomed deep of time," I ask you now, in your consciences, whether much of all that is not fairly and honestly to be attributed to the policy and the Budgets of the last twenty years which I have always supported, and which you, unhappily for your reputation, have always opposed? Now, Sir, I have seen a good deal of party contest in this House. I have no objection to the greatest efforts of the greatest party, if those efforts are guided by an honest desire for the public good; but I observe that these party contests are constantly fought in a field which, as one of our own writers and poets has described it, is "a field of ambition in which truly the labourers are many but the harvest is scarcely worth the carrying away." I despise those triumphs. I scorn altogether those laurels. If I contended here for the mastery, if I looked for fame, if I desired to be remembered hereafter in connection with the great struggles on the floor of this House, it should be by associating my name directly with measures which I felt in my conscience it was wise and just in Parliament to give, and which it would be a blessing for the people to receive. Sir, I have looked at this Budget, I hope, with an impartial and an honest eye. I believe that it meets these two conditions—that it is just for Parliament to pass, and that it will be beneficent towards the people for whom it is intended, and on that ground alone I shall give it my hearty support.

SIR JAMES FERGUSSON said, he ventured to think that the force of the eloquent speech delivered by the right hon. Member for Stroud (Mr. Horsman) had not been impaired by the strictures of the hon. Gentleman who had just sat down. The hon. Gentleman had so far recovered from the chill produced in him by his right hon. Friend's speech as to be able, with his usual warmth, and with that want of justice which had more than once distinguished him in that House, and still oftener out of doors, to assail those who differed from him, and to impute motives to them which scarcely any other Member of that House would not be ashamed to impute. Great advantage would accrue from their taking time to consider the financial scheme of the Government before going into Committee upon it, for unless they calmly inquired into the circumstances by which they were surrounded they might be hurried into legislation which on mature reflection they would have great reason to regret. Past experience showed that they could not too carefully weigh or too nicely examine the right hon. Gentleman's Budget before agreeing to it. Had they last year deliberated longer and more calmly on the right hon. Gentleman's scheme, they would not have pronounced that decision in its favour which the dwindling majority that voted for its subsequent stages proved to have been premature. If they had voted the other night in accordance with the impressions which the hon. Member for Birmingham thought he had read, but which he had read erroneously, on their countenances, they would have acted like children who gazed in admiring wonderment at the fairy palaces and gilded vistas of a stage representation, little thinking that the materials which produced the splendid illusion were mere tinsel and pasteboard. On close scrutiny, what the right hon. Gentleman held out to them as a surplus might turn out a deficiency, and what he offered as a remission might prove an imposition of taxation. The right hon. Gentleman's scheme had been considered from various points of view. Some hon. Gentlemen had looked at it commercially; others, like the right hon. Gentleman the Member for Stroud, had considered it as a statesman. He wished to look at it in the light which the Chancellor of the Exchequer himself had regarded it when proposed by one of his present colleagues. Many hon Members would recall the Budget of 1857, which at the time was thought rash and improvident, but which, compared with the proposals now before them, was mild, prudent, and temperate. In 1857 the right hon. Baronet the Home Secretary, then Chancellor of the Exchequer, had a large taxation to deal with. We had just emerged from the Russian war. The taxes levied and loans effected in 1856 had yielded a revenue of something like £78,000,000 sterling. The income tax stood 16*d.* in the pound, the tea duty at 1*s.* 9*d.* per lb; and, as an hon. Gentleman had somewhat inelegantly expressed it, the right hon. Baronet was so beset by eager applicants for the remission of taxation that he was like a fat ox in the hands of the butchers. The right hon. Gentleman, who was then Chancellor of the Exchequer, rejected in 1857 the proposition to repeal the paper duty, believing that it was not a tax which pressed heavily upon the ordinary purchasers of books and papers. In the same way he refused a remission of the fire-insurance duty, and he quoted the doctrine of Arthur Young, who thought that taxation was best spread over a number of articles instead of being confined to a few. The right hon. Gentleman, however, proposed to reduce the taxation by £11,000,000, of which £7,000,000 would take effect that year, reducing the war duty upon tea to 1*s*. 7*d*., the sugar duties to 13*s*. or 14*s*., and the income tax to 7*d*. How were those propositions received? The right hon. Gentleman, the Member for Bucks, objected to the Budget as a perspective Budget, and one that was likely to lead to a want of funds in future years, and the House could judge of themselves how far those apprehensions had been realized. But the present Chancellor of the Exchequer adopted a more violent view, and objected to the general features of the Budget, contending that the calculations were illusory, and the measures proposed were of a nature opposed to sound principles of finance, a departure from past pledges. The present Chancellor of the Exchequer denied in 1857 that the reduction of the war duties on tea and income to 1*s*. 5*d*. and 7*d*. respectively were reductions at all, and insisted that, on the contrary, they were increased duties, because he argued that if let alone they would have been at a lower rate, and that to put them at a higher scale was to break faith with the public. He also said that he did not believe in a surplus, because the cost of the wars in Persia and China were not sufficiently estimated, and, with an uncertainty as to the demands that would be made upon us for those wars, the Chancellor of the Exchequer had no right to have a surplus. The right hon. Gentleman further argued that there was greater probability that the expenditure would increase than that it would diminish, while the revenue might fall short, and that, in fact, they were asked to vote away £4,500,000 which belonged to 1858 to meet the exigencies of 1857; and he used the remarkable words—

> "The total deficiency in 1861-62 will amount to £8,654,000, or very nearly what is now called the 'war ninepence.' Now, Sir, it appears to me that the real questions for the House to consider are—whether, in the first place, all the pledges which were given in 1853 and all the expectations which were then held out are now to be cast to the winds by the same persons who gave those pledges and who raised those expectations." [3 *Hansard*, cxlvii. 1010.]

The right hon. Gentleman went on then to laud the policy of Sir Robert Peel as having been of vast advantage to the community, and he called on the House to pursue the same policy adding—

> "If health and strength be spared me I shall invite the House to declare that whenever taxes are removed we shall not impose more duties on the tea and sugar of the working man."—[3 *Hansard*, cxlvii. 1016.]

Now, let the House compare the policy of the right hon. Gentleman with the doctrines he enunciated in 1857. He carried out to the extreme conclusion the policy which in 1857 he denounced when it was put forth by his present colleague the Home Secretary. If it was true in 1857 that to take off 2*d*. only where 4*d*. had been promised was to put on 2*d*., surely the same argument must apply in the present instance, when a remission of 1*d*. was talked of in a tax which was entirely to have ceased and had expired. The right hon. Gentleman said that his present colleague had no right to take credit for a surplus when the country was engaged in war, and yet he himself had last year laid upon the table an estimate for the Chinese war of only £500,000, the exact sum taken by Sir Robert Peel in 1842 for a war of not one-fifth the magnitude of that which had lately terminated. The right hon. Gentleman in 1857 spoke of a delusive surplus, and yet now he claimed credit for a surplus of £400,000 or £500,000, which was contingent upon the receipt of a sum of three-quarters of a million from China, which all the evidence they had at present would lead them to believe would be swallowed up in indemnities, and that, moreover, it was possible we might have to pay a larger sum. It was the duty of the House to press upon the right hon. Gentleman the necessity of adjusting the expenditure and the revenue, and not to fall into the error of last year. The right hon. Gentleman the President of the Board of Trade had mocked at the idea of prospective finance, but did he not remember the prospective finance of his right hon. Colleague the present Chancellor of the Exchequer, who in 1852 indulged in so many prophecies which had never been fulfilled? But what, he would ask, was the tendency of the taxation which the Chancellor of the Exchequer proposed this year to reimpose? Was it a taxation which would fall more heavily on the rich than on the poor? For his own part, he should not be deterred by the imputation of interested motives, in which the hon. Member for Birmingham (Mr. Bright) had that evening so liberally dealt, from stating it in reply to that question to be his solemn conviction that scarcely any tax touched so nearly the necessaries of life of the poorer classes as those upon tea and sugar, to which on the financial scheme of the

Government it was proposed the country should again be subjected. They were taxes which made themselves felt in the homes of the labouring classes, and which interfered with their comforts; and did he not think it beneath him to impute motives to hon. Gentlemen who professed seriously to advocate the interests of larger bodies of his fellow-countrymen, he might be tempted to say that there were others who might be charged with being actuated by selfish considerations beside the dealers in tea and sugar. There might be penny newspapers which did not pay their expenses, journals established in the interest of parties who might be materially benefited by the proposed change, and in whose case only the repeal of the paper duty would be attended with any advantage. For his own part, he should like to see submitted to a jury of workmen the question at issue, as between tea and paper, quite satisfied that they would laugh to scorn the man who could imagine that they would have one moment's hesitation as to the mode in which they would desire to see that problem solved. Nor ought the right hon. Gentleman the Chancellor of the Exchequer have much difficulty as to its solution, if he desired to see preserved among the poorer classes in England that patience of taxation which he had recently eulogized. The case stood thus: the taxes on tea and sugar would expire this year; the income tax had already expired, and the right hon. Gentleman might, if he pleased, reduce the duty on tea 4*d.* in the pound; he preferred remitting the paper duty, and a fairer issue to be raised in Committee of Supply than the justice or injustice of that proposition he could not well conceive.

With respect to the nature of the paper duty, he might perhaps, in consequence of what had fallen from the hon. Member for Birmingham (Mr. Bright) in the course of his speech that evening, be allowed to say a few words. The hon. Member had quoted an authority upon the subject which ought, no doubt, to stand high with the House—he alluded to the hon. Member for Edinburgh (Mr Black) whose knowledge of such matters was not less extensive than the courage with which he maintained his principles, as was evinced by the manner in which he had last year braved the views and prejudices of a large portion of his constituents. There was, however, another authority whose opinions upon the point at issue were entitled to equal if not greater weight—he meant Mr. Bohn; but before referring to the statements of that Gentleman more particularly he should ask whether the repeal of the paper duty was sought with good reason upon the ground of reiterated demands upon the part of the country for its remission having been made? That question he was compelled to answer in the negative, for he was old enough to remember that the repeal of the Union with Ireland had for some years been still more perseveringly urged; that the Charter was more loudly called for, the agitation with respect to it endangering for a short time the peace of the Metropolis; that the lowering of the franchise had been as persistently advocated; that the income tax and the duty on tea had been as strongly condemned, and pledges for their abolition not less plainly given. It was, however, contended that the paper duty operated as a grievance on trade; but how, he should like to know, could that be the case, when it was found that the manufacture of paper was steadily increasing year after year? Having adverted to that he might just in passing be allowed to remark that if the duty were remitted they would be likely to lose a larger amount of revenue than the Chancellor of the Exchequer seemed to imagine, inasmuch as the right hon. Gentleman had taken the amount of the tax for the present year at £1,200,000, while he believed —estimating it in the same way as the Customs' duties were estimated—it would be found to approach nearer to £1,500,000, and to be, moreover, likely to turn out a rapidly increasing source of revenue. The right hon. Gentleman the President of the Board of Trade had, it was true, been very eloquent a few evenings before on the subject of the extension of the paper trade, which he contended must be the result of the abolition of the existing duty, and had enumerated a number of materials which must enter into the manufacture, going so far as to say that the refuse of the farm-yard would be pressed into the service. Now, hon. Members had, no doubt, all heard of money having been raised by Vespasian from an unsavoury source, but that British dunghills should be converted into paper was, he thought, a proposition which could hardly have been seriously advanced. He might add that he did not think the British farmer could spare his straw for the manufacture of paper, inasmuch as he would find it more valuable when otherwise employed, while Mr. Bohn stated that it was quite idle to suppose that any other material could really take the place of rags, which—cheapness and fitness being taken into account—were much better suited than anything else to the purposes of the trade, but of which, notwithstanding all the eulogy which has been lavished on that one-sided instrument the Treaty with France, our supply was curtailed by the fact that a duty continued to be levied on their exportation from that country, while we had taken off the import duty on foreign paper. Well, but the hon. Member for Birmingham (Mr. Bright) contended that the remission of the paper duty would have the effect of bringing back the trade in that article into the hands of small manufacturers, quite regardless of the circumstance that in France one of the consequences of the abolition of the Customs' duties on paper had been to produce quite the opposite result, and that a circular had been issued by the papermakers of Auvergne and other places where there were a number of small mills, advising them strongly to concentrate their capital in the conduct of large undertakings, by which means only they would be enabled to compete successfully with the British manufacturer. He might further observe that the noble Lord at the head of the Government had, in a speech which he made last year, made the following assertion:—

> "The paper manufacturers of England, while labouring under all the difficulties as to obtaining the raw material, are able to compete successfully and advantageously in foreign markets with the manufacturers of the very country in which it is said that the great advantage of the prohibition of the export of the raw material exists."—[3 *Hansard*, clx. 808.]

Now, that being the statement of the noble Lord, he was glad to find the right hon. Gentleman the President of the Board of Trade, one of his colleagues, making an appeal on behalf of the British manufacturer, on account of the inequality to which he was exposed in his competition with the foreigner. As regarded the public—which was the main point—the duty bore so small a proportion to the price of paper that he did not think the relief afforded by its repeal would be appreciable. The amount of the duty on two volumes of Lord Macaulay's *History of England*, which cost 36*s*., was only sixpence; and the amount of the duty on the *Cornhill Magazine* was only one halfpenny. Mr. Bohn stated that the sum he paid in the shape of duty on one of his own useful publications was only 1½*d*. It was manifest that under those circumstances they could not expect that the price of books generally would be lowered by the abolition of that small charge. Each penny paper only contributed about half a farthing to the revenue; and although that was, no doubt, a loss to the proprietors, it should be remembered that the main source of profit to them was to be found in their advertisements. No one believed that the price of those prints would be reduced if the duties were repealed, but that the whole advantage would fall into the hands of the proprietors and publishers; and, as regarded the agricultural interest, the alleged boon was altogether a chimera. After the examination, which the Chancellor of the Exchequer's professed surplus had been subjected to, he did not wonder that the right hon. Gentleman had adopted an artful plan to deprive the House of Lords of its constitutional right of revision. The insult was gratuitous, for it was not to be supposed that the Lords would refuse a measure for repealing a tax deliberately sent up to them again by the House of Commons; though he would add that never was there a Budget standing more in need of careful revision. It would seem as if the whole scheme had been the work of two very different hands, one of them having framed—and very properly framed—the Estimates upon that large scale which the interests of this country demanded in the present unsettled position of Europe, while the other had calculated our income upon the supposition that we were to enjoy the most "piping times of peace." It was well to consider on what the country would have to depend if war should arise in Europe, and if, without this country being involved in it, increased expenditure should be required for the protection of British diplomacy and commerce. The duties on tea and sugar were at a war rate, and the spirit duties were a failure. The malt duty, unless there should be a good harvest, would not recover its position, and the hop duty was a dead failure. There then remained no resource but the income tax, which was a war tax now, and the reduction of which the Chancellor of the Exchequer refused, in spite of his own solemn pledges and recorded convictions. What, then, was the country to depend on in time of war? He regretted the course which the Government were taking. He thought, on the whole, the Government had rightly interpreted the feeling of the country with respect to foreign policy; and that, in reference to their Correspondence regarding Syria, to which he had paid more particular attention, they had pursued a manly course becoming English Ministers; but in this question of the Budget they had taken up a position not calculated to strengthen themselves; and he regretted that the Chancellor of the Exchequer was using his great talents, which had raised him to an eminence perhaps unequalled in the present generation, to advocate a policy opposed to his former solemnly recorded pledges and convictions.

MR. GREGSON: It is not my intention to trouble the House with another examination of the Budget in detail. I will confine myself to two points—the prospective balance at the end of the financial year, and the two proposals of the Chancellor of the Exchequer. It is argued there will not be any surplus; still, if this should unfortunately be the case, it is better to take him at his word for three reasons:—1st. It is desirable to keep as much as possible out of his hands lest he should be tempted to spend it. 2nd. By keeping him poor he will be better able to carry out his own desire to curtail expenditure. 3rd. Because the 1*d*. reduction in the income tax, £1,200,000, will be fructifying in the hands of the people for at least twelve months. But anticipating a deficiency, by Gentlemen on the other side of the House, they kindly offer to take care of the Chancellor of the Exchequer, and seem to say, My good friend, you really cannot afford to give us anything, you are too generous, keep your penny and your paper duty, you will want both before the year is out. Now let us suppose, on the other hand, that the Estimate of the Chancellor of the Exchequer may be realized, no one will object to the reduction of 1*d*. on the income tax, an impression having prevailed that instead of any reduction we should be called upon to pay an additional 1*d*. income tax. The second proposal is to abolish the paper duty. It is well known that for many years I have been an advocate for the reduction of the very heavy duties on tea and sugar. In 1847, now fourteen years ago, a Committee of this House, after a patient investigation, unanimously recommended the reduction of the tea duty to 1*s*. per lb. when the revenue would admit of such reduction. Six years after this—namely, 1853, an Act was passed for the gradual reduction of the duty to 1*s*. per lb. in 1856. In 1854 another disappointment occurred owing to the Russian war. But in 1857 another Act passed reducing the duty in 1858 to 1*s*. per lb. Again, the duty was altered to 1*s*. 5*d*., continued in 1860 at the same rate till the 1st July, 1861. Thus it appears that we have given pledges not by one Act, but by repeated Acts of Parliament to reduce the duty on tea to 1*s*. per lb. I have been greatly tempted in opposition to the cry of a "tax upon knowledge" to raise the cry of "tax upon food." Some time ago I troubled the House at length upon this subject, and from the very marked attention which the Chancellor of the Exchequer paid to my statement, I did hope he would have reduced the duty. If I thought with my Friend, the hon. Member for Huntingdon, we should not lose the Chancellor of the Exchequer and embarrass the Government, I would still move for the "teapot" against paper duty; but fearing the result I acknowledge that I unwillingly submit to the renewal of the tea and sugar duties for one year, but I do hope and trust only for one year.

MR. BAILLIE COCHRANE said, he would not go into any examination of the Chancellor of the Exchequer's figures, which would require a more practical financier than himself to discuss. But there were certain general views and principles by which any one having ordinary historical knowledge could form an opinion. Looking at the Budget and at the past history of the country, he thought they had arrived at what the right hon. Gentleman last year called a "great epoch" in finance. The principles now acted on differed widely from those that formerly prevailed. In the last century the establishment of the Sinking Fund proved that it was then thought desirable at least to attempt to pay off some of the public debt; and it was laid down by the Chancellors of the Exchequer of that day that they had no right to impose burdens on posterity. It was shown by Mr. M'Culloch that from 1822 to 1837 there was, with the exception of one or two years, an excess of revenue over expenditure—an actual, not an anticipated and prospective surplus. In 1837 Lord Melbourne came into power, and immediately the excess began to be the other way. In that year the revenue was £50,000,000, and the expenditure £51,700,000. In 1838 the revenue was £51,000,000, the expenditure £54,000,000. In 1839 the revenue was £52.000,000, the expenditure £54,000,000. In 1840 there was a revenue of £52,000,000 against an expenditure of £55,000,000. It was in 1837 that this excess of the expenditure began. Sir Robert Peel came into office in 1841 and found an accumulated deficit from former years of £10,000,000, and to meet the difficulty he had inherited from Lord Melbourne and the Whig Ministry he imposed the income tax for three years. Certainly, if there was ever a case in which an income tax might be imposed it was that. And, above all others, it might have been expected that the Whig Opposition of that day would have conceded the necessity for it. But, looking back at the opinions with regard to the income tax expressed at that time by the noble Lords and right hon. Gentlemen opposite, it was perfectly extraordinary that they should now not only advocate it, but propose an addition to it, for the purpose of taking off an indirect tax, the remission of which would not generally benefit the country. The speeches of the present President of the Board of Trade (Mr. Milner Gibson), the First Lord of the Treasury (Lord Palmerston), the Secretary for Foreign Affairs (Lord John Russell), and the Secretary for India (Sir Charles Wood), at that time all contained declarations against the necessity of the tax and the impolicy of imposing it in the time of peace. Holding these opinions of the income tax in 1842, how could they reconcile them with the imposition of an extra penny now for the purpose of taking off the paper duty? He wished also to know whether that duty was to be taken off in the interest of the consumers or the manufacturers? The papermakers had addressed a memorial to the noble Viscount at the head of the Government, in which they asked for protection against the importation of foreign paper; so it was evident they did not wish that the remission of the duty should benefit the consumer. Last year the duties on a great number of articles were either reduced or repealed; the revenue lost £328,000 by the remissions; but could any householder say the consumers had been benefited by a consequent reduction of prices, though the revenue had lost so much?

He now came to what he considered the most important feature of the Budget. The Chancellor of the Exchequer, in introducing his financial scheme of last year, said it was a great epoch in the financial history of the country. He would not, he said, anticipate the Budget of the following year, because he hoped in 1861 to meet a Parliament more adequately representing the requirements of the country. That observation, made by the right hon. Gentleman, was, in his opinion, one main cause of the defeat of the Reform Bill. Coupled with the speeches of the hon. Member for Birmingham, what did it indicate? That it was the intention of the right hon. Gentleman to link himself with the hon. Member for Birmingham, to adopt his views, and to replace indirect by direct taxation. If the Government Reform Bill had been carried, no doubt, there would have been an epoch in our financial history. What said the hon. Member (Mr. Bright) in 1860?—

> "Let me tell right hon. Gentlemen who represent so much of the property of the country, henceforth it is written irrevocably that the vast expenses which you are incurring, not for the great body of the working people, for they seem very much alike in all the old countries in Europe, but if, as you suppose, for the defence of your property, then this vast expenditure must henceforward be charged to the property of the country. That expenditure and that income tax are inseparably bound up together."—[3 *Hansard*, clvi. 1636.]

And again—

> "The Budget is disliked because it has abolished so many sources of indirect taxation to which probably Parliament can never return, and it has tied up this grievous and apparently interminable military expenditure with the continuance of a direct tax from which the propertied classes cannot escape. These two things henceforth go together. It is written indelibly in the condition of things in this country that henceforth, if you will raise up your military expenditure from £11,000,000 to £22,000,000, and from £22,000,000 to £30,000,000, and it may be further than £30,000,000 next year for anything I know, that this increase must, in some shape or other, be paid by a direct tax upon property, or upon property and income combined. I think it is a most happy thing that we have brought matters to that point."

The Chancellor of the Exchequer said, "We leave to the Parliament of 1861 to make provision for 1861, as we are making provision for 1860," and then the right hon. Gentleman alluded to the new class which should send to Parliament representatives more peculiarly its own. The question whether Parliament was about to base the taxation of the country on direct or indirect taxation was most important. If the Chancellor of the Exchequer would cease to demand the repeal of the paper duty, he might take off 2*d*. in the pound on the income tax, instead of 1*d*. The right hon. Gentleman's estimate for 1861-2 gave an expenditure of £69,900,000. His income, including a quarter of the tenpenny income tax, was £63,423,000. Now, an eightpenny income tax for three-quarters of a year would give the right hon. Gentleman a surplus of £323,000, which was almost as large as the surplus (£400,000) anticipated by the Chancellor of the Exchequer if his scheme were adopted.

THE CHANCELLOR OF THE EXCHEQUER: No; an eightpenny income tax would give a surplus of £185,000.

MR. BAILLIE COCHRANE: If the right hon. Gentleman admitted that, he would not deny that the question before the House was really one of direct or indirect taxation. The right hon. Gentleman was going to impose an income tax for the sake of abolishing indirect taxation. He differed from some of his hon. Friends near him in thinking that the question ought to be between reducing the taxes on tea and sugar and abolishing the paper duty. He objected to imposing a direct income tax for the sake of abolishing an indirect tax. If the income tax were to be a permanent source of revenue, it was evident, from the appointment of the Committee proposed by his hon. Friend (Mr. Hubbard), that it would be modified and graduated; and a graduated income tax was nothing more nor less than confiscation. The country had had a great escape in regard to the Reform Bill, not only in an electoral point of view, but also with respect to the system of taxation.

MR. O'BRIEN said, there was one feature in this debate which he viewed with considerable satisfaction. In former discussions which had taken place in that House on a similar question, the discussion had been kept up chiefly by leading Members on either side; but upon that occasion he remarked with satisfaction that hon. Gentlemen who were not so often in the habit of expressing their opinions had done so now with considerable skill and power of argument. Emboldened by the success of others he wished, too, as one of the rank and file of the House, to venture a word. It had been said that figures, like other things, could be abused as well as used for the purpose of illustrating an argument. He should not on that occasion enter at large into figures on the subject under consideration, but would place himself in the position which he might say the mass of the people occupied, who simply looked at its great leading principles, and from general considerations formed a common sense view of its principles. The question of a surplus had to be considered; and if there was a surplus, as he took it from the statement of the right hon. Gentleman there was, then the next question was as to the proper distribution of that surplus. No doubt a great deal might be advanced in favour of the *ad captandum* arguments so often advanced in favour of the repeal of the duties on tea; but in his opinion, bearing in mind the relative merits of the articles of paper and tea, and having regard to the fact that hon. Members had in former the years pledged themselves to the remission of the duty on the former, he thought that the Resolutions of the right hon. Gentleman the Chancellor of the Exchequer with reference to the repeal of the paper duty ought to be carried. It had been said by hon. Gentlemen on the opposite side of the House that there was a feeling on the part of those sitting on the Ministerial side to disparage the Members sitting in "another place." He entertained no such notion. He reverenced and respected the other branch of the Legislature, knowing that many Members of that branch had done well for the commonwealth, and that many who served their apprenticeships, so to speak, in the House of Commons, had thus qualified themselves for taking part in the proceedings of the Upper House. Into the question of the paper duty he should not enter at length, because it had been frequently discussed with ability. But there were two questions of prominence which presented themselves with regard to it; one was the inconvenience of having any excise duty at all upon such an article as paper, and the other the way in which that tax interfered with the dissemination of knowledge. Upon this subject he might refer to what had been said by Lord Brougham in 1854, who, when examined before a Committee of the House of Commons, said that a sound system of Government required that the people should inform themselves of the system of legislation; that they could only be well informed by having recourse to useful publications; and that the danger lay, not in the people learning too much, but in knowing too little. There was another point to which he wished to refer, and that was the spirit duties. The case of the spirit duties, indeed, was not to be compared with that of tea and sugar, or of paper, inasmuch as articles of luxury were not to be ranked with those of necessity. There was a question of morality also involved in that of the spirit duties. He must observe, however, that the right hon. Gentleman the Chancellor of the Exchequer would do well, while repealing the paper duty and reducing the income tax, to bear in mind that his anticipations regarding the spirit duties in Ireland had not been realized, that illicit distillation was on the increase in many parts of that country, and that in some of the large towns great quantities of spirits were being sold at prices less than the actual revenue payable to the Exchequer. If that were so—and he believed his information upon the subject was substantially correct—then was it high time for his right hon. Friend to retrace his steps on the subject of the spirit duties. He had no desire to impute motives, but he feared there was some degree of party feeling in the opposition shown to the Budget. It was said reaction was taking place in the country; and it might be that a party division in that House had been resolved upon to see what effect would be produced upon the public mind. He (Mr. O'Brien) certainly thought that time would show the public feeling of the country to be with the right hon. Gentleman in the Budget he had brought forward, and that in the case of the paper duty the Chancellor of the Exchequer was only carrying out to their legitimate issue those great principles of free trade which had been the means of providing food for the people, and, as had been said by the hon. Member for Rochdale, of carrying plenty to the hearth of every poor cottager in the land. Subject to the remarks he had made respecting the spirit duties, he (Mr. O'Brien) should heartily support the scheme of the right hon. Gentleman.

Mr. LIDDELL said, in the remarks he was about to make he should not attribute improper motives to any hon. Gentleman who had spoken before him in the debate, least of all should he venture to attribute to the public servants of the Crown any other motive of action than the desire to advocate such measures as they deemed to be advantageous to the public interest. But the repeal of the paper duty had always been a favourite portion of the scheme of policy of the hon. Member for Birmingham and his party; and his main objection to the Budget was that it was framed to meet the prejudices and weaknesses of one particular section of the House, and the larger interests of the public were sacrificed to meet the views of that particular class. The right hon. Member for Stroud, in a speech of consummate ability, had that night put the question in its true light when he said he doubted as to the policy of any remission of taxes whatever. Another objection he (Mr. Liddell) had to the Budget was that it was in direct contradiction to the financial principles which the Chancellor of the Exchequer himself had on a former occasion laid down, and which the House, under his guidance, had solemnly adopted. He would ask the House to recall the speech of the right hon. Gentleman when he introduced his Budget in 1854, and to contrast the views he then held with regard to the Russian war which had just broken out with those the right hon. Gentleman now held at the conclusion of the war which had just terminated—that with China? The right hon. Gentleman in 1854 spoke in the strongest language of the impolitic, unjust, and unmanly course of handing down to posterity charges which ought to be borne by the revenue of the year, and in pursuance of that doctrine heavy burdens were laid upon the country, and the taxes upon every article of consumption were largely increased. That was a great war, the duration or extent of which no one at the time could calculate; but in July last the right hon. Gentleman presented a supplementary Budget to the House under very different circumstances. An emissary had then been sent to China in whom the Government ought to have placed great confidence, and with the finest and most perfectly equipped armament at his command that ever left these shores, they had good reason to expect an early termination of the war. But the right hon. Gentleman did not pay or attempt to pay the expenses of the China war out of the revenue of the year. He took £1,416,000 out of the balances in the Exchequer, which, otherwise, might have gone towards the reduction of the public debt. The right hon. Gentleman further obtained leave to raise £1,000,000 of Exchequer Bonds—which power, however, he exercised only to the extent of £600,000, a sum which was afterwards reduced by deductions to £461,000. By this means a sum of £1,877,000, although not *de facto*, was virtually made an additional part of the public debt. The hon. Baronet the Member for Stamford had shown good reason, too, to apprehend that this was not the whole of the addition. If the right hon. Gentleman had retained the paper duty he might have restored the balances; by retaining the penny income tax he might have provided for the Exchequer bonds which were falling due in the next two or three years; but by not doing so he had in both these instances added to the burdens of posterity, in violation of his own doctrines. The right hon. Gentleman complained of the extravagant expenditure of the House of Commons, and certainly £26,630,000 was a large sum for military services; but, as a member of the Cabinet and an adviser of the Crown, he must have come to the conclusion that that sum was necessary for the exigencies of the country. Under such circumstances how could the right hon. Gentleman afford to throw away a penny of permanent revenue? It was said that expediency required that the paper duty should be repealed, to put an end to the unfortunate controversy between two branches of the Legislature. But there was a great distinction, he thought, between Parliamentary expediency and political expediency. They had all heard, even from hostile authorities—it had been re-echoed on the Stock Exchange, and by that portion of the press which was supposed to be best informed in matters of finance—they all said, "This is not a time when it is desirable to weaken or reduce your finances." There were also several claims upon the country on behalf of education, harbours of refuge, home defences, and various other objects of paramount importance that rendered it still more inexpedient to sacrifice any source of revenue. The time might come when they could afford to repeal the paper duty, and when very great indirect benefits to trade would be felt from that repeal; but in the pursuit of this hobby at the present moment they would be neglecting to do that which would bring comfort to every cottage in the kingdom. Hon. Members had all read the letter of the "Dorsetshire Labourers" which had appeared in *The Times*. From the pungency and sound sense which that letter contained, he should be disposed to attribute it to an hon. Member whom he saw present; but, be that as it might, the arguments in it were well worthy of attention, and expressed pretty accurately the public feeling on the subject of tea and sugar. He was not disposed to argue the question of whether there was or was not a surplus, though in the course of that debate great doubt had been thrown on the accuracy of the Chancellor of the Exchequer's calculation; for, even if there was a surplus, the present was a moment when great caution was necessary in dealing with the finances of this country. He would not, however, further allude to that part of the subject beyond saying that there could be no doubt that the country during the present year would require a large importation of foreign corn, and as that would have to be paid for in gold, trade must necessarily be restricted, and that man must be sanguine, indeed, who could expect a very large increase in the consumptive power of the people. Then, the state of affairs at the other side of the Atlantic was such that they did not know what measures might becomen ecessary for the protection of British shipping. There could be no doubt that if the war should be continued in that country there would be thousands of privateers hovering about those coasts. The South and the North were widely different as regarded their policy towards this country. The South acted on the principle of free trade, while the North still maintained a narrow minded protective policy. [*Cheers from the Liberal benches.*] Hon. Gentlemen opposite seemed to think that, because he sat on that (the Opposition) side of the House, he was necessarily imbued with all the prejudices which once marked the conduct of opponents of free trade. He was of those who voted in 1852 for the solemn adoption by Parliament of a "free commercial policy" and he felt proud in now congratulating the House on the success of that policy. It seemed to him absolutely impossible that they should escape from some collision with America, because English vessels would carry on trade with all the rival States, and causes of jealousy might easily arise. He would not detain the House longer than to say that he believed that if the ballot-box were introduced into that House for one night the paper duty would be retained by a very large majority. He trusted that an opportunity would be afforded to hon. Members of giving a direct vote on the subject, and he feared very little for the result. The repeal of the paper duty had been used as a rallying cry for the lately disunited ranks of the Liberals. He thought that disunion in that great party was much to be deprecated. He repeated the assertion, because such division gave the Conservative ranks an opportunity of making inopportune attacks and forming unhealthy alliances for those purposes. He had seen with regret the Conservative party coming into office in a minority, and striving to maintain that most difficult position by the concession of some long-cherished principles. He felt strongly upon the question, and if the Government, upon an adverse vote on a mere financial detail, should resign, theirs would be the responsibility. If they went to the country, they must go with a cry of large expenditure, dear tea, and cheap paper.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I rise at the close of a rather long debate, not very much concentrated, but rather diffused in its purpose, to address, I am afraid, an exhausted House. ("No, no!") Well, then, it is bad under any circumstances to address them in a defensive speech. I think it my duty in the remarks which I have to make to deal principally with those statements which appear to me to be of all portions of the present discussion the most deserving of notice—I mean those statements which impugn the particular figures which I have laid before the House. There are many matters which have been imported into the debate which I shall venture to pass by. All that relates to myself personally; all that relates to the dangers which may arise in conflicts between British merchant ships and American or other privateers; all that relates to the general and vague political aspects of the question I shall pretermit, not because I presume to say or think they are insignificant, but because I feel it my duty to address myself to those points which touch more directly and more practically the matter in hand. At the same time, I cannot help observing, for a moment, upon the strange constitutional novelty of the duties which are assumed on this occasion by the Opposition. The Government, having computed the expenses and revenue for the year, ask the representatives of the people for £70,000,000 of taxes. They show that if the whole of the laws which were in force during the last financial year should be re-enacted, the produce of the taxes will probably amount to £72,000,000, and they propose to surrender out of a surplus, which in round numbers amounts to £2,000,000—they propose to surrender £1,500,000 in the repeal of taxes. Strange to say, it is against this proposal that a large number of the representatives of the people rise up in arms. According to the doctrine of the Constitution, and according, if I may presume so to speak in addressing hon. Gentlemen opposite, to the wisdom and practice of our ancestors, it is the duty of the Government to see that not too little is asked for the public service. It is the duty of those who oppose the Government and of the entire House of Commons to see that they do not grant too much. But the fear of granting too much has become a motive singularly inoperative among a large portion of the Gentlemen whom I see opposite, while on the other hand they are wrought up to a state of nervous and feverish exasperation at the bare possibility of granting too little. Without entering into details, without observing further on the strangeness of the course and the difficulty there is of finding precedents to sustain it, I must confess that I think very little good under any circumstances is to be anticipated to the country from an exchange of duties between the Government and the Opposition. But, Sir, an impartial spectator cannot help having noticed a singular want of unity in the sentiments of those hon. Gentlemen on the opposite side of the House who have entered into this discussion. I grant that most of them have asserted that there is not a surplus, and if there is any one proposition in which they agree it is that. But there are most important dissentients to that proposition. The hon. Gentleman the Member for Huntingdon (Mr. T. Baring) has not asserted that there is not a surplus; but, speaking of the Estimates for the year from Excise and Customs, which admit of the greatest latitude and the largest margin for doubt, he said that, under ordinary circumstances, those Estimates are fair and moderate. My hon. Friend the Member for Stamford (Sir Stafford Northcote) said in substance the same thing. He has questioned, and with his position and his views he was justified in scrutinizing, an important item which I place on the credit side of the account. But neither of those two Gentlemen, who, without disparagement to others, are the most considerable financial authorities among those who have entered into the discussion adverse to the Government, either assert or insinuate that upon which all the rest seem agreed—namely, that there will not be a probable surplus of estimated revenue over estimated expenditure. If they are not agreed whether there is or is not a surplus, still less does any agreement appear to prevail with respect to the mode of disposing of the surplus, should it exist. Undoubtedly, among a number of rival claims, the tea duty appears to be the favourite. There are some Gentlemen of so large a generosity, and so entirely unrestrained by the laws of arithmetic, that they propose, in lieu of the paper duty, to remit the tea and sugar duties, bringing down both to what is called a peace level. It is proposed to dispose of a fund amounting to between £600,000 and £700,000 a year. Their plan of good husbandry is to lay it out in making a remission which will cost the country about £2,500,000. ("No, no!") Those Gentlemen who say "No," may not have made that particular proposal. ("Name, name.") The right hon. Gentleman the Member for Stroud. There is a name. The right hon. Gentleman asked that the sugar and tea duties should be placed in the position of the paper duty, and many others have done the same. The hon. Member for North Lincolnshire (Mr. Banks Stanhope) has made a speech, which I have great pleasure in commending, as others have done, strongly in favour of the remission of the income tax. The hon. Member for Cambridgeshire (Mr. Ball) pleads as earnestly and energetically for a remission of the malt duty, and a third forlorn hope is led on behalf of the spirit distillers by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside). Under these circumstances, it is not wonderful that there has been a certain tardiness on the part of the leaders of the powerful party opposite in embodying their views and sentiments in some positive Amendment. But I am bound to say, while I have spoken of those who differ from the Government, that more than one Gentleman on the opposite side have recognized the spirit in which the proposal of the Government was made, and have declared their opinion that it is a fair proposal, which they will support.

It is very difficult for a Minister who is principally responsible in a debate of this kind to seem to pay due respect to speeches and arguments so diverse as those which have marked the opposition to the financial plans of the Government, and, at the same time, not to weary the House. If I seem to omit any matter of importance I trust it will be believed that it is only from a desire not to render absolutely intolerable the trespass which I shall have to make on the time of the House. I shall divide what I have to say into the two main questions. First, is there a surplus? and, secondly, how shall it be used? But there are certain questions to which I shall briefly allude in the first instance, because with a comprehensiveness of view some Gentlemen opposite have referred, as if they thought it a matter of great importance, to transactions last year of a financial character, but not immediately connected with taxation and expenditure. My hon. Friend the Member for Stamford (Sir Stafford Northcote) referred to the mode in which the deficiency of last year had been met. And I am bound to say that he did not fall into the egregious error which characterized the speech of the right hon. Gentleman the Member for Stroud (Mr. Horsman) who, to the perfect astonishment of all who heard him, without the slightest consciousness of what he was about, but, on the contrary, in a simple and childlike belief that he had made a great discovery, which furnished him with the means of a decisive triumph, charges the deficiency on our books twice over, first of all saying that so much was taken out of the balances, and then adding to it the whole deficiency of £2,500,000. My hon. Friend did not fall into an error such as he could not fail to discern in the right hon. Gentleman, but still dwelt with needless detail upon some points. He was very anxious about the Exchequer balances. He complained that they fell below what they were expected to fall to last September. No doubt they did. But how was it possible for me tell exactly what draughts would be made by the officers of the Government in China in order to make themselves, as they were justified in doing, strong enough in funds to bear the expenses of a great expedition? That is the history of the fall in September, and in answer to my hon. Friend's inquiries after the health of the balances, I have much pleasure in assuring him not only that they are as well as can be expected, but that they are in a state satisfactory to all their friends. And I cannot give a better illustration of that than by saying that during the whole of the four quarters of the last financial year the sum for interest on deficiency bills amounted to just £1,850, and in the quarter now passing not a single shilling has been paid on that account. My hon. Friend seemed to think that some strange trick of legerdemain had been performed by the Government in applying the repayments of advances to meet deficiencies in the revenue of the year. This is not the place nor time to enter into a consideration of the provisions of our laws, but surely my hon. Friend ought to have known that when advances are repaid they become part and parcel of the Consoldiated Fund, and when they are part of the Consolidated Fund they are part and parcel of the balances in the Exchequer. It is not in the power of the Government, and it would be illegal as well as absurd, to draw the slightest distinction between repayments of advances and any other portion of the public monies at their command. My hon. Friend said he was very sorry that I omitted to notice the fortification loan. I omitted that subject, not on the ground that my responsibility in connection with it is less than that of any other Gentleman who sits near me, for it is the common responsibility of the Government, but on the much simpler ground that the sum required to be raised up to the present time, or during the current year, was so very small that it was not necessary to call attention to it in great detail when dealing with an amount of £70,000,000. Again, my hon. Friend said he understood there was to be a further drop in the French Treaty; he shakes his head and perhaps I am mistaken. The remark was certainly made by some one, and excited much alarm on the part of the careful and provident guardians of the public revenue who sit opposite. Well, there has been no further drop in the French Treaty. The lowest of the wine duties are now in operation. The further drop that was anticipated in February last has already been encountered, and I am happy to say that it turns out to be apparently no drop at all. Then, I have been asked how we are going to provide for the army excess of 1859-60. Everything is pressed into the service against our proposals. My answer is that we do not provide for it at all; and the reason is that it does not require to be provided for, inasmuch as it has already been paid. What we have to do is simply to apply to the House to give form and order to transactions which require to be watched because they interfere with the regularity of our financial action, but which have no bearing on the future, and do not make the Exchequer of the present year a sixpence poorer. My hon. Friend was quite right in saying that the effects of the bad harvest of 1860 are not exhausted. If they had been I should have presented a better estimate of revenue. A great part of the deficiency of the malt revenue goes into the estimate before the House. All these things have been taken fully into consideration. I do not seek in the least to depreciate the ill-effects of that harvest. I believe it is a moderate estimate to say that the reduction in the revenue of the country which it has caused is over £2,000,000. But, at the same time, I believe, and I think the experience of many will bear me out in saying this much—first, that had it not been for the powerful stimulus which freedom of trade gave to agriculture, and the great improvements which it introduced in the culture of the soil and the drainage of the land, the harvest would have been far worse than it was; and, second, that while the effect of the exceedingly bad weather during the harvest and the following season, and the early months of this year, has been to make us, for the time, dependent in a very unusual degree on the supplies of foreign corn, the quantity of English corn in the country remaining over from the last harvest is much more considerable than usual. Under the operation of the present weather it is gradually improving, and affords a better store for the future than in an ordinary year we could at the same period expect. Well, my hon. Friend referred again to 1862-3. Really I am not very willing to weary the House with discussing matters that are hardly before it; but at the same time, considering the influence that remarks of this kind have on some minds, I venture to say a few words. Upon what depends the whole case of my hon. Friend in showing improvidence with regard to 1862-3 in our financial arrangements? It, surely, does not rest upon the probable income and expenditure of the two years as ordinarily calculated, because, though we throw upon 1862-3 about three-quarters of a million as the residue of what will be lost by the reduction of the income-tax and the remission of the paper duty, yet the extra cost of the China armament, which we have every reason to believe will be repaid before the year is over, amounts to a much larger sum. The whole case of my hon. Friend seems, then, to rest upon the fact that there are £1,000,000 of Exchequer-bonds which fall due in 1862-3. If my hon. Friend thinks that on that account it is my duty to ask, or the duty of the House of Commons to grant, £1,000,000 of additional taxation for the year 1861-2, he has not, in my opinion, yet mastered the principles on which the finances of this country ought to be regulated. Not only is the doctrine of my hon. Friend strange in itself, but I am astonished at the source from which it comes. If Exchequer bonds are to be regularly put by, from whom did we learn that lesson? From the right hon. Gentleman the Member for Bucks. In 1858 the right hon. Gentleman had not, like me, £70,000,000 to provide. He provided Estimates amounting to £63,500,000, and, having got a loan and having

£2,000,000 of Exchequer bonds to meet, he put them aside, and made no provision for them. And, Sir, I must confess, though I said at that time that I should have been very glad if the right hon. Gentleman had made an effort to provide for those bonds, I did not think he was liable to any very severe censure on that score. It is quite clear that, whatever Exchequer bonds may have been originally, they are now part and parcel of the public debt, and must be dealt with as such, paid off if there is a surplus, or renewed if that would be more profitable. But, whatever other doctrine might be held on the subject of these bonds, I must say it ought not to come from the hon. Member for Stamford, at least, till he has refreshed his memory by the perusal of the financial statement of 1858. I will not now go into a discussion of the original issue, or the expectations which were then formed. When they were first issued they were issued in anticipation of the income tax, and my opinion was that the half year's income tax at the end of the war should be applied to redeem the bonds. Neither the House of Commons nor the Government would adopt that view in 1857, and as neither the Government nor the House of Commons adopted it, the matter is at an end. It is the grossest of all possible errors to suppose that there was any pledge of good faith to redeem them. They are not in the hands of the public. They have become merely financial instruments passing between the Government, the Bank of England, and the National Debt Commissioners, and it is simply a matter of financial convenience in what way they shall be dealt with. But, even if it were our duty to redeem them in 1862-3, I say it would not be my duty to ask the House of Commons to grant £1,000,000 of taxes beyond the service of the present year.

I come now, Sir, to the question of the surplus, and I am glad to see my hon. Friend the Member for Honiton (Mr. Moffatt) in his place, as I intend to make him the hero of this part of the discussion. It is assumed by some that I myself in particular, and in some degree my colleagues, have an interest in making out a surplus. That may be true. It is, no doubt, satisfactory to a Government and to a Chancellor of the Exchequer to be able not only to avoid the imposition of fresh burdens on the people but to remit some of the existing taxes. I might admit further that on this particular occasion I have a special interest on that point. But, Sir, I am not the only one who has an interest in the matter. If I have an interest in showing that there is a surplus, there are others who have an interest in showing that there is none. There are all the prophets of last year, and all the friends of the prophets, who are as much committed to the proof of the negative as I can be to the proof of the affirmative. Those prophecies must not be altogether forgotten. If an Opposition will assume the duties of Government, by all means let them also assume the responsibilities of Government; at any rate, the responsibility of being reminded of what their great organs have said. My hon. Friend the Member for Stamford (Sir Stafford Northcote) endeavoured to get rid very easily of this subject, and said that the prophecies with regard to a deficiency were altogether got rid of when we retained the paper and imposed the spirit duties. But when I spoke of prophets, and when I ventured to refer to a dismal crash, I was flying at still higher game than the hon. Member for Stamford—I had in view the great authorities of the party, who, in their high stations, have not scrupled to declare prospects of deficiencies far other than those which have been got rid of by retaining the paper duty and imposing the spirit duty. What was the language of Lord Monteagle?

> "Taking the whole of these circumstances into account, and assuming the ordinary expenditure to be the same as that in 1860, there can hardly fail to be a clear deficiency, for the next year, of from £11,000,000 to £12,000,000."—[3 *Hansard*, clviii. 1488.]

I apprehended that of this amount the sum received for paper duties was £700,000 or £800,000. The language of the Earl of Derby was much more cautious. He simply said—

> "I have shown you the deficiency must be £2,700,000, and will probably be much more."—[3 *Hansard*, clviii. 1536.]

That £2,700,000 was entirely independent of the further increase of the Estimate for the Chinese war. We have met the Chinese expenses, and consequently that deficiency must, according to the noble Lord's calculation, be above £3,000,000. But, instead, we have a surplus of nearly £2,000,000. Those are the prophets of whom I speak.

Sir STAFFORD NORTHCOTE:—There is a deficiency now of £8,500,000.

The CHANCELLOR of the EXCHEQUER: My hon. Friend should not play on words. There is not a deficiency of £8,500,000; the observations which I have read had no reference to the renewal of the income tax. I must say that is merely flinching and flying from the question. If I can understand the words he used the Earl of Derby's computation was based on the assumption that the income tax would be renewed. It is only fair that we should examine that question, but do not let us rest on that. Is it not a fact, I ask, that down to the latest moment every organ of the late Government prophesied a deficiency? Is it not a fact that, during the earlier part of the Session, whenever any body in the course of our financial discussions referred to the possibility of a surplus for the coming year, a titter ran through every bench? The right hon. and learned Gentleman the Member for the University of Dublin, in opening his speech, addressed to me the question, "What is a Budget?" In homely and common phrase one might say it was an Estimate of comparative revenue and expenditure for the coming year; but a Budget relatively to certain persons is something else besides, and on this occasion I certainly must say that there were those to whom the Budget, and still more the prospect of a surplus, was a serious disappointment? My hon. Friend the Member for Honiton has, I think, summed up all that could be said on the subject of this surplus. He has referred to all the items, and he has dealt with all the figures in the financial statement which could be questioned. I feel obliged and indebted to my hon. Friend for having brought out all these points. He certainly performed his work with zeal; there was nothing too great for him, and nothing too small; he reminded me of a nation of antiquity, of whom it was said that they worked with the strength of giants and the fineness and nicety of jewellers. Sometimes my hon. Friend was handling my great items roughly—"£600,000 for paper, you will get none of that; £750,000 for the Chinese indemnity, you may get £100,000 of that." Sometimes he was pressing me into the very nooks and crannies of the financial statement, and trying to catch me tripping with regard to items of £1,500 and £2,000. I will divide his great and little statements, and I will take whatever he pleases, though, perhaps, it may be convenient that I should begin with the smaller sums. My hon. Friend strengthened his case, as he was entitled to do, after the manner of a skilful advocate, by attacking the credit of witnesses on the other side. He altogether impugned the accuracy of my former Estimates; but had he been a Member of this House last year, I do not think he would have done so. He has quoted from my statement of the 10th of February with regard to a great number of minute charges, and the Estimates I submitted in their original form relating to them; whereas in the progress of the discussion those charges were greatly reduced and modified, and the Estimates were reduced and modified in proportion. On this day fortnight I ventured to state that the yield of these charges has been very nearly what was expected according to the reduced scale, and on those diminished Estimates the finance and balance for last year was founded. He says, I estimated the produce of dock warrants at £100,000, and they only yielded £12,000; but with these were included what are termed delivery orders, and their joint produce has been not £12,000, but about £80,000. Then he said contract notes were estimated to yield £100,000, and had only brought in a few thousands. That is perfectly true; but it is no less true that in consequence of objections taken—and I must say on the whole justly taken by the right hon. Member for Buckinghamshire and others, the original plan for the tax on contract notes was abandoned. Again, with regard to bonded charges, these as originally projected would have yielded £120,000; but it was proved that this rate was more than they would bear, and another plan was, therefore, adopted which was never expected to produce half that amount, and which has returned about what was estimated. I do not in the least object to the rigour of the hon. Member's examination. Now that we are in for it on the question of surplus, I trust the House will excuse me if, without unnecessarily trespassing on their patience, I endeavour to exhaust the subject. My hon. Friend has assailed me on the subject of chicory, from the duty on which, together with that on coffee, he says I anticipated a revenue of £90,000, and that instead I have only received £25,000. [Mr. MOFFATT: £22,000.] About £22,000 or £23,000. Well, Sir, here I am bound to say that he is not very far from the mark. But what is the case? The trade in chicory happens to be in very few hands. We had no means, as he knows perfectly well, of ascertaining what quantity of chicory was in the country when we made these Estimates. It happened that the persons who chiefly import this article were in possession of a large free stock when this proposal was made, and in consequence scarcely any duty on chicory has been paid for the last twelve months. There is the whole explanation of his statement, and in point of fact we are now starting fresh with the question of chicory. From the middle of February last year to the 1st of February in the present year, which I call roughly twelve months, the total amount received on account of chicory was £2,875. But in February and March last the duty paid was £9,365, and if the same rate should continue now that the duty-paid stock is exhausted, a revenue of £56,000 would accrue from chicory, which is more than I anticipated. But my hon. Friend is much too well acquainted with these matters not to know that it is impossible to form minute estimates on minute questions, and we must be content to take items of this kind lumped together. It is by the general result and not by the result of every minor detail that the financier is to be judged. But I was so much struck with the defective evidence which we possess on this particular subject that, although the receipts for two months have been at the rate of £56,000 per annum, in proposing to double the duty on chicory I have only taken credit for £15,000, which I hope the House will think a moderate estimate. Then my hon. Friend went through another subject, on which I confess my surprise that he should have dwelt—the Customs' duty on paper. My hon. Friend said that I had only debited myself with £15,000 on account of the loss of the Customs duty on paper, that the last quarter's receipt was nearly £14,000, and, therefore, that the total would be £56,000 in the year. I cheered my hon. Friend in his statement, and I assure him that cheer was meant in a friendly sense, as one might call aloud, and rather unceremoniously, to a man skating whom one saw going on very dangerous ice. It is perfectly true that in two quarters of last year I received £26,000 for Customs duty on paper, though in the first two quarters I only received £14,000. The two first quarters, with a fractional exception, were under the old system—the latter under the open system. What I have done appears to me to be perfectly just. Having two quarters of close trade and two quarters of open trade, I have guided myself by the receipts of last year, and I have debited myself accordingly. Perhaps my hon. Friend is still sceptical, but I can inform him that we are receiving duty, and have, since the 1st of April, received it at a rate which will amount to between £40,000 and £50,000 a year. I hope, therefore, that he will see that I am right, or that my only mistake is in debiting myself £15,000, whereas it ought to be only £14,000. These are small matters, and I only refer to them because my hon. Friend is an authority upon these subjects, and in order that he may see that they have not been overlooked. I must say, however, that he dealt fairly with the Budget, because he attacked the main heads of the revenue, at which it is that we must look on these occasions, and he presented what I may call an anti-Budget, or a counter-Budget to mine. I had shown a surplus of £1,923,000. My hon. Friend boldly grappled with that surplus; on the Customs he questioned £300,000; on the inland revenue, £300,000; the China indemnity, £750,000, he struck out; of the paper duty, £600,000, he said we should not get a penny; these items amount to £1,950,000, and, therefore, instead of our having a surplus, he landed us in a deficiency of £27,000. [Mr. MOFFATT made an observation.] I understand my hon. Friend to say that he did not state an actual deficiency, but that £1,350,000 was certain to be lost, and that £600,000 was doubtful. As this is a matter upon which a good deal turns, I will refer to each of these four items. I will begin with the Excise revenue upon paper. My hon. Friend says that we shall not get £600,000—on the contrary, that we shall not get a penny from that source; that, as the trade is to be opened in October, it will stagnate in the meantime, and no duty will be paid. My hon. Friend has not that intimate acquaintance with the paper trade and with the laws of Excise, especially as to the system of drawbacks, which he would have if this subject lay within the scope of his own business. Is it not rather odd that during the whole of last year, although we were debating the question of the paper duty with sufficient intensity for a matter of six months, it never occurred to any one to question the Estimate upon this ground? The repeal of the duty then proposed was prospective, in the same manner as it is now, the only difference being that it was then to be repealed on the 15th of August, and is now to continue till the 1st of October.

The truth is that by means of the drawback which is granted, taken in conjunction with the nature of the trade, we shall secure nearly, if not quite—for I do not mean to say that an estimate of this kind can be minutely accurate—the full payment of the duty until the moment of its repeal. I will give my hon. Friend this proof. We are now at the end of April, and, as I am informed, nearly £200,000 of the £600,000 has already been received. I next go to the China indemnity, and from that source my hon. Friend says that, instead of £750,000, we shall get nothing at all. As this is a question upon which considerable interest is evidently felt, I must here remind the House of the few words with which I accompanied my original statement with regard to the indemnity. I said then that it was quite impossible to give a charge of this kind with minute precision. It is not susceptible of being so treated, but I will state to the House the principle upon which the charge has been framed in the Treasury, and accepted by me. This is a year in which we have to meet a very heavy expenditure for China. I propose to ask the House to supply me with a million from the taxes of the year to meet the charge under the Vote of Credit. Besides that, we have charges for China upon the Naval and Military Estimates, which I cannot state with precision, but which I believe may amount to from half a million to a million more. All that expenditure you are asked to supply from the taxes which you are to impose upon the people. That expenditure has been liberally and largely estimated, and am I to be told that, when I was asking the House to give me from a million and a half to two millions out of the taxes of the year for China, I ought to have kept back how much we were to receive from China during the same period, under the title of indemnity? On the contrary, it was my duty to estimate, and to estimate liberally, the sum which we were to receive from China as indemnity, as well as to estimate liberally the sum which we were likely to have to pay in respect of that country. And although, as I have said, there are estimates both on the one side and on the other, which must from their very nature be treated with some indulgence, I say that the Estimate is a sound and true one, and I shall be very much disappointed if at the close of the year the balance against us is more unfavourable than the quarter of a million at which, comparing the £750,000 with the million for which I ask you, I have placed it. My hon. Friend says that the merchants must be paid first. I demur to that position. That is not the view of the Government, and I am not aware of any principle upon which it can be established. I fully admit that the case of persons whose property has been taken for military purposes is a case by itself; but if it be the case that certain persons have suffered by the acts of the Chinese Government, and that the people of England have had to pay £5,000,000, £6,000,000, or £8,000,000, in order to replace their property in full, and if the people of England are to recover, perhaps, half-a-crown in the pound of their expenses, it does seem to me to be a little too much to say that all the money due to the merchants is to be paid before the people of England are to receive a shilling. The view of the Government has been that the payments should be *pro ratâ.* The sums are separated in the treaty. The British Government is to have 6,000,000 and the merchants 2,000,000 taels; and our view is—and we are not aware that anything has been done in China to interfere with the adoption of that course—that the payments should be made *pro ratâ.* The state of the case will then be this:—The probable gross receipt in China before the 31st of March, 1862, will, after deducting £100,000, payable to the prisoners and to the families of those who unhappily lost their lives, be about £950,000. The total indemnity payable to the merchants will be about £650,000, and, therefore, even upon the showing of my hon. Friend there would remain for the Government about £300,000, —an amount very different from what I anticipate, but equally different from his exaggerated statement, according to which nothing would remain to the Government. The payment to the merchants *pro ratâ*—that is to say, they getting the same proportion of their 2,000,000 taels as the people of England get of their 6,000,000—will be about £200,000, leaving for the Government about £750,000. That is the basis of the computation which has been made, and with respect to the sum of £950,000, if I am told by the hon. Gentleman opposite, the Member for Horsham (Mr. Seymour Fitz-Gerald), that he has looked at the receipts of certain ports, and obtained information as to the receipts of 1858, in his most extraordinary zeal and heat overlooking such trifling differences as that new ports are to be added to the old ones, and that 1858 was a year of war, whereas the payments are to be made in time of peace, I can only say that to statements of that kind I greatly prefer the responsible reports of the French and English Ambassadors, who, with the aid of their officers on the spot, have made such computations that we expect that these payments will be completed in four years, of which a year and a half's receipts will have come to our credit in the course of the present financial year. I do not deny, if we look at the unfavourable side of this matter, that it is possible that we may fall short of the amount estimated by £100,000 or £200,000, but it is just as possible that we may exceed it by a like sum. All I can say in addition is that plans have been suggested which have every appearance of being feasible, and which, if they are feasible, will be extremely beneficial, for anticipating these payments through an arrangement with the merchants, and thereby shortening the term of the necessary military occupation in China. I have only glanced at this part of the subject, because these are matters which do not admit of precise statement, but I think I have shown my hon. Friend that as far as the Estimate is concerned it is a liberal, a just, and a reasonable Estimate, and I am bound to say that, while on the one hand, I think that it is possible that under certain circumstances we may fall somewhat short of £750,000; it is on the other, at least, as likely that we shall fall short of the large sum of £1,000,000 which I have ventured to ask the House of Commons to provide out of the taxes for meeting the military expenditure in China.

My hon. Friend having swept away these two items, amounting to £1,350,000, then went to the inland revenue and said, "I question £300,000" on account, if I understood him aright, of the probable diminution in the receipts of the income tax. I must confess that I am a little surprised at that statement, but I am not at all sorry that my hon. Friend has given me the opportunity of referring to the manner in which these Estimates are framed. I only wish that it had been in my power to place my hon. Friend and any other Member of this House who had any curiosity upon the subject on the outside of a glass beehive, inside of which he might have seen the Chancellor of the Exchequer, with the excellent men who are at the head of the revenue departments, and, besides seeing, might have heard everything that passed between them on the subject of every part and parcel of these Estimates; because, as I have said, if I have an interest in making a surplus, there are others who have an interest in unmaking it—not my hon. Friend, that is true—but it is also true that we do not meet upon equal terms. In making my surplus I am subject to the check of the advice and authority of the most experienced servants of the Crown, and never was the Crown better served than it is now in the offices which are held by the gentlemen to whom I am referring; and great, indeed, would be the responsibility of that Chancellor of the Exchequer who, for any political object whatever, should venture to place his opinion in conflict with theirs. Never that I recollect, except upon one occasion, have I presumed to submit to the House an Estimate, small or great, that had not their sanction. That was the case of a tax which was perfectly new—namely, the imposition of the income tax upon incomes between £100 and £150 per annum. They estimated the produce of that tax at £210,000 per annum. That appeared to me to be an overprudent Estimate. I placed it at £250,000, and the real produce was between £300,000 and £400,000. The difference between those who make Budgets and those who unmake them is that those who unmake them deal with the figures as they please and are wholly irresponsible, whereas the Chancellors of the Exchequer who present them to the House, though they may be rash, wild, improvident, profligate—for that is the word sometimes used—cannot move except either in concurrence with the Gentlemen to whom I have referred, or else, if they pursue a different course, by incurring a responsibility which no Finance Minister I have ever known or heard of would venture to assume. Let me, then, suppose my hon. Friend at the outside of the glass beehive, and, perhaps, if I give him information as to what takes place in the private room of a Minister, it will be better and more accurate than the agreeable gossip picked up by the right hon. Member for Stroud, and retailed to the House to-night as an authentic account of transactions, conversations, and divisions in the Cabinet on the subject. The income tax may be said to be in course of varying, but still not very irregular, and progressive increase. My hon. Friend thinks that last year was such a bad year for importers that, in all probability, the income tax will not produce in the present year, by £300,000, the sum which is anticipated. I am glad to say that schedules A and B are progressive. So is schedule E, and schedule C remains about stationary; but schedule D does not depend entirely or mainly upon importers. It depends upon the whole mass of trades, professions, and commercial dealings of every kind, and so far from admitting that it is likely to present a diminution, I submit to the House that there is every probability—nay, that, excepting in the extremest circumstances, there is almost a certainty—that it will present a considerable increase at the end of the present financial year. Schedule D in 1860 was paid upon the basis of an assessment beginning in April, 1855, and ending in April, 1858. The year 1855-6 was a year of war; 1856-7 was a year of war expenditure; 1857-8 witnessed a great commercial crisis, and it was upon an average of those years that Schedule D was paid in 1860. In the present year we shall have a new assessment. We shall drop the three years I have mentioned, and we shall take in the 1858-9, a most flourishing year; we shall take in 1859-60, which was also a flourishing year for trade and manufactures; and we shall take in 1860-1, which, although it may have been a bad year for importers, has, upon the whole, been a year of great business to the country. It was more so, I admit, at its commencement than at its close, but there can be no doubt, taking into view the regular progress of the country, that the new assessment will cause a considerable increase in the produce of the income tax. But I want to show my hon. Friend, since he has questioned it, how my surplus has been obtained. I asked the Chairman of the Board of Inland Revenue whether he had allowed for the increase in Schedule D, which was to take place from the new assessment? He said "No." "Why not?" I asked, "Do you not expect an increase?" "Yes, I do," was the reply. Then he told me that it had not been allowed for because of the probability — the bare probability — that there would be war in America and Europe, and almost universal convulsion. Such is an example of the extreme caution with which the Estimates of revenue have been framed. So far, however, from anticipating a diminution, unless this year be a year of general convulsion, I have no doubt my hon. Friend will see at the end of the year a considerable increase in the payments under Schedule D.

MR. MOFFATT: I only doubted the excess which you expect over last year.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member took £300,000 from my Estimate in that anti-Budget in which he made such havoc with my surplus. He then proceeded to question the Customs, and here he brought under his ban £300,000, the extra revenue from corn. All I can say is—and I say it from the bottom of my heart—that I hope my hon. Friend is right. I trust we shall lose that revenue from corn. I hope, too, we shall lose the revenue from hops. I cannot wish my hon. Friend the Member for West Sussex (Mr. Dodson) a good crop, for that he would consider the cruelest wrong I could inflict upon him; but I may wish him such a good crop as may prevent the importation of supplies from abroad. The fact is, if we lose the extra revenue from corn, it will be a certain pledge and proof of a much larger revenue from other sources. There is not a pound we can lose in that shape which will not come back to us doubled or trebled in other shapes, and, therefore, my hon. Friend, instead of suggesting a source of danger and deficiency, is suggesting to me a topic of hope and consolation and the probability of an excess of revenue. But the Customs' revenue was also questioned by the hon. Member for Stirlingshire, who said that the Estimate is £270,000 more for the coming year than the actual yield in the past year. It is easy to account for that increase. The main reason of the difference is that the increased duty upon foreign spirits, which yielded a considerable sum in the year just expired, was in operation for only a part of that year, whereas it will be in operation during the whole of the present year. I do not think, therefore, we can be blamed for taking credit for a moderate increase. But the hon. Member for Huntingdon (Mr. T. Baring) was even facetious on the subject of the remarks I had made, perhaps in an excess of anxiety to continue my crude explanations to the House, about Good Friday and Easter Sunday. He said that people eat on Good Fridays and Sundays as well as on other days; but the hon. Gentleman entirely misunderstood my statement, which was this—that the last three days of the financial year had been days on which business was suspended, and that the consequence had been, not that there was nothing needed for consumption upon those days, but that what was brought into the country upon those days could not be cleared, and that the revenue arising from it fell upon the first days of the present year. In the glass beehive we discussed this question among others. I said to my respected friend the Chairman of Customs, "Having suffered from the shortness of 1860-1 to the extent of £300,000, have you added anything on that account to the revenue of the coming year?" He said he had not, but added that £100,000 might be added upon that score, and £100,000 was accordingly added to the Customs' revenue. Perhaps that may be called unreasonable; but I hold in my hand a statement of the payments into the Exchequer from the 1st to the 28th of April, 1860, and from the 1st to the 27th of April, 1861, and I find that the twenty-seven days of the present month have yielded more than the twenty-eight days of April, 1860, by £114,000. The House has heard with great patience my explanations upon minute points of detail, and I do not intend to pursue them further; but, before concluding my remarks upon this part of the subject, I must say that it is not the business of the Chancellor of the Exchequer to frame his Estimates with reference to extraordinary circumstances that have not occurred. He is bound to frame them according to the circumstances in which he stands. It would have been wrong if the Estimates of last year had been so framed as to meet the pressure of a harvest unequalled in its badness for half a century. It would have been a departure from the principles on which English finance is founded, and upon which finance Ministers invariably act. The Estimates which have now been presented to the House are based upon the expectation of an ordinary season. This is the fifth time I have had to present Estimates to the House of Commons, and I have no hesitation in saying that I never presented Estimates with a stronger conviction that in anything like ordinary circumstances they would be more likely to be followed by an excess of revenue.

Another question still remains—though this, perhaps, is not the time for discussing it in detail—if there is a surplus how are we to dispose of it? The Government say that it should be disposed of by repealing the paper duty from the 1st of October next. There are many points which, if this subject is debated in Committee, it will be necessary to deal with at length. Apart from the position into which the whole subject has been brought by the operations of last year—apart from the political considerations connected with it, although these considerations in my opinion are very important—there are a number of social and economical questions which cannot and will not be overlooked. In the first place, it is commonly assumed that the paper duty is a rapidly increasing duty; but that is not quite the case. I do not think the increase of the paper duty up to last year was at all remarkable when we consider what a vast expansion of the general trade of the country has taken place in the last twenty years, and what immense sacrifices of revenue have been made by Parliament, as, for instance, in the abolition of the newspaper stamp—the direct tendency of which must have been largely to increase the consumption of paper. In the financial year ending March, 1859, the produce of the paper duty was £1,142,000; in 1860, £1,291,000; and in 1861, as near as may be, £1,305,000. So that, whether from the influence of foreign competition, or that paralysis which attends the expectations founded on the votes and proceedings of this House I know not, the fact is before you, the paper duty has lost its spring and elasticity, and I doubt whether any efforts can ever restore it. Now, that fact is not altogether without its bearing on the previous question of surplus. It is complained that there is a very scanty surplus; but at the same time it is said, "Don't reduce the duty on paper, which amounts to £655,000, but reduce the duty on tea, which costs £800,000," and so with regard to 1862; the end of all this prudence and circumspection being, that £195,000 more is to be taken from the revenue of the two years, and £135,000 from the revenue of the present year, than is recommended by the Government. Then, as regards the consumer, I have been astonished to hear the manner in which it has been assumed that whatever you give away on tea or sugar is certain to reach the consumer, and whatever you give away on paper is certain not to reach the consumer. How does this matter stand? The wholesale price of tea is on an average 2*s.* 8*d.* per lb. You are, if you can be persuaded to do it, to make a remission of 3*d.* per lb., which is about 9½ per cent of the average value. The value of paper is from 3*d.* to 1*s.* per lb. I believe the average value, from the predominance of the coarser sorts, would be about 6*d.* per lb. The duty is 1½*d.* per lb. I admit it to be a capital object of anxiety when remitting taxes to remit them in such amounts as will afford the greatest security of their reaching the consumer; but when you can relieve an article from 25 per cent of the value you are much more certain of accomplishing that object than if you remit only 9½ per cent. In fact, that is an understatement of the case, because, as was truly said by the hon. Member for Brighton (Mr. White) it does not appear that the original remission on tea has ever yet fully reached the consumer, whereas in the duty on paper, from the peculiar operation of the Excise in restricting it, and the sudden effect of competition from half a dozen places, the remission is certain to reach the consumer.

But there is one topic on which I must address the House for a few moments in connection with the removal of the duty on paper, because a very high doctrine of philanthropy is preached on the other side of the House—great regard for the labouring classes placed in invidious contrast, forsooth, with the papermakers or dealers, I care not which it be, who desire to remove the duty of Excise. It is a matter that requires a little consideration from this House. As respects the general principle of the removal of the paper duty it was truly and moderately stated by the right hon. Gentleman the Member for Bucks—I will not quote from the more oratorical parts of his speech—when he said the paper duty was different from that on advertisements in newspapers. That was merely a financial question; but in the instance of paper the evil of an Excise duty was aggravated because to the fiscal a degree of moral disadvantage was added. The right hon. Gentleman supported the expression of that sentiment by the vote he gave when the duty on tea was not 1*s.* 5*d.* but 2*s.* 1*d.* per lb. But to part with the duty on tea goes rather deeper than may be supposed into the great principles on which this House have been engaged for the last twenty years in reforming the commercial law of the country. We are told now that the first obligation of the House is to reduce those taxes which are levied for the purpose of revenue upon articles of popular consumption. I can only say, if that be true, it is not the principle upon which former Parliaments or the present Parliament have acted with regard to commercial reforms. It was not the principle of the proposals made in 1841 by the Government of Lord Melbourne; it was not the principle of the proposals made and carried by Sir Robert Peel in 1842. The reduction of duties on articles of extensive popular consumption was not the first but the last in order of the objects had in view; and because he knew, because Parliament that supported him knew, that in point of fact the true secret of improving the condition of the people was not the mere reduction of price in this or that article, but the liberation and extension of trade and the increase in the demand for articles of consumption which necessarily resulted therefrom. That is the principle which lay at the root of all those great measures which have done so much to make this House famous and give an honourable immortality to some of our ablest statesmen. When the income tax was proposed in 1842, in order to carry out that scheme, Sir Robert Peel declared the principles on which he proceeded. They were enunciated in plain and simple language. See if you can find me in them the principle of levying duties only for fiscal purposes. On the contrary those principles were to diminish or abolish protection, to do away with prohibition, to prevent smuggling, to liberate trade from fiscal fetters, and I maintain that the mere reduction in price of articles of consumption, although a proper and beneficial object is far behind in importance the objects Sir Robert Peel then had in view. In that very year, 1842, there was a sacrifice of £1,600,000 of revenue, nearly the whole of that consisted in the abolition of differential duties. Of that £600,000 represented differential duties on raw materials —timber and woods. But then it is said to be improvident to take away the whole tax, because the proceeding is not recuperative. In 1845 a still larger sum was given away. And here, again, it is to be observed that not on a single article was a sacrifice made with a view to the mere cheapening of articles of consumption. The duty on sugar was reduced, but that was a differential duty, not a mere fiscal exaction. £700,000 were given away on cotton—a measure not in the least recuperative. That is the new wisdom, forsooth, dinned into our ears. Now, that protection is gone and can no longer be openly recommended or defended substitutes are invented and—poor substitutes they are—palmed off upon us, and we are told not to abolish the paper duty because the proceeding is not recuperative. In that very same year two other measures were taken, equally abominable in the view of these modern philosophers—the glass duty and the duty on auctions were abolished. I know not how many hundreds of duties were abolished in the Customs' tariff which then presented so goodly an array. In 1846 £1,146,000 was given away, not in cheapening the articles of consumption at the cost of the revenue, but entirely for the liberation of trade, the removal of differential duties, and the taxes on raw materials used in manufactures. In fact, the same principles governed every Budget that has proposed extensive changes in our fiscal system with one exception—that of the Budget of the right hon. Gentleman the Member for Bucks in 1852. He acted, I grant, on a different principle. He adopted the principle of what he called unrestricted competition, but he did not touch the remaining differential duties. The sacred relicts were still respected and regarded. What he did was—he proposed a very large remission of duty on tea; what others with the sanction of Parliament put last he put first; and again, with respect to the Excise, he merely proposed to give away £2,000,000 of malt duty by taking off half of the Excise. He deprived the Treasury of the benefit of that £2,000,000, but left the restraints on trade in full operation. That is the only exception. I am not complaining of the right hon. Gentleman, or of those who are attached to him, for pursuing that principle in opposition to that acted upon by Sir Robert Peel, and which guided my noble and right hon. Friends who sit near me. I cannot object or complain; only let it be understood who are the innovators; because, when we are told the measure we propose is rash and desperate, I maintain it is founded on the principle which has made the name of the English Parliament, I might also venture to say, more than ever famous through the world for the wisdom of the great and blessed steps it has taken for the purpose of setting free the trade and industry of the country. I do not claim for myself the slightest originality. I do not pretend to be the parent or author of this principle. I began as an humble labourer by the side of Sir Robert Peel; my desire is to end by applying the principles upon which he acted. And I say now, that in adhering to the rule that the liberation of trade and industry from fiscal fetters is the first principle for us to follow, I am adhering to that which has been the foundation stone of all British finance as approved and accepted by Parliament during the course of the last twenty years.

When the Government made the proposal which they have submitted, asking for a penny in the pound less of income tax than was levied last year, and accompanying that demand with a measure for the repeal of the duties on paper, I think there are those in this House who know and feel that we had some right to believe, at any rate to hope, that we were offering to the minority of last year a measure of conciliation. It does not depend upon us to say what shall be comprehended or what shall be accepted by others as a measure of conciliation. But it does depend upon us to frame our plans in such a spirit as we conscientiously believed to be entitled to that interpretation. Sir, it was not by a champion from this, but from the opposite, side that the issue of last year was distinctly raised, and the combat challenged upon this point—namely, whether the House would consent to remit the paper duty, or would, on the other hand, forego the tenth penny of the income tax. My hon. Friend the Member for Somersetshire (Sir William Miles), whom I regret not to have seen during this debate, then moved this Resolution, which expressed, I presume, the language of his party—

> "That, as it appears that the repeal of the duties on paper will necessitate an addition of 1*d.* in the pound to the property and income tax, it is the opinion of this House that such repeal is, under such circumstances, at the present moment inexpedient."

We understood these words with the simplicity and the plainness with which they are expressed. It was not unnatural, I think, that when my hon. Friend the Member for Somersetshire had himself framed a Resolution setting forth his opinions and those of his friends, we should have believed that those opinions were there expressed; and the opinion there declared is not that the repeal of the paper duties should be indefinitely postponed. It does not go to hint or suggest a doubt or suspicion as to the expediency of that measure, excepting on the single ground of the price at which it was to be had—namely, the imposition of an addition to the income tax. And surely, therefore, there could be nothing more natural, nothing more legitimate, than that, when we found ourselves in a position to maintain the connection between these two subjects which, not we, but hon. Gentlemen opposite had established, we should again propose them together to the House, and, removing as far as we were concerned the body and material of the dispute, should invite their concurrence in a proposal which I repeat we did believe, and I think might reasonably believe, to be couched in the spirit of conciliation. Sir, in asking the House to vote that which may close the controversy of 1860, and not to vote that which is to hand it on from year to year, to be taken up again, perhaps, in circumstances of greater pain, greater doubt, and greater danger, I think we have done that which will be felt—I do not say by those who direct the machinery of party, but by those who bring a candid mind and an independent view to the consideration of the question submitted to this House—to have been our clear duty. I know not whether there is to be one division or many divisions on the subject of these financial proposals. We thought them, when we submitted them, to be very simple. But, although we thought them very simple, more than a fortnight has now elapsed and we have not yet been permitted to take a single step. I hope, if hon. Gentlemen really entertain the feelings which have been described, that we shall have some mode of ascertaining the sentiment of the House. Quite apart from the interest of any Government or any party, I do not believe that these long-drawn and aimless debates, with intervals of three or four nights between the times when they are resumed—supported, indeed, by men of great name, but hardly any two of them agreeing in the course of their argument, and none of them willing to submit a distinct proposition to the House—I do not believe, I say, that that method of conducting the public business is favourable to that which we should all desire to maintain—namely, the credit of Parliament with the country. But I am quite sure that if that opinion is challenged we shall see that the spirit in which this proposal has been conceived will find those upon the other side of the House as well as upon this who are ready to acknowledge it, and who will take a wise and comprehensive view of the important considerations that are involved in our decision over and above those commercial and financial grounds, which of themselves, in my mind, give it a sufficient and conclusive sanction. And, further, I am convinced that when this House examines in full—and examine in full I trust it will if it examines at all—the whole of the motives and arguments that bear on the proposition which we now make, for liberating this last article of British manufacture from the fetters of the Excise, they will see that in making that proposition we are following in the steps of those who have on former occasions given wise advice to Parliament, and the adoption of whose recommendations at various intervals during the course of the long period of twenty years has done so much to extend the fame and credit of this nation in foreign lands, and to establish the Parliament and the Crown of this country in the affections of the people.

MR. DISRAELI: Sir, I must repeat the surprise which on the first night of this debate I ventured to express at the impatience which the Government have evinced at this House discussing the important measures they have brought before us. It is easy for the right hon. Gentleman the Chancellor of the Exchequer to describe our discussions as aimless and uninteresting; but I ask the Government—What other mode was there for this House to express its opinion on the general scope and tendency of the policy of the Ministry, and to obtain that information and those explanations necessary for us before we could go with any profit into Committee to consider the propriety of passing the particular Resolutions then to be submitted to us? When we reflect, Sir, what an elaborate, lengthened, and complicated performance a financial statement, especially in these days, necessarily is, it is impossible that the Government can suppose that on the first night of such a statement being made the House can arrive at a result upon the multifarious projects which solicit its consideration. The Government must feel that for us to enter in that manner, without thought or examination, into Committee of Ways and Means, and devote our attention to the particular Resolutions, must lead to the most desultory and immature discussion, and, perhaps, to rash and precipitate conclusions which both the House and Government may afterwards have cause to regret. As a general principle, therefore, I say it is expedient that when a Budget has been introduced to our notice, before we go into Committee of Ways and Means, there should be a discussion on its general scope and tendency. But, Sir, I think there are particular reasons with reference to this question, and with reference also to the present Government, which render such a course in the highest degree necessary;

because I say that upon this subject last Session the House of Commons was kept in the dark. The House of Commons last year was summoned at an earlier date than its usual period for assembling. Very extensive financial propositions were then brought before it. Those propositions were pressed upon our attention by cogent circumstances connected with treaties with foreign Powers. And when the House expressed, on more than one important subject, the necessity of more information than the Government were prepared to give, on both occasions the House was not, in my opinion, treated with the candour which it should at all times receive at the hands of a Minister of the Crown. I do not want now to make a grave charge, but rather to illustrate the view I wish to press upon the House. I would refer to that China Vote, the subject of so much discussion in this debate. When last year the right hon. Gentleman brought forward his proposals under such extraordinary circumstances of pressure the attention of the House was naturally called to the Vote he then proposed, amounting, I believe to £500,000 for carrying on the war with China. A great many Gentlemen on both sides of the House expressed their apprehension that that was not an adequate provision for such a purpose. There was considerable incredulity felt upon both sides, but what was the reply of the right hon. Gentleman? He scoffed at that incredulity and those apprehensions, and he said that the expense of the Chinese war was not to be measured by that single Vote, but by the proportionate increase that would be found in the Naval and Military Estimates of the country, and on that representation the proposals of the right hon. Gentleman were passed. Well, what happened? A few months afterwards the same Minister came down to this House and proposed a Vote of almost as many millions as at the beginning of the year he had proposed hundreds of thousands of pounds to carry on that war. At this moment no one has ever shown, and no one can suppose, that the right hon. Gentlemen in February was not as fully aware of the probable occasion and necessity for that Vote as in May. Therefore it proves that the House should not be hurried into coming to a decision upon financial subjects. Take another instance. When the House met last year, and the financial propositions were put before us, there was a great expectation in the country that a proposal would be made by the Government to provide for the erection of considerable fortifications for the defence of these realms; and there were inquiries made from both sides of the House as to whether any such proposal was contemplated by the Government. The right hon. Gentleman scoffed at all inquiries. He rose and said that no proposal of the kind had been before the Cabinet, and he would not listen to such a suggestion. [The CHANCELLOR of the EXCHEQUER made an observation.] I beg the right hon. Gentleman's pardon, I heard him, I fully believe, make that observation. The consequence was that the whole of the financial propositions were passed; yet, a few months afterwards, the Ministry brought forward a most extensive scheme for erecting these fortifications to the amount of some millions, and then it turned out that these fortifications had been resolved upon by the Government in consequence of a Report made by the Royal Commissioners, which was dated, I believe, before the meeting of Parliament, and certainly was in the possession of the Government when the Budget was brought forward. Therefore, I say under these circumstances it becomes the House very cautiously to proceed when they are dealing with financial measures in the present day, and especially when those financial measures are brought forward by the right hon. Gentleman.

What has been the consequence of the haste and precipitation of the House in passing the Budget of the right hon. Gentleman last year? The consequence has been that there is a great deficiency. I ask the House to consider how that deficiency has been supplied. It has been supplied by aggravating the liabilities and diminishing the resources of the country—by reducing the balances in the Exchequer and by increasing the debt. To this moment, although I have listened with the utmost attention to the statement of the right hon. Gentleman, I can make out no answer to the statement of my hon. Friend the Member for Stamford (Sir Stafford Northcote), as to the mode by which the deficiency of last year has been supplied. Is there a Gentleman in the House who has a clear conception of it? There was a sum of £1,440,000 taken from the balances in the Exchequer and an increase of the debt by the issue of Exchequer bonds, which last ultimately arrived at the amount of £440,000; but there is an item of £620,000 more of a very peculiar and suspicious character, which in the figures in the official papers recently laid upon the table appears as repayments of advances, and my hon. Friend the Member for Stamford naturally wished for some explanation. He could not understand exactly how repayments of advances paid into the Exchequer to be re-issued could become revenue raised within the year for the service of the year. But what has been the answer of the right hon. Gentleman? He says the repayments for advances being due to the Consolidated Fund, he did not take them for the service of the year, but, being due to the Consolidated Fund, they became part of the balances of the Exchequer, and then he took them from the balances in the Exchequer. If they were due to the Consolidated Fund, and paid into the Exchequer, they should be reissued in answer to fresh demands, and it is quite clear that the right hon. Gentleman has availed himself of the repayment of monies not raised in the year for the service of the year in order to contribute to the supply of his deficiency, and, therefore, according to his own statement, he has been taking out from the balances not £1,440,000, but more than £2,000,000, and part of this sum repayments which ought again to be lent for the public service. I do not wish now to dwell much upon this topic as I have to call attention to more important points, but it is a curious thing, remembering 1852, when one of the predecessors of the right hon. Gentleman proposed, as part of a scheme of administrative reform, to take repayments of £400,000 as balances in the Exchequer, the right hon. Gentleman then rose and made that the chief ground for a celebrated attack, and in the name of outraged finance called upon Parliament to terminate the existence of a Government who would be guilty of such acts, the only difference between the Government of 1852 and that of 1861 being that we ventured to propose to do it with the consent of Parliament, and the right hon. Gentleman has done it without the consent of Parliament.

I only touch for one moment upon the next question—the Chinese indemnity. I take it for granted that in some way or other the right hon. Gentleman will obtain that sum of money from China, probably at the expense of our merchants, for that seems to be not only acknowledged but vindicated. All I would say in passing upon this topic, which is, no doubt, susceptible of much controversy for which at this moment we have not time, is this, I do not clearly understand upon what principle of finance this financial purist proposes to take this year and a half of indemnity, pledged to the Consolidated Fund, to occupy the place of the balances which had already been abstracted —upon what principle of finance he applies this year and a half of the indemnity to the service of the year. It is not money raised within the year for the service of the year, which the right hon. Gentleman has told us is the only legitimate source of revenue. However, that is not a point upon which it is necessary for me to dwell at present.

I come to the question of a surplus. The right hon. Gentleman is surprised that anybody should doubt that he is in possession of a surplus. I admit the indignation of the right hon. Gentleman has some foundation. I cannot believe that any person occupying the position which he does could, under any conceivable circumstances, offer to the House Estimates of the great branches of our revenue not perfectly sound, well matured, and founded upon the deepest investigation and deliberation. I entirely agree in the opinion of the right hon. Gentleman of the high character of those individuals to whom the right hon. Gentleman and all who have at any time occupied the post he now fills must feel indebted for invaluable services—I mean the heads of the revenue branches and the heads of departments of the Treasury connected with finance, which have been at all times represented by men of adequate ability, and which are represented at the present day in a manner never before excelled, or perhaps equalled, in knowledge of their duties and faithful and sagacious discharge of those duties. But I may be allowed to say I cannot but regret that the right hon. Gentleman to-night, and the President of the Board of Trade, on a former evening, have thought fit to draw the names and authority of those distinguished authorities into our discussions in the House of Commons. Whatever may be their abilities, whatever their character, however great may be the debt which the country owes to them, it is the right hon. Gentleman and Her Majesty's Ministers who are responsible for all these Estimates; and although I freely and entirely acquit the right hon. Gentleman of having any intention of diminishing that responsibility, as I am sure he is the last man to seek to do so, yet every one must feel that the inevitable tendency of bringing the names and authority of those gentlemen into this House is to diminish that responsibility, to make Parliament look to the permanent heads of departments, and also has the tendency of diminishing the freedom and manly independence with which those distinguished men now perform their important duties. "But," says the right hon. Gentleman, "I am met in a most unusual and improper manner by the Opposition. Last year they prophesied an immense deficiency, and now this profligate Opposition"—profligate is, I believe, the favourite epithet of the day —"they deny a surplus." Whereupon the right hon. Gentleman, with all that power of ratiocination of which he is master, proceeds to demolish the Opposition which had prophesied a deficiency and denies a surplus. How does he do it? First, he said, my hon. Friend, the Member for Huntingdon (Mr. T. Baring), who, in a manner which has commanded public attention, and which has so deservedly obtained public confidence, introduced the subject to the House, "he and the hon. Member for Stamford" (Sir Stafford Northcote), said the Chancellor of the Exchequer, "are the two most important members of the Opposition who have as yet taken part in the debate; they are great financial authorities, and they do not deny a surplus." That is the way in which the right hon. Gentleman proceeded to fix upon those who sit upon these benches the crime of denying the existence of a surplus. But then he said, pointing to his own Friend, the Member for Honiton (Mr. Moffatt), "There is the culprit," and he went on to destroy the details of the statement which that hon. Member made; that being the mode in which he thought proper to demolish the charges brought against his financial scheme by a Tory Opposition. Having proved that we acknowledged that there was a surplus, he then proceeded to show how completely a Tory Opposition had failed in their prophecies with respect to a deficiency, and for that purpose he read an extract from a speech of—Lord Monteagle! Seeing the ridiculous point to which he had brought his argument, he followed it up by quoting a passage from a speech of the Earl of Derby, which has been literally and accurately fulfilled. Now, for my own part, I quite agree with my hon. Friends, the Members for Huntingdon and Stamford, and even with the hon. Member for Birmingham (Mr. Bright), in supposing that the Chancellor of the Exchequer would scarcely announce a surplus which it would be our interest to look upon as fallacious. That surplus is, no doubt, founded upon a calculation of the great branches of our revenue, and if there be any documents placed before this House which are more than others entitled to credit, they are, in my opinion, the Estimates of the great branches of revenue, because they have brought to bear upon them not only that extensive information, that sagacity, and that peculiar experience to which the right hon. Gentleman has to-night so justly, as though it appears to me so improperly, referred, but they are subjected to the judgment of the Cabinet, which in the present instance, as in the case of all Cabinets, consists, I suppose, of statesmen of high reputation, capable of dealing with such questions as the political contingencies of the year. If, therefore, I doubted these Estimates, if I thought they were drawn up in an inadequate manner and in a spirit which did not appreciate the events which were likely to occur within the year for which they were framed, I should, instead of discussing their merits on the Motion for going into Committee of Ways and Means, feel that they furnished a basis on which a vote of want of confidence in the Government might fairly be grounded. I am not, however, prepared to make such a proposition, or indeed to question in any degree the accuracy of those great Estimates. I may, however, observe, with respect to the minor point of the Chinese indemnity, that although a portion of that amount may not to my mind appear altogether legitimate, yet I cannot doubt that the Chancellor of the Exchequer will, by some means or other, obtain that sum, and that we shall, therefore, have to deal with a surplus. I take that surplus, then, at the amount at which the right hon. Gentleman has stated it, and shall at once address myself to the mode in which I think it is expedient it should be distributed. Now, with respect to the character of that surplus, I must say that the way in which it is arrived at seems to me to be somewhat peculiar. It appears to me, in the first place, to be based on a false assumption. The Chancellor of the Exchequer found himself in this position—there are several taxes which have expired or are about to expire. Of these a great number are avowedly war taxes. The right hon. Gentleman would, therefore, find that he had an immense deficit to make good. He has to maintain the public credit of the country; he has to take care that provision is made for duly sustaining her armaments, as well as for upholding the efficiency of the civil service, and for carrying out these objects he is aware that, whatever may be his deficiency, he can appeal with confidence to the House of Commons. But has he, let me ask, under those circumstances, a right to appeal to this House for anything more? He has a right to ask, and he may with confidence, however great the number of expired or expiring taxes may be, ask us to renew them to such an extent as is expedient for the great purposes of State to which I have referred. But the right hon. Gentleman goes beyond these limits. He assumes he has a right to ask, and that he may confidently calculate, that this great mass of taxation, consisting, as I have said, mainly of war taxes, will be renewed, not merely for the maintenance of the credit of the country, and with a view to upholding the efficiency of her services, but in order to make a financial experiment. Now, I leave to hon. Members to say whether I have not fairly stated the case. I do not wish to misrepresent the position in which the right hon. Gentleman is placed. Well, and what is the scheme which, under those circumstances, he proposes? Why, the repeal of the Excise duty on paper. That being so I have been very curious to ascertain what has been the history of this tax in connection with the proceedings of the House of Commons. So far as the Government is concerned, their connection with this question is of very recent date. Last year the right hon. Gentleman the Chancellor of the Exchequer, in his financial statement, which was made, as I have already shown the House, with too much precipitation gave expression to this astounding—I will say, even enormous declaration. He said that a general understanding prevailed throughout the country that there would in 1860 be a considerable diminution of indirect taxation, and he, therefore, proposed, among other things, the repeal of the duty on paper. Now, that there was throughout the country a very general impression that there would in 1860 be a considerable diminution of direct taxation, I believe, no one on either side of the House will deny, and the Chancellor of the Exchequer would, I think, be the last person to challenge in debate the justice of this statement, inasmuch as the expectation was founded on his own legislation, to which this House adhered under other Governments with his entire assent and complete sympathy. But if the right hon. Gentleman could do or say anything which could astonish me—which he cannot—I must admit that that which would be most likely to produce that effect was the ingenious invention of his soaring imagination, by means of which he sought to impress us with the idea that the pivot on which the whole financial campaign of last year was to turn was a general impression in the mind of the British public, that there would in 1860 be a great diminution of indirect taxation. Proceeding on that assumption, he recommended to us the repeal of the paper duty. He did not, however, rest there, but laid down the doctrine that the House was pledged to a remission of the tax. I will now point out to the House the astounding pedigree of this celebrated public question; and, in doing so, I shall have occasion to allude especially to the right hon. Gentleman the President of the Board of Trade, who, in his speech a few evenings ago, made a statement with respect to myself which I cannot help thinking—although it was repeated by his colleague the Chancellor of the Exchequer to-night—was singularly infelicitous and indiscreet. I cannot, in passing, help remarking that this mysterious pledge in reference to the repeal of the paper duty seems somehow or another to enter into our debates, as if there were an undertaking on the part of the principal Members of the Opposition to carry out that object, and it appears to me, I must confess, a somewhat new dogma in Parliamentary practice that the opinions expressed upon a particular proposition by the leaders of Opposition should turn out to be an irresistible reason why Her Majesty's Ministers should carry that proposition into effect. Now, what took place upon this question, in alluding to which the right hon. Gentleman the President of the Board of Trade read the other evening a garbled extract from a speech which I some time ago made? The right hon. Gentleman told us that he brought forward a measure inviting the House to repeal the paper duty, and that I spoke in favour of the Motion. He did nothing of the kind. He was, on the occasion to which I am referring, connected with a powerful interest, known in common parlance as the Association for the Repeal of the Taxes on Knowledge. In 1850 he brought forward a Motion for the repeal of those taxes, and they were described by the right hon. Gentleman in four Resolutions; but as every Resolution was obliged to be put separately, and as the first, in favour of the repeal of the paper duty, was not carried, the other Resolutions were withdrawn, though they more directly concerned the avowed object of the right hon. Gentleman—namely, to free the public press from the shackles by which its legitimate progress was impeded. I entirely agreed with the right hon. Gentleman in that respect, and have taken every step in my power to carry that object. I thought, then, that the press of this country was most unwisely and impoliticly shackled. I knew that in the then condition of the law the cheap press in this country sent forth an unlimited supply of all those opinions most detrimental to a State, and I believed that an unshackled press would instruct the public mind; and instead of objectionable elements be filled with sound information, and guided by intelligence and moderate views. The result has shown that I have not been disappointed in these expectations. The right hon. Gentleman failed in carrying in his measure in 1850; but every measure, the direct object of which was to free the press and to destroy those shackles that prevented its beneficial development, has been passed. What was at that time the second Resolution of the right hon. Gentleman? It was to put an end to the stamp on newspapers. That has been passed, and I voted for it. The third Resolution for putting an end to the advertisement duty was, likewise, passed. I do not recollect the fourth Resolution. Probably it was not of such great importance as the others; but I know that it has also been passed, and what is the consequence? The object of the measure of 1850 to free the press and take off the taxes on knowledge has been attained. We have penny newspapers. The great object of those Motions was to have penny newspapers. You have them now swarming over the country, and when a new newspaper is set up it takes that form. And has the existence of these newspapers disappointed the expectations of those who were opposed to the shackles of the press? Where can be found better writing, more fresh and authentic intelligence, or a more manly and patriotic tone—though, of course, each newspaper supports its own party? Have these penny newspapers realized or not the expectation of my right hon. Friend the Member for Hertfordshire (Sir Bulwer Lytton) that their tendency would be Conservative? There never were more penny newspapers, and never were Conservative opinions more popular! The right hon. Gentleman the Chancellor of the Exchequer has quoted to-night another expression of mine delivered on one of those Motions which I supported in 1853. But what was the Motion? In 1853 the same subject was brought before the House. I then voted for taking off the newspaper advertisement duty, and I stated—having in the interval been in a responsible position—that it was the intention of the Earl of Derby's Government of 1852 to repeal the duty upon advertisements and the stamp duty upon newspapers. The measure was actually prepared, and in 1853, on the paper duty discussion, I said that we had had to consider the course we should pursue with respect to the three taxes then brought under discussion. I said, "I had on that occasion to consult my colleagues, and the Earl of Derby in particular; and it certainly was the opinion of the late Government, objectionable as they thought the Excise on paper, that on the whole it could be considered only as an Excise duty, and that they could not pretend to allow any other consideration to influence their opinion." I further stated, that with the repeal of the duty on advertisements and of the stamp on newspapers we conceived that the great object which the right hon. Gentleman the President of the Board of Trade sought to accomplish would be effected, as it is practically proved to be so by the great change in respect to newspapers; and that we then looked on the question of the Excise on paper merely as a fiscal question. The right hon. Gentleman the Chancellor of the Exchequer made, I think, in his reference to what I said in 1850, an observation almost as unfortunate as the right hon. Gentleman the President of the Board of Trade, for he stated that we were then prepared to take off the tax on paper while the tea duty was 2*s.* 2*d.* per lb. Where is the analogy between the tea duty then and the tea duty at present? There were then no war duties on tea, and the Government consequently had entered into no engagement with respect to war duties. And I want to know with our two-thirds of a million surplus, what possible effect could we have produced on the tea duty, then at 2*s*. 2*d*. per lb. The tea duty at that rate had been a stumbling block to every financier, and no Government had ventured on grappling with it, but when we had the opportunity the first thing we did was to grapple with the tea duty, and we proposed a measure which, after some gradual declines, would have left the tea duty at 1*s*. per lb. We believed that that measure would not only have contributed immensely to the comfort of the great body of the community, but would have given a great stimulus to our Eastern trade. Though the Parliament to which that policy was recommended did not choose to support the Ministers who proposed it, still it is a fact that the party which voted against us made it one of the conditions for supporting our successors that our policy respecting the tea duty should be adopted. The right hon. Gentleman then pretends to found his policy of repealing the paper duty on what he calls a pledge of the House contained in the Resolution of 1858. I have shown the House that the assumption of the right hon. Gentleman, that in 1860 there was a general expectation of great diminution of indirect taxation, had no foundation; and I have shown that what was said by the right hon. Gentleman the President of the Board of Trade, and repeated by the Chancellor of the Exchequer to-night, that I was bound to a repeal of the paper duty, is unfounded, and must "vanish into thin air." What I was bound to support was the repeal of the "taxes on knowledge" that the newspaper press might be free; that has been accomplished, and further, the amount of the paper duty was then only £730,000, and now it is £1,300,000. Now as to the pledge given in 1858. I will show the House that no pledge at all was given, and that the Resolution of the President of the Board of Trade was not carried, the House only expressing an opinion that the paper duty was one which, under favourable circumstances, ought to be remitted. Let me remind the House under what circumstances the Motion of the right hon. Gentleman the President of the Board of Trade was brought forward. It was made two days after the financial statement. The right hon. Gentleman has taunted me to-night with my conduct on that occasion. On that occasion I found a very large deficiency at the end of the financial year—somewhere about £3,500,000. It was a deficiency of a peculiar nature, not occasioned by our expenditure exceeding our revenue, but by unwise and improvident engagements, into which the country had entered by establishing an artificial sinking fund, which the right hon. Gentleman supported me in opposing, and £2,000,000 of Exchequer Bonds, which represented a war expenditure during the Russian campaign. Now, observe, the revenue of the country was equal to the expenditure. But what was the state of the country in 1857 and 1858? There was a monetary crisis, panic, commercial embarrassment; the *minimum* rate of discount stood at 10 per cent when Parliament met—at 8 per cent when the Budget was brought in. Was that a time to lay on new taxes in order to maintain an artificial sinking fund? Why, there could be no question as to the right conduct to pursue; but, whether it was right or whether it was wrong, it was unanimously adopted by the House; and men of high financial authority—the right hon. Gentleman himself and the right hon. Member for Portsmouth (Sir Francis Baring)—spoke in praise of that policy and supported it. But we did something more on that occasion than provide for the deficit artificially created. We laid down the principles that, in our opinion, ought to guide the House in the remission of taxation. What were those principles? First, that the engagement made by the right hon. Gentleman with regard to the diminution and the ultimate remission of the income tax should be carried out in its spirit. Next, that if an opportunity occurred we ought to fulfil the engagement of the Government with the people to terminate the war duties on tea and sugar, which they had been called on to pay in order to carry on the Crimean war. The House entirely approved this principle, and I will show how completely it sanctioned and adopted our financial policy by what occurred only two days after, when this celebrated Resolution on the paper duty was proposed. Two members of the present Government were then sitting on these benches—the noble Lord the Secretary for Foreign Affairs and the right hon. Gentleman the Secretary for the Home Department—one a great authority on finance, the other a distinguished statesman. The noble Lord (Lord John Russell) spoke in support of a remission of the paper duty when circumstances should be favourable, but he said the first thing the House had to consider was the duty on tea and sugar. What said the right hon. Gentleman the

Secretary for the Home Department? He was chary of his approbation of a repeal of the paper duty under any circumstances, but one thing was quite clear to him that it could not be thought of till the income tax was disposed of. This shows exactly what was the policy the House of Commons at that time adopted, in a very full House of 500 or 600 Members, while the Resolution with regard to the paper duty was carried in so thin a House that it was impossible for the Government to divide against it. Who can doubt, then, what is the engagement of the House of Commons if its decision on a question of finance has any consequence or power? That was the recognized policy of the Government, and I believe it is still the popular wish of the country.

Now, with regard to the income tax, there are two points that deserve special consideration; one is the effect of a remission in a financial, the other in a political, view. In 1857, the House will recollect, there was a great agitation in the financial mind of the country with respect to a remission of the 9*d.* war income tax. It was well understood that the Government, availing itself of the technical language of the Act of Parliament, intended to levy the additional 9*d.* war tax—representing a sum of more than £9,000,000—on the country for the year after the war terminated. I gave notice of a Motion challenging that policy; the opinion of the House was so strong and the feeling in the country so irresistible that the Government gave up the 9*d.*; it gave up the resource it by law possessed of raising £9,000,000 of money, and an Act was passed repealing the existing law. What was the effect of that? In the latter end of 1857 and the commencement of 1858 we had the commercial and monetary crisis to which I have referred. There was great embarrassment in the country; yet during it all the revenue of the country sustained itself. And why? Because the consumption of the country was stimulated by this immense remission of direct taxation. And if the right hon. Gentleman will enter that beehive he has so picturesquely described to us, he will find the working bees all agreeing that such was the effect of the remission. But now as to the remission from the political point of view. There is nothing influences the opinion of foreign States with regard to this country more than the consciousness that such is its wealth that our Sovereign can, by appealing to one single tax, raise annually an amount that other Governments can only occasionally acquire by costly loans, raised at a rate of interest that leaves those countries in a proportionately exhausted condition. If the income tax were what the right hon. Gentleman in such glowing terms, and with such frequent eloquence, has contended it ought to be—a weapon adapted only to the purposes of war, nothing can have such influence, looking at it politically and morally, as the knowledge that this country can raise twenty millions as a special annual revenue, while potentates who might threaten the peace of Europe can only raise such a sum by loans at such a rate of interest as must impoverish the coffers of the State and exhaust the industry of the country. Such an engnie as the income tax is to a Minister of this country more powerful than any armament that can be devised; more powerful than fleets and armies. It is, therefore, worse than madness in time of peace to throw the whole weight of our financial system upon it. It was for this reason, and from a general sense of the inquisitorial, unjust and unequal character of the tax, that made us in 1858 declare that it was our policy to carry out the engagement of the right hon. Gentleman for its final abolition. The House accepted that policy unanimously, and the right hon. Gentleman supported it. And when the income tax fell to 5*d.* I, for one, did not even then consider the occasion favourable for a repeal of the duty on paper.

I would now touch on the position in which we are placed with regard to the war duties on tea and sugar, the other cardinal points of our financial policy in 1858. And it was with the deepest regret I listened to the right hon. Gentleman to-night when he spoke on the subject of remitting duties on articles that enter largely into the consumption of the people. I think I never heard a case more sophistically argued, or more fallaciously placed before the House. The right hon. Gentleman spoke as if it was maintained in some quarters as an abstract principle that the duties on those articles ought to be abolished. Now, if such a principle were adopted, I do not see how it would be possible to raise the required annual revenue in this country. The question is not whether we shall reduce or remit duties on articles of general consumption, but whether Government and Parliament have entered into an engagement with the consumers of those articles to remit the special taxes that were imposed on an emergency, and which aggravate the cost of those articles. It is sound policy never to enter into any engagement with the great body of the people as to duties on articles of general consumption that, if unfulfilled, may make them feel that they smart under an act of injustice. I want to know, if we leave war taxes—and war taxes of recent imposition—pressing on the people in time of peace, with what prospects of success we can appeal to them, should war again occur, to come forward and bear their share of the public burdens? That is a consideration of high public policy, and not an abstract principle about raising a revenue by duties on articles of general consumption. You may defend generally duties on tea and sugar, but you cannot defend on these abstract principles the violation of public faith, or the disappointment and distrust you will create in the country. I must do the right hon. Gentleman the justice to say that on other occasions, when he has himself so strongly and so passionately advocated the remission of these war duties—when he has described the increased happiness their remission would confer on millions of homes—he was influenced by sincere and proper feelings. To-night, however, he has taken refuge in sophistical evasions. He has, intimated to us that there is a mode by which the war duties on tea and sugar may be remitted. "You may retrench," says the right hon. Gentleman, "your expenditure." This country, as we were told by an hon. Member, a supporter of the Government, the other night, is suffering from profligate expenditure, and if the right hon. Gentleman did not himself use the phrase he cheered the epithet, and afterwards, in his reply, enlarged and expatiated on the sentiment. Now on this subject I think the House has a right to ask for a frank declaration from the right hon. Gentleman. We heard a great deal last year about "a gigantic innovation," but to my mind there is no innovation so gigantic as a Chancellor of the Exchequer denouncing as profligate the expenditure for which he is supplying at the same time the Ways and Means. I think the Chancellor of the Exchequer owes to the House on this subject an explanation which he has avoided giving to-night. If he believes the expenditure to be impolitic, to use the mildest term, on what principle can he vindicate his sitting on that bench? I have asked men of all parties, simple and plain, as well as refined intelligence, for an explanation, but they have all been perplexed by a mystery of conduct that is unparalleled in the history of this country. But the right hon. Gentleman does more. He insinuates that the Government, as well as himself, are recommending and pursuing an expenditure that is contrary to their conviction of public necessity. It is some one or other, some unknown but irresistible force, that urges them on. Sometimes it appears to be the country, sometimes the House, but never the Ministry. Now, is it the fact that the country is ungovernable and irrational on this point? The right hon. Gentleman the Chancellor of the Exchequer has given this explanation more than once. He wrote some time ago to a poor clergyman who complained to him of the income tax, and said "It is your own fault. You go about agitating the country, and you must pay for it." Now, is that true? Are there any public meetings in favour of expenditure? I believe there is in the country a calm confidence and conviction that any Government which calls upon the country for sacrifices ought to be supported. Perhaps the right hon. Gentleman may refer to the Volunteer movement as an evidence of the national irrationality. I should, however, draw from that noble ebullition of patriotism an indication of a very different character. I should recognize in that movement a desire on their part to assist the Government in placing the country in the commanding position it ought to occupy with as little cost and pressure upon the industrious part of the community as possible. It is neither just nor true, therefore, to say that it is an irrational country that has forced on this expenditure. Well, is it the House? Let us look to the facts. At the end of the year 1859 the right hon. Gentleman the Member for Stroud (Mr. Horsman), who has addressed us to-night with such sustained and varied ability on the whole of this financial question, brought before the House a proposition for an address to the Crown, that considerable sums should be laid out in providing for the necessary defence of the country. The Government disapproved that proposition, and on a division defeated the right hon. Gentleman, and what I suppose I may call the House, by a large majority. Next year the Government, after more extended observation, arrived at the conclusion that the right hon. Gentleman was right, and they brought forward a proposal for fortifications on a large scale. That proposal was opposed by some independent Members but the Government then carried the scheme that they had rejected the year before by a majority. Well, then, it is not the country or the House that forces on this profligate expenditure. Who is it, then? It is not difficult to point out the author of the expenditure, and I believe that in acting as he has done he has been governed by a high sense of duty, and that he does not shrink from the responsibility of the course he has pursued. No doubt it is the Prime Minister of England. In repeated speeches in this House, and in addresses to his countrymen out of doors, he has never concealed his opinion that the present position of public affairs was such that it was his duty as the Chief Minister of the Crown, and Chief Adviser of Her Majesty, to call on the country to make those exertions and endure those sacrifices. But the right hon. Gentleman the Chancellor of the Exchequer, indulging in one of those unwise taunts which he sometimes conveys, talked about the idle gossip in the speech of the right hon. Gentleman (Mr. Horsman) on the subject of Cabinet divisions. Lord! Sir, we need not maunder in ante-chambers to discover differences in the Cabinet, when we have a patriotic Prime Minister appealing to the spirit of the country, telling it that it must be prepared to defend itself against aggressive ambition, and to show Europe that we are determined to maintain our rights, and when, at the same time, we find his Chancellor of the Exchequer, whose duty it is to supply the Ways and Means by which those exertions are to be supported, proposing Votes with inuendo, and recommending expenditure in a whispered invective. Do not tell me that there are not misunderstandings in the Cabinet—that the right hon. Gentlemen and noble Lords who compose it are all of the same opinion—when on that most important subject, the expenditure of the country, which affects every branch of policy, there is between two of the most eminent Ministers of the Crown—one the First Lord of the Treasury and the other the Chancellor of the Exchequer—such difference and such discordancy.

There is only one other point I will touch upon before I state the course which I think it will be wise for the House to pursue, and that is a subject which I think of late years has been somewhat unnecessarily introduced into our debates; but still it has been introduced, and I know enough of the House of Commons to be convinced that, when a subject has been introduced and touched upon by men of great influence and authority, and when it fills the public mind, it is worse than useless to attempt to avoid it. That subject is the influence upon the condition of the Government which any vote in Committee of Ways and Means may produce if contrary to some details of the measures which they now have introduced to us. I think this is a subject upon which it becomes the House of Commons to acquire as accurate and as clear a conception of the public duty of public men as they well can. Power is a possession which ought not to be lightly accepted, nor lightly relinquished. To accept or to relinquish power involves the fulfilment of a grave duty to our Sovereign, whom we may embarrass by such conduct, and to our country, whose condition must always to a certain degree be affected in such a case. If, indeed, the House of Commons, directly or indirectly, expresses a want of confidence in an Administration, my opinion is the sooner they quit the helm of affairs the better, for though, under certain circumstances, that may entail great public inconvenience, there is no public inconvenience, as there can be no public injury, equal to their continuing in a responsible position when they have lost the confidence of those to whom they are responsible. But, generally speaking, a Minister should deeply reflect before he relinquishes the trust which he has accepted. Nothing can be more unwise, nothing more pernicious to himself—if that limited consideration is to have any influence—nothing more generally injurious to public men than that their country should find that in either the acceptance or the abdication of power they are animated by private and personal motives, but particularly by personal pique. When a Minister finds that in a time of great public distraction and anxiety his foreign policy has not been challenged or criticised—certainly not by the Opposition; when he finds that with regard to our internal affairs large claims have been made upon the confidence of the representatives of the people, and that they have not hesitated cordially and generously to vote every Supply, though of an unprecedented amount in time of peace, which they have been asked to grant to the Crown; when that Minister cannot lay his fingers upon a single public Act of this Session in which any principle of importance is involved which the House and those who formally oppose him here have successfully resisted,—it would be a very strange thing that a Minister so favoured and supported should come forward to challenge the most precious privilege of the House of Commons. For when a Minister is prepared to make a remission of taxation, it has ever been held to be the most precious privilege of the House of Commons to give their advice as to the mode in which that remission should be distributed. To say that a Minister should, because the House of Commons differed from him on a point involving the distribution of a surplus for the relief of their constituents and the great body of the people—for him to take such an occasion to quarrel with the House, or even to desert the service of the Sovereign, is, in my mind, a highly unconstitutional proceeding. It has always been laid down by the most eminent writers, it has always been held by our most eminent statesmen and orators, that if there be an unquestioned privilege in this House it is that of advising the Minister with impunity as to the distribution of any remission of taxes. We heard last year a great deal of an assault upon the privileges of the House of Commons upon which I will not now dwell, because there will be other opportunities to treat that subject if necessary. But there never was, under these circumstances, an assault upon the privileges of the House of Commons so great as would be perpetrated by that Minister who denied to us the privilege of advising how the surplus of taxation should be distributed. But it may be said, "This, perhaps, is an unfortunate occasion on which to found the change either of a Ministry or of a Parliament; but it may be an opportunity which a Minister is justified in taking if he finds himself embarrassed by a powerful and aggressive Opposition." But is that the position of the noble Lord? I do not mean to say that we who sit on this side of the table may not have our own private opinion of the manner in which we were expelled from those (the Ministerial) benches. But no one has ever heard a single murmur from us on the subject. No one has ever found us whimpering here over our personal losses and grievances. On the contrary, I knew very well—for I ventured to predict it—that when the noble Lord the Secretary of State moved the Resolution which has been described but recently by one of the most eminent and influential supporters of the Government as a great mistake, it would lead him and his friends into a position of embarrassment and humiliation. I never hesitated for a moment, however, in giving to the noble Lord when he took that course, credit for honourable feelings. I thought that he mistook the temper of the country, and would find out that he had mistaken it; but I had no doubt that in bringing forward his Resolution he acted in all sincerity and in no other spirit than that of a noble and justifiable ambition. When the same noble Lord next Session had to relinquish his Bill, no taunt reached him from these benches, because I thought that noble Lord and the Government in taking the course were actuated by sentiments equally honourable. This year the question, which once was embodied in a Resolution, but is now recognized as a great mistake—the question of Parliamentary Reform, became definitively shelved; and from that moment there was no doubt great irritation conscientiously felt by Gentlemen below the gangway in consequence of the conduct of the Government. That irritation was not concealed. Every invitation that was Parliamentary and legitimate was given to us to embarrass the Government. Did we avail ourselves of those opportunities? On the contrary, we gave the Ministers credit, as before, for being actuated in the course which they took by those sentiments of honour and by those convictions of public duty which I believe always animate Gentlemen in their position. What has been the course pursued by the Opposition during the present Session? I will not refer to it in detail, because many of the instances which I might adduce might be painful to hon. Gentlemen opposite. But I will take one case of a financial character to show the temper of this Opposition, which some suppose to be so aggressive. A Motion for the repeal of the hop duty was brought before the House immediately before the right hon. Gentleman had to propose his Budget. Having last year objected to repeal another Excise duty—that on paper, because it put an end to a complete branch of our revenue, I thought it would be inconsistent to be precipitated into supporting the repeal of the hop duty, though unquestionably it is, both in amount and in its character, very different from the paper duty. In supporting the Government, and, I believe I may say, in obtaining for them a majority upon the question, I placed myself in a painful position towards many friends whom I greatly regard, and towards an interest with which I deeply sympathize, as I proved by a measure which, when Chancellor of the Exchequer, I submitted to the House. There are other occasions fresh in the recollection of hon. Gentlemen, when it is well-known that on this side of the House there was an anxious and a very prompt determination to support the Government of the Queen; and even since this unfortunate, this ill-advised, and unhappy Budget was produced the Government have three times, in Committee of Supply, been sustained from defeat by the Opposition. Then I think I have shown that there are no special circumstances arising from the existence of a powerful, menacing, and aggressive Opposition that could give any colour to violent and rash conduct on the part of the noble Lord. From this House, and from those who, because they sit opposite to him, bear the constitutional and formal name of Opposition, the noble Lord since he has accepted office has received upon the whole a sincere and cordial support. Sir, no one grudges the noble Lord the position which he occupies. He has for long years served his country and his Sovereign, often with great advantage, and, though we may sometimes have questioned the prudence or propriety of some particular course that he has taken, we never doubt his ardent wish to maintain the honour and interests of his country. The noble Lord has on all occasions expressed himself in a manner upon the important subjects of the defences of the country which has obtained from this side of the House an echo sincere and stedfast. The general policy of the noble Lord has been well received and countenanced on this side of the House; and on this very question of finance, on this question of the paper duties, if it is possible to understand language and interpret conduct aright, no one who sat in this House last year can suppose that there is any serious difference between the Gentlemen on this side and the noble Lord. Then is this Minister, who in difficult circumstances has been so supported—is this Minister whose policy in these eventful times has not been challenged by the Opposition—is this Minister, who has come forward to make unprecedented demands on the finances of the country, to ask an amount of taxation for which he has never applied in vain—is this Minister, who never has brought forward one great measure that has been defeated by the Opposition (for I maintained before, and I maintain now, that the measure of Parliamentary Reform was mainly defeated by his own friends); is this Minister who, after a career so long and experience so great, after having lived so long in the House of Commons and loved it so well, is he the man who will grudge to the House the enjoyment and exercise of its dearest privilege—the privilege of considering how a remission of taxes may be effected most advantageously for the interests of the country? I can never believe that the noble Lord, towards the end of so illustrious a career, will commit so great a political mistake. He knows the House of Commons better. He knows England better. Such a course might become a man of violent passions. It might become a man who has a secret understanding and carries on the business of the State in such a mysterious manner as to confound all speculation. But such is not the course that becomes the manly character of the Prime Minister of England.

Convinced, then, that in asserting this dearest privilege and fulfilling this most important of our duties we shall arrive, whatever may be the decision of the Committee, at no result but what will be for the advantage of the country, I shall now indicate the course which I would recommend the House to follow when it goes into a Committee of Ways and Means. Sir, I shall offer no opposition to the first Resolution which is to be submitted to our consideration, and which stands second on the list, the first Resolution having been already agreed to. I retain—and strongly retain—all those opinions which I have so frequently expressed respecting the policy we should pursue with regard to the income tax; but, considering the circumstances in which we are placed, considering that a Committee is now sitting on the subject, and that it is desirable, if possible, when there is a remission of taxes that there should be a remission of both direct and indirect taxes, I shall offer no opposition to the Resolution. When we approach the second Resolution that will come under our notice, and which proposes to renew not only the old duties on tea and sugar, but the war duties also, I think the House will have gravely to consider whether it is wise to pass that Resolution entire. We ought to consider whether, if there is to be a remission of indirect taxation—which I should be prepared to approve—we should not find it more expedient and advantageous that that remission should take place on this third Resolution. Of course it does not require a Chancellor of the Exchequer to inform us that that Gentleman made a great mistake who proposed to remit all the war duties, though no proposal of that sort has met my ear during the debate, and it will become a matter of grave consideration to what amount and to what articles that remission should be directed. There are two great considerations to be looked to. In the first place we ought to look to the immediate and general advantage of the community, and we ought to take care that if we remit taxation it shall be remitted in such a manner that the whole advantage shall go into the pockets of the community. So much for the immediate advantage of the community; but there is another consideration in my mind not less important than that—we ought to consider how the remission of indirect taxation may at the same time stimulate the industry of the country. I have not the slightest doubt that if you take off the Excise duty on paper, or on anything else, you will, to a certain degree and in a limited sense, stimulate the industry of the country. I do not use those words to depreciate the remission of any Excise duty, but it must necessarily be in a limited sense. There are indirect taxes, however, which you may remit which would give a much more extensive stimulus to the occupations of the people, and which would contribute to much greater results than the remission of the Excise on any particular article. You must look to the state of our markets. The state of our markets, though it may be, and, I have no doubt, has been, duly taken into consideration by the Minister in the Estimate laid before us, is a subject to which the House of Commons cannot be blind. We have our great American trade already embarrassed, and though one still cherishes the lingering hope that the dissensions may terminate among those to whom we are bound, not more by blood than by the sympathy of a thousand sentiments, still he would be a sanguine man who can suppose that, under any circumstances, the trade of the chief American nation will be for some time that which it has been. Our Levantine trade is only just escaping—I can hardly say escaped—but is only just terminating a convulsion greater than has happened in our time. India is suffering, and the whole of the Continent of Europe is either in a state of confusion, or its general industry is depressed and destroyed by military preparations or military expenditure. It is clear, therefore, that the prospects of those chief markets are by no means auspicious; but there is a great trade, an increasing trade in the far East, which offers at this moment a remarkable opening for the enterprise and the capital of England. The Earl of Elgin, who has just returned to this country—it is not in a blue book, but the House may depend upon it it is perfectly authentic — says that while in China he took especial pains to ascertain what was the amount of the population of that country — whether those traditions which had long prevailed on that point were mythical or founded on fact; and, having given great pains and industry to ascertain the truth, it is the opinion of the noble Earl that the real population of China, taken by census, is not less than 400,000,000 human beings. It is impossible, therefore, not to see that that is the point of the world which ought now to be watched with the greatest anxiety and interest. We have another country in the vicinity of China which, though not so extensive, has a refined civilization and a population of many wants—I mean Japan. Have we, then, an opportunity at this moment, by remitting wisely and boldly the duty on one great article of general consumption, not only of adding to the happiness of a million homes—to use the Chancellor of the Exchequer's language — but of giving a great and sustaining stimulus to the commerce of this country? I think that remission ought not to be frittered away between the articles of tea and sugar. I think we should concentrate our efforts on one of them. It is the war tax on tea on which we should concentrate our efforts, and I believe that, if we do so in a manner to consult the interests of the revenue, and to secure that the whole advantage of the remission shall reach the pockets of the consumer, the result will be one highly beneficial to the country. I think I may further state that an hon. Friend of mine, representing one of the greatest constituencies—my hon. Friend the Member for Liverpool (Mr. Horsfall)—will in Committee take our opinion on that course. I thought it fair to the Government and frank to the House that I should state the course which we propose to take. There are points which may afterwards arise, and upon which it may be necessary for the Committee to consider; but it is not necessary for me at present to go beyond the statement which I have made. I apprehend, Sir, that we shall go into Committee of Ways and Means on Thursday. The House, therefore, will not have been taken by surprise, and the Government and the Committee will have had time to consider the course which they will take in reference to the notice which I presume my hon. Friend will put upon the paper to-night. I earnestly trust that the decision which the House may come to in Committee of Ways and Means will be the one most conducive to the interests of the people, and to the maintenance of the commerce of the country. I cannot doubt that if the House be animated by sentiments which will make them desire such a result, those sentiments will prevail and find an echo in the country; and that no man will more sincerely respect your decision—whatever that decision may be—than the noble Viscount the Prime Minister of England.

VISCOUNT PALMERSTON: Sir, it is not my intention at this late hour of the night to enter into those controversial discussions which have occupied so much of the time of the House; but I am bound to say, that although we have spent a great deal of time in this preliminary discussion, and although a great variety of opinions have been expressed, yet I do not complain that we have lost or improvidently consumed the time of the House; because, in a matter involving so many comparative points, it was natural that a great number of varieties of opinions should arise, and it was desirable that those different subjects should be freely canvassed and discussed, in order that the House might come to some final decision on the course which it should be disposed to take. We have made progress, because, though in the earlier discussions there appeared to be doubts in the minds of some hon. Members as to whether there was or was not an available surplus, the right hon. Gentleman who has just sat down has fairly admitted that a surplus there is. The only question, therefore, for the House to consider is in what manner that surplus should be disposed of. I am glad that the right hon. Gentleman has stated that with regard to the proposal which the Government have made with respect to the income tax no opposition is intended to be offered. I should hope that, that being the case, we may be allowed, late as the hour is, to go into Committee to pass the Resolution to which there is no opposition, and clear the way for that discussion which will take place on Thursday in respect to those positions on which there is a difference of opinion. Now, I admit that the issue which the right hon. Gentleman has stated it to be his intention to propose is a perfectly fair one to be submitted to the House. There are many considerations which would lead the House to prefer the remission of the duty on tea to the abolition of the paper duty. I think it is a misnomer to call it a war duty; because, the war duty on tea was 1*s.* 9*d.*, and since the war the duty has been reduced to 1*s.* 5*d.* I believe the duty is now lower than ever it was at any former time; but, at all events, the higher duty put on during the war has ceased, and the duty now, instead of being 1*s.* 9*d.*, is only 1*s.* 5*d.* I mention this in order that the House may clearly understand the point on which its decision will be required. Sir, I freely admit that it is a very legitimate proposal to make to substitute the repeal of the duty on tea for the repeal of the duty on paper. I prefer remission of the duty on paper. I think there are good and valid reasons why the abolition of that tax should accompany the reduction of the income tax, and that economical and commercial reasons have been stated in favour of the remission proposed by the Government. Whether a pledge has been given or not, whether we are bound by resolutions or not, I think no man can deny that, at all events, we are in that position with regard to the paper duty (not only with respect to this House itself but with respect to the other House of Parliament) that it is highly desirable on the gravest political ground that we should take this opportunity of repealing the duty, especially if we can do it in a manner which will render it less disagreeable than it otherwise would be for the other House to concur in its repeal. I think it is clear that if we do not repeal that tax this year we shall be urged to take the earliest opportunity to repeal it which the state of our finances will permit. We shall then, perhaps, have to send up that Bill singly, and I put it to any one whether it will not be more easy for the House of Lords to consider the proposal, when we accompany the repeal of the Excise duty on paper with a popular measure for the diminution of the income tax, and whether it will not greatly facilitate a good understanding and accord between the two Houses that we should send up the two measures together rather than send up singly and nakedly a Bill for the repeal of the duty to which last year the House of Lords refused to accede? In my opinion it is impossible to exaggerate the value of a settlement of a question which has created ill feeling and misunderstanding between the two Houses. I do not mean now to argue the question fully; it will be argued at length when it comes more properly under our consideration; but I wish to state that I retain the opinion on which the Government have acted in proposing the arrangement which has been laid before the House. Both on the ground of the intrinsic value of that repeal and on the higher and more important ground of its bearing on the relations of the two Houses to each other, I attach great value to maintaining the repeal of the paper duty in preference to a diminution of the duty on tea. It would be quite misplaced at this time of night to go further into that argument. I merely state, therefore, that notwithstanding the reasons which the right hon. Gentleman has stated he is prepared to allege in favour of the diminution of the tea duty, Her Majesty's Government will certainly maintain the proposal which they have made for the repeal of the Excise duty on paper.

Question put, and *agreed to.*

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the 6th day of April, 1861, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty Duties on profits arising from property, professions, trades, and offices, the following Rates and Duties (that is to say):

"For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B) of the said Act), the Rate or duty of 9*d*.

"And for or in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act, for every twenty shillings of the annual value thereof,

"In England the Rate or Duty of 4½*d*.

"And in Scotland and Ireland respectively the Rate or Duty of 3*d*.

"Subject to the provisions contained in the said Act 16th and 17th Victoria, chapter 34, section 28, for the relief of persons whose incomes are under £150 a year respectively, from so much of the said Duties as shall exceed the rate of sixpence for every twenty shillings of their respective profits and gains, computed as in the said enactment is mentioned; and subject also to the provision therein contained for the exemption of persons whose whole incomes from every source shall be less than £100 a year respectively."

MR. T. BARING said, he objected to the arrangement proposed to be adopted. He thought it was desirable to defer the resolution for the remission of the income tax until they had ascertained whether it was the pleasure of the House to adopt the Resolution for repealing of the paper duty. His own impression was, that if the paper duty was to be abolished, they ought not to have a remission of the income tax, because whilst a remission of a productive duty like that on tea would still enable the Government to recover its income, a positive income would be lost by the repeal of the paper duty. With this feeling as to the unsatisfactory state of the finances then, he was not prepared to vote for the remission of any portion of the income tax unless he could feel quite assured that the paper duty would not be abolished. He did not wish to give a notice to that effect, but his impression was that he should move on Thursday that the Resolution be postponed until the decision of the House upon the paper duty. He would, therefore, move that the Chairman should report progress.

Motion made, and Question proposed, "That the Chairman do now report Progress."

THE CHANCELLOR OF THE EXCHEQUER said, he must confess he was disappointed in the interest of hon. Gentlemen opposite at the course taken by the hon. Member. He had thought with his noble Friend that the House had arrived at a stage where there was to be some unity of plan and proceeding. The House had learnt from the right hon. Gentleman (Mr. Disraeli) in distinct terms, that so far as he was aware there would be no objection to passing the Resolution relating to the income tax that night: but the hon. Member for Huntingdon had now moved the postponement of that Resolution. Of course that was a Motion which the Government must resist. The order of the Resolutions was not a mere matter of form and ceremony, and it was the invariable course of proceeding to submit to the House those Resolutions which imposed taxation before those which repealed taxation.

MR. T. BARING said, he had no communication with his right hon. Friend, and was therefore unaware of the course which it was intended to pursue. But entertaining the strong objections which he felt to a positive throwing away of revenue which there was no means of replacing, he should simply move that the Resolution do not pass, reserving to himself the right of opposing it on a future occasion.

Mr. SOTHERON ESTCOURT observed, that they must act in accordance with the ordinary course of Parliamentary proceedings. He thought the object his hon. Friend the Member for Huntingdon had in view would be marred by the course which he proposed to take, which would have the effect of raising a false issue instead of that between tea and paper, on which the House was anxious to divide.

The CHANCELLOR of the EXCHEQUER said, he wished to submit to the hon. Gentleman in the Chair, Whether it was in the power of the hon. Member to move the postponement of the Resolution ?

The CHAIRMAN stated, that it was a well-established rule in Committee of Supply or of Ways and Means that a Resolution could not be postponed, unlike a Bill where the clauses might be taken in whatever order was considered most convenient.

Mr. DISRAELI explained that when he stated he did not intend to oppose the Resolution on the income tax he had no wish to preclude any Gentleman from discussing it. He had only indicated what his own course would be. With regard to postponing the Resolution, that was a question which he had had under his own consideration, and so far as he could form an opinion from precedent and practice, it did not appear to be in the power of the Committee to follow that course; but if his hon. Friend wished that there should be a discussion on the first Resolution, he trusted the Government would not press the Resolution to-night.

Mr. BRIGHT said, he understood the meaning of the hon. Gentleman to be that he would not consent to the reduction of the income tax if the paper duty were to be repealed; and he would not consent to the reduction of the tea duty unless he was sure that the income tax would be retained at its present rate. When the hon. Member for Liverpool, however, proposed that there should be a reduction in the duty on tea, he would be at liberty to oppose it. The only course for the hon. Gentleman to take was to negative the proposal with regard to tea, and then to negative the proposal with regard to paper, and then he would have the finances of the country in a state satisfactory to his mind.

Viscount PALMERSTON said, he thought the hon. Member for Huntingdon would perceive that it was not necessary for his purpose to object to the passing of the Resolution, which must be adopted or negatived then, or on some future occasion, as it could not be postponed. The Resolutions were merely the foundation of that which was to give effect to them, and many future opportunities would necessarily be afforded to those who objected to the reduction of the income tax to negative that portion of the financial scheme, in case they thought proper to do so.

Mr. COLLINS said, he should support the Amendment for reporting progress.

Mr. WALPOLE pointed out that the question which they were considering was whether the income tax should be reimposed at 9*d.* or at 10*d.* He was not aware that any one wished it to be fixed at the latter amount; but, of course, if the hon. Gentleman wished to discuss the question, he ought to have the opportunity.

Mr. MALINS said, he hoped the hon. Gentleman would throw no impediment in the way of a proposition which was unanimously approved by the country.

Mr. T. BARING said, he thought it not unreasonable that at such an hour they should not proceed with the discussion, but report progress. It had been doubted by several hon. Members whether there was really a surplus.

Viscount PALMERSTON said, that the hon. Member could only negative the Resolution, and the effect of that would be to negative the reimposition of any part of the income tax. The hon. Gentleman doubted whether there was any surplus to entitle them to remit any portion of taxation, and yet he was calling upon the House to determine that the income tax should cease. That would be the effect of the course the hon. Member proposed.

Mr. T. BARING said, that if the Government wished to pass the Resolution at that hour he would not interfere. He begged to withdraw his Motion.

Motion, by leave, *withdrawn.*

Mr. CONINGHAM said, he hoped it was understood that the proposition virtually before them was a Vote of Confidence in the Government.

Original Question put, and *agreed to.*

Resolved,

"That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the 6th day of April, 1861, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty Duties on profits arising from property, professions, trades, and offices, the following Rates and Duties (that is to say):

"For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B) of the said Act), the Rate or Duty of 9*d*.

"And for or in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B) of the said Act, for every twenty shillings of the annual value thereof,

"In England the Rate or Duty of 4½*d*.

"And in Scotland and Ireland respectively the Rate or Duty of 3*d*.

"Subject to the provision contained in the said Act 16th and 17th Victoria, chapter 34, section 28, for the relief of persons whose incomes are under £150 a year respectively, from so much of the said Duties as shall exceed the rate of sixpence for every twenty shillings of their respective profits and gains, computed as in the said enactment is mentioned; and subject also to the provision therein contained for the exemption of persons whose whole incomes from every source shall be less than £100 a year respectively.

House *resumed.*

Committee report Progress; to sit again on *Wednesday.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, April 30, 1861.

Minutes.] Public Bills.—1ª Railway Companies Mortgage Transfer (Scotland).

3ª Bills of Exchange and Promissory Notes (Ireland).

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a quarter past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 30, 1861.

The House met, and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *Tomorrow.*

HOUSE OF COMMONS,

Wednesday, May 1, 1861.

Minutes.] Public Bill.—2° Combination of Parishes Dissolution (Scotland).

The House being met, the Clerk, at the Table, informed the House of the unavoidable absence of Mr. Speaker, and read the following Letter, which he had this day received:—

"Speaker's House, May 1, 1861.

"Sir,—I regret that I have again to request you to inform the House that I am disabled, by renewed indisposition, from attending their service this morning.

"I have the honor to be, Sir,
"Your obedient Servant,
"John Evelyn Denison.
"Speaker.

"Sir Denis Le Marchant, Bart."

Whereupon Mr. Massey, the Chairman of the Committee of Ways and Means, proceeded to the Table, as Deputy Speaker; and after prayers, counted the House, and Forty Members being present, took the Chair, pursuant to the Standing Order of the 20th day of July, 1855.

RECOVERY OF DEBTS BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. M'MAHON said, he rose to move that the Bill be committed on that day three months. The hon. Gentlemen who had put their names on the back of the Bill had alleged that debtors were put to unnecessary expense in recovering their debts, and that that was the only ground upon which the Bill was based. But was it the fact that creditors were damaged in the manner stated? Traders knew at the time they gave credit the exact state of the law, and, therefore, they ought not to feel disappointed if events happened, the nature of which they must have foreseen. There was no pretence for saying that they were subjected to delay, because they had the county courts to which to resort in order to recover debts to a considerable amount, and they could also resort in certain circumstances to the Courts held in London and Middlesex. The present Bill contained propositions which were for the first time attempted to be introduced into law. One of those propositions was that a plaintiff should be empowered at once to recover a debt, unless the defendant should make an affidavit that he had a *boná fide* defence against the claim. Now that would be a very novel principle to adopt in our legislation, and it would naturally promote perjury among defendants in cases of that description. It might be said that there was something of a precedent for that mode of proceeding in the case of the Bills of Exchange Act, but he believed it would be very difficult to get any of the Judges to speak in favour of that measure. There was no instance of such legislation in a civilized country except in the United States; but there there was a restriction, requiring that there should be a written instrument. In New York, however, the only thing to which the system led was a multiplication of affidavits. The spirit of modern legislation was against the practice of affidavits. It might be proper that in the case of a bill of exchange the name of the party to it furnished a *primá facie* against him, but it was very different in the case of ordinary debts. Again, if the Bill were based on sound principles, the law officers of the Crown would support it; but, instead of that, not a single authority connected with Government, or with the leaders on either side, were in favour of it. If a defendant was taken suddenly ill, or met with an accident, or forgot the subject, he would be unable to redress himself, even although he should have a receipt for the payment of the debt in his pocket. If the system was considered good in the Courts of Law, it ought to be extended to the County Courts, and more particularly to the Court of Chancery. In fact, it should be made general, and, if it applied to England, it should be also extended to Ireland. As, therefore, the Bill had no real ground work, and was a most unwarrantable departure from existing law, it ought not to be permitted to go into Committee.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "This House will, upon this day three months, resolve itself into the said Committee," instead thereof.

MR. HODGKINSON stated that at the time he had moved for leave to bring in this Bill, he had stated the nature of its provisions, and entered very fully into a description of the evils it proposed to remedy. The hon. and learned Solicitor

General had then approved of its principle, and he was now authorized by that hon. and learned Gentleman to state that he had seen no reason whatever to alter the opinion he had then expressed. The argument of the hon. Member who had moved the Amendment was somewhat peculiar. He had argued on the assumption that debtors were a very injured class of persons, very subject to oppression by those with whom they had to trade. That might be the popular side to take, though it was not very agreeable to the feelings of those who were seeking for justice and a redress of grievances. The question, however, was one which ought only to be decided by principles of right and reason. What were the relative rights and duties of debtor and creditor? A debtor was a person who retained in his possession, for his own convenience, something which belonged to another, and, when the time for payment or restitution arrived, the justice of the case required, and every good system of legislation provided, that the rights of the creditor should be capable of enforcement with as little delay and expense as possible. When he brought in the Bill he had shown that it was now in the power of debtors, without any defence whatever, to delay payment to their creditors from one month to another, and very often for a period of six months together. One of the principal objections to the Bill was, that it would lead to perjury, and that it was very undesirable to multiply the number of affidavits. But that was an objection which had been made on former occasions, and proved to have little weight. What measure of modern times had tended more to promote the economical administration of justice than that which enabled parties to be witnesses in their own suits? If the Bill were intended to apply only to rogues who had no regard for an oath, there might be some force in the reasoning. But was there no punishment in the laws of the land for perjury? Would not a conviction for perjury be as easily obtained in the future as in the past, and would not that be sufficient to deter many a man from a commission of the crime? He would take the case of a farmer going to market to sell his corn. Of necessity that man must give credit. The custom in some market towns was to pay in a week, and in others in a fortnight. When, at the end of the fortnight, the man went for his money, was it likely the buyer in order to postpone payment for a month, or two would make an oath that he did not owe the money at all? If he were to do the latter, his credit would be at an end, and an indictment for perjury would be laid against him. And supposing there were men wicked enough to retain money by means of perjury, was that any reason why the House should be of opinion that the honest merchant and trader should be thereby debarred from the speedy attainment of his just rights? It was a great fallacy to suppose that the hardships in these cases lay on the side of the debtor. The Bill would prevent as much injustice as the Bills of Exchange Bill did; and where, then, could be its hardship? The hon. Member for Wexford objected to the Bill on the ground that the plaintiff might obtain judgment without showing a *primâ facie* case, but that was not the fact. The creditor must make an affidavit to establish a *primâ facie* case; and he could not see what hardship it would be to require the defendant also to make an affidavit that he had a good defence before he was allowed to put in an appearance. He had received letters since he first introduced the Bill, which disclosed a state of things, the existence of which the House would hardly credit. One person had written to say, that he had furnished a house for a gentleman, who had failed to pay him; that his own goods, owing to this failure, had been seized in execution because he was unable to meet his own engagements, and the law afforded him no power to recover his claim without great delay owing to the fictitious defence put in by his debtor—that seizure had cast a stain upon his character. Another had written of the serious inconveniences he suffered by reason of a tenant postponing the payments of his rents from July to November, because the present state of the law did not enable him sooner to recover from a factor the price of some corn which he sold for the purpose of paying the rent. Was that a state of things which ought to be allowed to continue? With all the respect he entertained for the gentlemen of the bar, he did not consider them the best judges of a question of this nature. Still he believed that if they knew of half as much of the injustice which was being done to creditors by the present state of legislation as he was acquainted with, they would support a Bill which had been laid before all the law societies of England, every one of which had approved of its provisions.

MR. MELLOR said, that despite the argument of the hon. Member (Mr. Hodgkinson), he remained unconvinced as to the prudence or wisdom of the legislation proposed to the House. He admitted that the Bills of Exchange Bill was based on wise legislation, but in the case of such Bills there was no dispute as to the amount. They professed to have been given for value received; they passed from hand to hand by endorsement or assignment, and the burden of proof was always thrown on the defendant. In the case of the Bill before them a very different principle was sought to be established. It proposed a most dangerous innovation on a well-established principle of evidence, that a man who made a claim was bound to support it by proofs adduced by himself. All the Members of the legal profession with whom he had spoken were of opinion that it would operate injuriously, and that it would increase the amount of false-swearing. He should, therefore, support the Amendment, although he did not concur in all the reasons which had been advanced in its support.

MR. MONTAGUE SMITH said, he thought the House would do well not to proceed further with the Bill, which applied to cases having no analogy to those dealt with under the Bills of Exchange Act. The Bill required debtors to swear that they believed that they had a good defence before they were allowed to plead. That was most objectionable, because a reckless man would hardly hesitate to swear that he believed anything; while a scrupulous man, on the other hand, who had a case that was perfectly good in substance, but which might appear technically doubtful, would shrink from making such a declaration.

MR. HADFIELD said, that it was rather hard that the principle of the Bill, which had been approved of by the second reading, should be contested on the Motion for going into Committee. The same objections that were made to it were made to the Bills of Exchange Bill, but he thought no greater advantage could be conferred on the public than by affording to them every facility in recovering just debts.

MR. ROEBUCK said, he objected to the Bill, upon the ground that it might have a very injurious effect upon the law of England, and the House ought not to proceed to make any alterations in that respect without the sanction of the law advisers of the Crown. Another objection he entertained to the measure was, that the House were asked to go upon the assumption that every debtor was a rogue, and every creditor was an injured man. That was not true. He thought an alteration of so important a nature should be a solemn proceeding introduced on the responsibility of persons in authority, and ought not to be made the subject of a *dilettante* proceeding on the part of a private Member.

Mr. COLLIER said, he also thought such a Bill, if introduced at all, should come before them upon the authority of the Government. The Bills of Exchange Act was an exception to the rest of our legislation, justified by the peculiar nature of the class of instruments to which it referred; but there was no ground for extending the principle of that Act to all debts whatever. Whether a man had a good defence or not depended upon matters of law as well as of fact, and a man ought not to be called upon to swear as to his belief on such a point. He also thought the objections which had been urged by hon. Members against the multiplication of oaths were in themselves insuperable against the Bill.

Mr. HENLEY said, that in the case of a bill of exchange the debtor's signature which appeared on the face of the instrument was an acknowledgment that he owed the money, and it was only under exceptional circumstances that he could have a defence. It might, therefore, be requisite that the defendant should have to show that his defence was not a fictitious one. But that rule could not safely be applied to other cases of disputed debt. He had a weakness for trial by jury, and did not wish to see a system of trying cases by affidavit introduced into our courts of law. It would only tend to encourage hard swearing.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 23; Noes 121: Majority 98

Words *added.*

Main Question, as amended, put and *agreed to.*

Committee *put off* for three months.

CONSTRUCTIVE NOTICE AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

Mr. WALPOLE said, that he had been so much struck by the remark which had fallen from the hon. and learned Member for Sheffield (Mr. Roebuck) as to the necessity for all reforms which affected the administration of law and equity being proposed with the sanction and authority of the law officers of the Crown, that, as he was informed by his hon. and learned Friend the Attorney General that there were many parts of the Bill—although it contained only one clause—which would require much and careful consideration, he would, instead of moving that Mr. Speaker should leave the Chair, propose that the Bill, the object of which was to alter a rule of the Courts of Equity, should be referred to a Select Committee.

Sir FRANCIS GOLDSMID said, that he should not have given the notice which stood in his name on the paper, in regard to the Bill, that the House go into Committee on the Bill that day six months, if he had not been supported by the judgment of many eminent lawyers conversant with the practice of the Courts. He thought it desirable, however, that respect should be shown to the opinion of the noble Lord who introduced the Bill in the other House, and he had, therefore, no objection to its being referred to a Select Committee.

Order *discharged.*

Bill *committed* to a Select Committee.

RELIGIOUS WORSHIP BILL.

SECOND READING.

Order for Second Reading read.

Mr. LOCKE KING said, that the Bill was a much more moderate measure than that which he introduced last year, and, as it had been framed with the view of avoiding the objections which were urged against the latter Bill, he hoped that it would receive the assent of the House. Perhaps it would be as well to state what was the present state of the law, and what alterations he proposed to make. So far as the public were concerned, nothing could be more unsatisfactory than the present state of the law as to religious worship. The rule of religious liberty and toleration prevailed in almost every case throughout these countries, but there was one glaring exception in the case of clergymen of the Church of England, who enjoyed very little religious toleration indeed. No clergyman of the Church of England could enter any other parish for the purpose of publicly exercising his sacred calling without the assent of the incumbent, without offending against the law. No one could deny the good that had been effected by the special services in the cathedrals throughout the country, and in the theatres in the Metropolis and other places; yet the clergyman who had taken part in the latter class of services had broken the law in those cases in which the assent of the incumbent had not been first obtained. If, then, the good done were admitted, and the illegality of the Act acknowledged, surely it was only reasonable to ask the House to alter the law upon the subject. Some doubts were entertained as to the law upon the subject, but the highest authorities, among them Sir John Nicholl, Dr. Lushington, Dr. Phillimore, and other learned persons had expressed a decided opinion that, in ecclesiastical law, a clergyman could not preach at any of the meetings which he had described without leave of the incumbent of the parish. They might remember how, last year, the vicar of a parish in the Strand had for a long time prevented service being performed in Exeter Hall, but he had been obliged to give way to the expression of public opinion. Now, would it not be far better to take away from the incumbent the power of refusing a clergyman to perform Divine service in unconsecrated places, when such services were not opposed to the wishes of the Bishop. Much evil resulted from the existing state of things. In many instances in the rural districts services would be performed in parts of the parish distant from the church but for the refusal of the incumbent to sanction them; and, in other cases, disreputable clergymen—of whom, however, he was happy to say that there were but a small number in the Church—were able to defy their parishioners, and drive them either to Nonconformist places of worship or to distant churches. In one parish it had been thought desirable to erect a new church, and, in the meantime, a gentleman purchased a chapel for the performance of Divine service, and invited the co-operation of the incumbent, who refused to give it. The Bishop was then memorialized, but replied that, although he was in favour of the proposal of the parishioners, he had no power whatever to give any authority whatever to any clergyman to preach or perform Divine service there unless the incumbent signified his consent to him in writing. He felt sure that, if such a restriction were removed, it would be an advantage to the Church. It was an exclusiveness which did no good; and they had, he regretted to say, seen in other matters a want of exclusiveness which had led to the introduction of many forms which he deplored, and which, certainly, were not for the advantage of religion. All that he asked the House to do, was to re-establish the law as it existed from the Reformation to the reign of Charles II., and empower any clergyman licensed by a Bishop to preach and pray in any parish within the diocese of that Bishop. He did not ask them to give him power to administer the sacrament, but only to preach and pray. There had recently been a great deal of difficulty in ascertaining the views of the Government upon those Wednesday questions, and sometimes Ministers had spoken one way and voted the other; but as this measure had been framed in accordance with the views of the right hon. Baronet the Home Secretary, as they were expressed last year, he hoped he might count upon both the speech and the vote of that right hon. Gentleman. A large meeting had been held the night before on the subject of the prohibition of the use of the Bible in a foreign country, but in the instance before them, although the possession of the Bible was not denied to a clergyman, the practical use of it was. Believing that the measure was a Church of England measure, and would prove of advantage not only to the Church, but also to the cause of religion itself, he begged to move that it be read a second time.

Motion made, and Question proposed,—"That the Bill be now read a second time."

Mr. SOTHERON ESTCOURT said, he could not but deeply regret that another should have been added to the list of Wednesdays which, during the present Session, had been occupied very little to the promotion of useful legislation, to the consideration of Bills involving questions of religious controversy, and he regretted that they were not put down for discussion on Tuesday nights, when the House might enjoy the assistance of the law officers of the Crown. He should base his opposition to the Bill upon general, rather than upon legal grounds. He understood the real object of the measure was to enable the Archbishop throughout his province, and the Bishop in his diocese, to grant a license to any clergyman of the Established Church to perform Divine service in any parish without the consent of the incumbent. Such a provision might be very suitable for a Church arranged upon the Congregational principle; but the House must remember that the English Church was founded upon an entirely different principle —that of episcopacy and subordination of ranks. He was surprised that the Bill contained no provision to release clergymen from the obligations which they deliberately and voluntarily incurred upon their ordination. Its effect would be to place in each parish a rival and competitor with the incumbent. What must be the inevitable result? The clergyman who was thus brought into the parish would start in direct opposition to the clergyman whose supposed laches or neglect, or whose opinions had caused the new man to be invited. What could be more productive of contention and discord in a parish? The hon. Gentleman spoke of cases where the erection of new churches had been prevented by the obstinacy of the incumbent. He (Mr. Estcourt) never heard of such a case, nor of any incumbent refusing assistance where the clergyman it was proposed to introduce held opinions which he approved. Moreover, the law already gave facilities for subdividing parishes and establishing district churches; this Bill did nothing of the kind. In many parishes there were persons who thought the simplicity of the Gospel was overlaid by music, singing, vestments, and what they called High Church extravagances. If the Bill passed, there was scarcely a parish in the kingdom where some persons would not think it necessary to call it into operation. The Bill seemed to invest an Archbishop with something like the power of a Pope, as it allowed his licence to override the decision of the Bishop of a diocese. He did not see how uniformity of doctrine could be maintained after passing the measure, or how a Bishop could take cognizance of any heterodox doctrine. Clergymen would be allowed to preach in competition with each other; this was not the mode in which the Church of England had hitherto been governed; order and discipline held a place only inferior to purity of doctrine. If the object of the Bill was to place a limit to extravagances, it might be better attained by arming the Bishops with greater powers. But, if this was proposed, it was always alleged that the Bishops had too much power already. He believed the effect of the Bill would be to excite a conflict similar in kind to that which prevailed in England between the regular and secular priests in the thirteenth century. That dispute lasted for more than 100 years. He hoped the House would not accept a measure so meagre and unguarded, and that dealt with the question in so summary a manner. The result of the Bill would be that whatever doctrine was preached by the ordinary incumbent of a parish, the clergyman who came in under a licence would set up an opposite doctrine. It would unsettle the minds of Churchmen throughout the country, and he believed the real object of the measure could be attained by other means. He concluded by moving, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir GEORGE LEWIS said, he believed his hon. Friend who moved the second reading of the Bill had stated the law quite correctly, that at present no clergyman could perform divine service in any parish without the consent both of the incumbent and of the Bishop, and, as he understood, the object of the Bill was to alter the law only in respect of the consent of the incumbent. If the mover of the Bill would consent to alter the provision as to the licence of the Archbishop, and retain the existing regulation as to the licence of the Bishop, he was prepared to support the second reading. The language of the Bill was not quite clear as to the licence, whether it was to be general or special; and he thought it ought to specify the place or building in which Divine service was to be celebrated. There was certainly an objection to giving to the Archbishop and the Bishop concurrent powers, that might produce a conflict between them; one might refuse the licence that the other might afterwards grant; this would produce a conflict. As to the particular parishes, and the buildings in which service was to be celebrated, the power of granting a licence ought to be given exclusively to the Bishop. If these points were made clear, he would assent to the Bill. It was stated that this permission to preach would be inconsistent with the parochial system; but it would in no degree trench on the rights of the incumbent. He would have the exclusive right of performing Divine service in the parish church. He understood—but the words were not clear—that a church or consecrated building would not come within the effect of this Bill. The words were that the clergymen "might perform Divine service before any persons assembled in any place in his or their occupation." It was clear that the Bill did not provide any endowment, and that the clergyman would not have the power of administering the sacraments or of performing the ceremony of marriage. The right hon. Gentleman opposite anticipated that, if the Bill passed, applications to open places of worship would come from almost every parish in England. But, if there existed this strong tendency to open places of worship without endowments, why were applications to do so now of such rare occurrence? His belief was that if the Bill passed it would have a very limited operation. Certain parishes might be found to avail themselves of it, but if the Bill were passed with the safeguards he had described, requiring the consent of the Bishop in all cases, he believed its operation would be exceedingly limited. He did not share the apprehension that the effect of the measure would be to raise discord and strife. As to rivalry between different clergymen, what happened now where district churches were built? There endowments were forthcoming, churches were raised, and clergymen were introduced holding different opinions from the incumbent; high Church forms might prevail in the mother church of the parish, and low Church doctrines might be preached in the district church. As to the conflicts that existed centuries ago between the regular and secular clergy they were totally different in character from any disputes that could occur at the present time. In the Church of England there were no clergymen like the regular orders of the Church of Rome, subjected to separate rules. All the clergy of the Church of England were seculars, subject to the control of the Bishops and the jurisdiction of the same Ecclesiastical Courts. They had no peculiar interests, created, as in the Church of Rome, by the distinction between seculars and regulars. He did not think the dangers apprehended from the Bill were likely to be realized. If his hon. Friend, in Committee, would agree to the Amendments he had suggested, removing all doubts as to the jurisdiction of the Bishops, he was prepared to support the second reading.

LORD JOHN MANNERS said, he had hoped that when the penitential season of Lent had passed away and the brighter sun of Easter was shining the House would have escaped one of what were generally known as "Lewis's Litanies;" but the speech they had just heard had dissipated the agreeable illusion. They had again heard one of those speeches from the right hon. Gentleman from which it was difficult to extract any advice or guidance as to the course they should adopt. The Bill consisted only of one clause; the right hon. Gentleman objected to one half of it, and supported the other half because he thought it would have no practical effect. Were those sufficient reasons for assenting to a Bill that would subvert the existing parochial system of the country? It not only subverted the rights of incumbents, but those of the bishops. The right hon. Gentleman agreed to subvert the rights of the incumbents, if the mover of the Bill would consent not to destroy those of the bishops. But why was he more tender of the rights of the bishops than of those of the incumbents? The bishops were powerful, had seats in the other House of Parliament, and were very well able to take care of themselves. The unfortunate incumbents of parishes had no protection but the law of the land, and of that protection this Bill would deprive them. The right hon. Gentleman said the incumbents would still have exclusive possession of the parish church; but what would be the effect of the Bill on the parish schools? What would these intruded clergymen do on six days of the week? Would they sit with their hands folded and their tongues tied? They were introduced into the parish for some purpose; would they do nothing and say nothing except on Sundays? They might not take possession of the parish church on Sundays, but they would take possession of many houses during the week, and commence an irritating system of supporting hostile societies and canvassing for hostile charities. This system the Church had guarded against, and they were now asked to run the risk of these inconveniences—for what? The right hon. Gentleman admitted that the effect of the measure would be *nil*, and he (Lord John Manners) thought it inexpedient to change useful laws, which had existed from time immemorial, when it was admitted that no perceptible advantage would be gained. But it was argued that this Bill was based on the same principle which had induced the Legislature to sanction the erection and endowment of district churches; but there was no analogy between the Bill and the facilities given by law for the erection of district churches. Those churches were almost always totally separated from the parish church, and wherever that had not been done they had been a source of confusion. The analogy not only failed, but was really a strong argument against the provisions of the Bill. The Bill was called insignificant and moderate ; but, moderate as it was, an intimation had been made that further legislation would be attempted in the same direction. It was admitted that, as far as Dissenters were concerned, they had perfect freedom of action. The Bill was said to be proposed with a view to free from unnecessary restrictions clergymen of the Established Church, who ought, it was urged, to have the same religious freedom as Nonconformists. But what was called the glaring exception existing in the case of clergymen resulted from the simple fact that the Church of England was the national church, and not merely a tolerated sect. That principle was at the bottom of all these Wednesday discussions. The object of the hon. Gentleman and of those who acted with him was to reduce the Church of England to the same position as the Nonconformist sects, while their opponents wished to maintain the Church in its present established position. That was the issue really at stake again to-day. Whatever might be the temporary and partial inconvenience which might result from the existing law, it behoved them cheerfully to assent to it, on account of the inestimable benefits which the Church of England in its established character had conferred and was conferring on the people of this country. The Hon. Gentleman (Mr. L. King) had spoken strongly against excess of ritual and costume, and seemed to hold out this Bill as a cure for that evil ; but the Episcopal Church of Scotland was in about the same position as the Bill proposed to reduce our own Church to. Well, a few months ago at Aberdeen, a clergyman, who indulged in "excess of ritual and costume," was reprimanded by the Bishop, and the consequence was that he resigned, and a successor was appointed ; but immediately afterwards the clergyman who had resigned set up a chapel in which the same "excess of ritual and costume" was continued. And that would, probably, be the result in England if the Bill passed. The right hon. Gentleman the Home Secretary had supported the second reading, although he admitted that one-half the Bill was so mischievous that it must be withdrawn, and that the other half would probably be inoperative. For his own part, he believed the measure would be a great stab and blow at the vitality of the parochial system. That system had, on the whole, worked greatly for the public good, and he hoped the House would not lightly or rashly pass any measure the obvious effect of which would be to subvert it.

Mr. SPOONER said, he agreed with his noble Friend (Lord John Manners) that the parochial system had been a blessing to this country, and he hoped the House would never consent to any proposition which would endanger it. But, unlike the noble Lord below him (Lord John Manners), he did not believe that the Bill would be at all dangerous to the Church. On the contrary, he believed it would be a great benefit to the Establishment. There were, doubtless, objections to it, and they had been clearly set forth by his right hon. Friend (if he might be permitted so to call him) the Secretary of State for the Home Department, but they could be removed in Committee. He did not believe that the Bill would introduce the rivalry which had been predicted between different clergymen officiating in the same parish. He did not see the slightest danger of it. But there were many parishes where a large proportion of the inhabitants lived at so great a distance from the parish church that they could not get to it, and where, if they could, the church was not large enough to hold them. It might be urged that in such cases district churches would be the proper remedy ; but the inhabitants might not have the means of erecting them. The sole object of the Bill was to grant to a clergyman of the Church of England, who might be willing to instruct the members of his Church in her doctrines, and to preach to them the blessed truths of the Gospel, the same opportunity of doing so which was possessed by every Nonconformist in the land. It was a great blot on our Church system that an ordained minister of the Church should be debarred from meeting his fellow religionists, praying with them, and preaching to them the great doctrines on which the salvation of us all depended. If the hon. Mover of the Bill will consent to the alterations shadowed out by the right hon. Gentleman the Home Secretary, the Bill will be freed from all objections, and prove a great source of strength to the parochial system. With this view he should vote for its going into Committee. If the Bill should pass with these alterations it would give to well-disposed congregations who had not now an opportunity of meeting in their parish churches power to meet elsewhere to join in prayer together and listen to the preaching of the doctrines of the Church of the country, which at present they were not able to do.

Mr. BASS said, he would not have intruded himself in the debate if it had not appeared to him that the provisions of the Bill had been greatly misunderstood by the noble Lord. The scope and design of the Bill was notan attack upon the high-Church clergy any more than upon the low-Church clergy. The great object of the measure was to give to every class of Churchmen the means of attending divine worship, and its chief operation would be in cases where at present there were no clergymen at all. That happened to be his case. In the parish in which he resided there was a very excellent clergyman, but the church was so distant from his house and from a numerous population round about that they were in fact deprived of Divine worship on Sundays. If the Bill became law he should take no steps in opposition to the incumbent of the parish, but he believed the hardships which existed there, and in a great many localities, would be avoided. He should be sorry to take any step which would diminish the just influence of the Established Church; and, in his opinion, this Bill would extend that influence.

Mr. G. HARDY said, the hon. Member for Derby (Mr. Bass) had stated that he lived so far from his parish church as to be unable to attend it; and that he supported the Bill with a view of getting the prayers and preaching of the Church nearer home. At present the hon. Member and the other inhabitants might, if they acted in harmony with the clergyman, obtain the services of a curate to officiate in any room devoted to the purpose. This might be done under Lord Shaftesbury's Act, and in such a case, therefore, there was no necessity for for any change in the law. His hon. Friend the Member for North Warwickshire (Mr. Spooner) had stated that the Bill would place the Church in the same favourable position as the Nonconformists occupied. He (Mr. Hardy) was astonished at such a statement, coming as it did from a Gentleman who was one of the warmest friends of the Established Church. The hon. Member had stated that he wished to enable a clergyman of the Church of England to go into places other than the parish church and preach what he might consider to be the doctrines of the Gospel. [Mr. Spooner: With the licence of the Bishop.] But the clergy had taken their licences under a certain system of discipline, and by this they ought to abide. According to the Bill any clergyman licensed by the archbishop for any cure or duty within the province would be entitled to go as a roving preacher into every diocese and every parish throughout the whole province without the consent of the incumbent. The Home Secretary declared that he did not mean to sanction any such proposal, and said he should vote for a Bill totally different from that now before the House. The right hon. Gentleman desired that there should be a special licence from the Bishop for the parish in which this preaching was to take place. But that was not the proposal in the Bill. On the score of religious liberty he objected to entrust the archbishops with this power of licensing roving clergymen—a power which, as had been observed, would make them little short of Popes. He objected, also, to a system which was growing up in that House, of supporting the second reading of a Bill, not because it was approved of, but because it might be made deserving of approbation in Committee. It would be too much to expect that measures should be so brought in that they might be adopted literally; but, at any rate, it should not be left to the House to draw them again for hon. Members who introduced them. There ought always to be a solid foundation on which the House could build a satisfactory superstructure. This was not the case here, and he objected to vote for the second reading of a Bill which had confessedly to undergo such alterations. The fact was that its supporters wished to allow those who differed from the clergyman of the parish to set up a rival conventicle there. If what was to be done was to be done with the consent of the incumbent the Bill was not wanted for that could be done now. The Bill would be operative only when the incumbent would not give his consent. Yet it was said that the Bill was to produce peace and harmony in the Church! In fact, the Bill was to enable a man in a state of unchristian animosity with his clergyman to set up a rival chapel. Doubtless there were grievances in parishes according to the notion of individual parishioners; but he said that those feeling themselves aggrieved ought to submit to what they regarded as grievances, for the sake of the good which the Church undoubtedly produced. Some of the very gravest of those grievances had arisen from a lecturer being appointed in a parish by an authority adverse to the incumbent. It was a most unseemly spectacle at St. George's-in-the-East, that a clergyman should in the afternoon attack the doctrines which had been preached from the same pulpit in the morning. But scenes somewhat similar would inevitably be enacted under the Bill. Dissensions would be inevitable. And what would be the result? The incumbent was to have the marriages and funerals, and so on; but after a time, if the Bill passed, another hon. Gentleman would be sure to come to the House and say how unjust it was that marriages and all the rights and ordinances of the Church should not be permitted as well as prayer and preaching. And then that parochial system would be upset entirely which was only partially upset by the Bill. Some of the arguments in favour of the Bill might have been used with some fairness twenty years ago; but since that time, by means of the facilities which had been granted for the erection of district churches, and for the celebration of Divine service under Lord Shaftesbury's Act, the grievances had been removed or very nearly so. As one of the exceptions, he regarded it as a monstrous grievance that the Bishop of London should be put to enormous expense in taking measures against a clergyman of his diocese whose conduct had been most objectionable, and some means should be found of providing for expenses of that kind, without trenching on the private purse of a Bishop. It was said that there was great difficulty with regard to procuring legal proof; but that was the case outside as well as inside the Church. The present Bill seemed to go far beyond any grievance now existing in the Church. It was a Bill which, as the right hon. Gentleman the Home Secretary had stated, could not be passed in its present shape, or even on its own foundation. There would be no superintendence whatever of the clergy who would obtain licenses under this Bill, and no means of knowing what sort of doctrine they preached or what sort of services they celebrated. They would be shrouded in secresy, and even if they should preach or do anything contrary to the doctrine or discipline of the Church of England he did not believe there was any law which would enable the Bishop to punish them. The Bill would, moreover, be setting up one clergyman against another in a parish, introduce schism and dissensions into the Church, and instead of strengthening the Church as was asserted, would weaken it and lower its position.

Mr. BUXTON said, he wished to deny that there was any intention on the part of the supporters of the Bill to weaken the Church of England. Its effect would be quite the contrary, for whereas persons who objected to attending the parish church from any difference with the clergyman or any other cause, were now driven to a Dissenting chapel, under the Bill they would be able to have the service of the Church of England performed in the parish by some other minister of that Church. He knew of several instances where the want of such a measure had driven people away from the Church. In one parish, the squire being offended by the extravagant preaching of the clergyman, and not wishing that his children, particularly his daughters, should remain under his ministry, built a chapel and made an attempt to get the service read in it by a clergyman of the Church of England. That was found impossible, and the consequence was that he was obliged to get a Dissenting minister. He knew also of another parish, with more than 10,000 inhabitants, where the clergyman, one of the old school, did absolutely nothing for his parishioners. Some benevolent people in the parish wished to provide him with a curate, but he refused, and the consequence was that while some eight or ten people went to the parish church the rest of the inhabitants went to the Dissenting chapel. The Bill might have the effect of modifying the parochial system, but would not destroy it. The parish clergyman would still be the spiritual head of the parish, but he would not continue to have the monopoly of religious teaching. Was the parish, he would ask, made for the people, or was it made for the priest? The question was very much like one of free trade and protection. Hon. Gentlemen opposite, as of old, looked merely to the interest of the dispensers of religious teaching, while the supporters of the Bill had regard equally to the interests of the persons who were to receive it.

Mr. NEWDEGATE said, the House would do well to remember the warning given by an able man. The hon. Member for Birmingham (Mr. Bright) had told them that the Church stood in no danger from attacks from without; but that her chief difficulties arose from the differences of opinion which existed among her members, and he (Mr. Newdegate) feared that this Bill was but an illustration of the truth of that opinion. He objected to the Bill because it was calculated to give substance to excess of both extremes of opinion in the Church. It was calculated to foster in the Church a tendency on the one hand towards Rome, and on the other towards Calvinistic doctrines. The Church of Rome began in purity, but after a time lapsed into error. That Church had had an organized system which continued for ages. Then came an irregularity when the different so-called regular orders were sent forth to preach such doctrines as their leaders might direct. These regular orders gradually superseded the parochial or secular clergy, and violated public opinion, until the consummation was seen in the Reformation. The Dominicans under the title of the "Fréres Precheurs" first commenced this system, and were succeeded by the Jesuits, who not only preached, but brought in a system of practical tyranny which completely superseded their antagonists, the Dominicans and the parish priests. What had been the result? Gradually the Jesuits obtained complete control over the clergy, and at last, in the Council of Trent, they overbore the Bishops also, and grasped the whole ecclesiastical system. At last they domineered over the whole body of the Church of Rome with such tyranny, that they had fallen successively in almost every nation of Europe. The Bill before the House proposed to establish in the Church of England a regular order of priests who would supersede the parish priest—the clergyman of the parish—although there were instances in which the parochial clergy had disregarded the wishes and feelings of their parishioners, who would tell him that the incumbent of a parish was not more amenable to public opinion than a stranger thrust into the parish, as the advocate, probably of extreme opinions, preaching not openly, but to a select, and, it might be, a secret congregation? The principle of the Bill was vicious in the extreme. The hon. Member for East Surrey would give the Archbishop and Bishops the power to send these clergymen anywhere. It had been stated by the right hon. Gentleman the Secretary for the Home Department that these clergymen would be liable to be cited before the Ecclesiastical Courts. The hon. Member who last spoke had referred to the difficulty of obtaining evidence. These clergymen would not preach before the parish, but might disseminate very opposite opinions to those of the Church of England in some secret congregation which might be selected for them. No ecclesiastical trial could now originate without the consent of the Bishop; and how could proceedings be taken against an offending clergyman of this description, if the Bishop refused an ecclesiastical inquiry into the conduct of his nominee? The Bill would invest the Bishop with large powers in the appointment of these clergymen, powers alien to the rights of the parochial clergy and the laity. He had the power of refusing a hearing in the case of complaint. It would be unwise to leave to the Bishop such an unlimited discretion, both of appointment, and of refusal to hear complaints against these his nominees. That was altogether to disregard the action of human frailty and to invest the Bishops with a power which had been justly compared to that exercised by the Papacy. As a Protestant and a member of the Church of England, he protested against such an invasion of the rights both of the clergy and of the laity of the Church of England; he protested against attempting anything of the kind contemplated by the Bill until they had reformed the ecclesiastical jurisdiction, so that there should be an opportunity of obtaining a hearing before a duly appointed Court, as a matter of right, if any one felt aggrieved, which there was not now. If ever there was a system devised to create schism in the worst shape it was in the Bill before the House. He (Mr. Newdegate) should certainly, as he did last year, vote against the Bill. He admitted that there were evils in the present system, and he rejoiced at that opinion in that House evidently towards some jurisdiction being established to meet them. He claimed, on the part of the laity and of the parochial clergy of the Church of England, a right of being heard; and he prayed the House not to aggravate the evils under which the Church of England suffered until they had accomplished a revision of the ecclesiastical jurisprudence of the country.

MR. AYRTON said, he wished to explain the nature of the Bill, as he held himself responsible for having drawn it. The Bill was intended to effect a very simple purpose—to emancipate the laity of the Church of England from the irresponsible despotism of some 14,000 parochial clergymen, who were at liberty to do as they pleased, and who could not be controlled, and who exercised their private judgment in a manner seriously affecting the interests of the inhabitants of their parishes. That was the simple purpose of the Bill, and yet Gentlemen on the other side of the House had charged the friends of the Bill with trying to set up a Pope in England. The Bill in reality conferred a liberty, and, in effect, provided that one class of persons should not tyrannise over another. The supporters of the Bill had been told that they were investing the archbishops and bishops with a power to control the clergymen of the Established Church; but hon. Members who made that charge did not appear to be aware that the Bill in effect was already the law of the land. So far from his being responsible for the language it contained, that language was taken from one of the most extraordinary Acts that was ever passed — the Act of Uniformity of Charles II.—and the powers proposed to be conferred on the archbishop, which were considered to be so monstrous, were exactly the same as those contained in that Act. The language of that Act had been used because the friends of the Bill did not desire to make the smallest change in the constitution of the Church of England. The archbishop had now the power to grant licences for his provinces. That system was the life and soul of our Church government, and that which distinguished it from the Dissenting forms. The Bill left matters very nearly as they were, and introduced but a very simple change. It merely did away with the necessity of obtaining the assent of the incumbents of parishes, who had no particular responsibility. The condition of the Church of England at this moment was infinitely worse than that of the Church of Rome, and the object of the Bill was to give as much freedem to the English clergy as was enjoyed by the clergy of the Church of Rome. The original Statute of Edward VI., while enforcing the service of the Church of England, contained a proviso that nothing in it should prevent any person in any place whatever saying psalms or certain services. The parochial system only referred to the cure of souls, and there had always been a distinction between that and the saying of psalms and preaching of sermons. It was on account of the negligence of the parochial clergy that Dissent had spread to its present extent. Dissent had sprung less from any differences of opinion than from a dereliction of duty on the part of the parochial clergy. There were exceptions among them, of course, but it was because as a body they had not discharged their functions that the people had been driven into the arms of Dissent, and if there had been such a remedy as this Bill proposed to give there would not have been half the number of Dissenters there were at the present moment.

SIR WILLIAM HEATHCOTE said, that he should not have thought it necessary to intrude upon the House had not the speech of the hon. and learned Gentleman who had just sat down (Mr. Ayrton) been so singularly iustructive as to the real position of the question on which they were to vote, as to call for some remark. The right hon. Gentleman the Secretary of State (Sir George Lewis) after condemning the Bill in its present form, had intimated his intention of voting for it on the assumption that the faults which he pointed out, were undesigned deviations from the real intention of its framers; and that the Amendment which he required would carry that intention into effect. But the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), himself one of the framers of the Bill, defended every one of the points to which the right hon. Gentleman had objected, and disclaimed having ever contemplated one of the modifications which he had assumed to be applied. The ground on which alone the right hon. Gentleman had intended to vote for the Bill was then cut from under his feet, and he was bound to oppose it, even on his own view of the case. But he (Sir William Heathcote) would not consent to the second reading of the Bill, even if all the suggested Amendments were promised; because, in his opinion, the time of the House ought not to be occupied with setting to rights Bills which were so badly drawn as not to express what they meant, which was the most favourable account which the right hon. Gentleman could give of this Bill; and also, because, he thought that all the Amendments suggested would fail to remove its mischievous tendency. The right hon. Gentleman had said that its effect would be very small; but this was to be observed, namely, that its whole operation, whether small or great, consisted in opposition to the parochial clergyman. Whatever could be done under the provisions of this Bill, without the consent of the incumbent, could be done now with his consent; and it was clear, therefore, that no legislation could be necessary, except for the purpose of setting up a rival to him, and destroying peace in every parish in which such an Act came into operation.

MR. HORSFALL said, he thought his hon. Friend had rather misrepresented what had been said by the hon. and learned Gentleman opposite. He thought there was no force in what had fallen from his hon. Friend the noble Lord, the Member for North Leicestershire. He had spoken of the rights of the clergy; but had the laity no rights? He would ask the noble Lord why the laity of the Church of England were to be the only class to be debarred from worshipping God according to their own consciences. He denied that the Bill would affect the parochial system. Since that system was established villages had grown into towns, and, therefore, additional accommodation was needed; that accommodation the Bill would provide, and he hoped the House would not hesitate to send the Bill to a Committee.

MR. LOCKE KING said, he should have no objection to adopt the suggestion of the right hon. Gentleman, the Home Secretary, if it was necessary; but he would remind the House that Bishops and Archbishops had now full power to recall licences which they had themselves granted.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 145; Noes 191: Majority 46.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

PRESENTMENT SESSIONS (IRELAND) BILL.—SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LONGFIELD said, he rose to move the Previous Question, not that he had any hostility to the principle on which the Bill might be alleged to be founded, but because it was introduced precipitately, not for any present necessity, and on no other grounds than those afforded by the Report of a Royal Commission which had been issued twenty years ago, and which the hon. and learned Member for Youghal was endeavouring to galvanize and resuscitate after so long an interment. It was felt that, though the existing grand jury system had worked very well, it had some theoretical defects; but that was no reason why a hon. and learned Gentleman who had unsuccessfully asked for an inquiry, but now thought himself competent to legislate at once upon the same grounds on which he had formerly only thought himself justified in asking for information, should be allowed to legislate in haste, when there were in preparation papers which would throw considerable light on the question, and when there were already other Bills before the House which dealt with the grand jury system. There was really no urgent necessity for legislation on the subject, and, therefore, they might well wait till a well-considered measure could be introduced under Government auspices. In the meanwhile it was enough to have a really workable and generally beneficial system, which, though not theoretically perfect, had practically stood the test of time. In one county, forming one-sixth of the whole of Ireland, though 1,000 miles of road had been made, and all the previously existing roads were kept in good order, the expense had been reduced by 8 per cent. Throughout Ireland, taking the average of five years, the expenditure had not increased as compared with that of thirty years ago; showing that the administration had been most economical. In other instances it was found that where the mileage had been trebled, the expense had only increased by one-fourth. The proposer of the Bill had not given them any information as to how the new system was likely to work. Under the present system these matters were under the direction of small bodies (nominated, he was willing to admit), but under the proposed system Poor Law Guardians were to be associated cess-payers, the result of which would be that the increase of the working bodies would necessitate the building of court houses. In the county of Donegal there were six baronies and eight unions, so that instead of a small working body they would have some thirty or forty people assembled, a fact which would rather obstruct than help forward the business. The tax was one of great importance, and required more cautious legislation than was likely to be derived from legislation on the spur of a moment. There was no popular feeling in Ireland for immediate legislation, and it would be better to wait till the Under Secretary for Ireland had sufficiently considered the matter, and was prepared to introduce a well-considered measure which would command the support of both sides of the House. There had been only twenty-eight petitions presented in the course of twelve years on the grand jury question, and the numbers both of petitions and of signatures had been increased till, in 1856-57, there was from the whole of Ireland but one petition with two signatures, when, on other questions there were many petitions with numerous signatures. In the year 1857-58 there were none, and in the year 1859-60 there was again a petition from two gentlemen, and no doubt they were the same as in the former year. Probably they had got tired waiting, and having a copy of the old petition left, thought they might as well use it. Mr. Smith O'Brien--a gentleman who would be admitted to be a gentleman not likely to overlook a real Irish grievance—said that the grand jury system, though it had some defects, was at least free from more serious evils, and was not considered to be a practical grievance. He should ask the hon. Gentleman to postpone the Bill till Government could bring forward a comprehensive measure, though he would admit that the House owed a debt—a small debt certainly—to the hon. Member for drawing attention to the subject; but he hoped the hon. Gentleman would not force them to a division, the result of which would, perhaps, be painful to his feelings.

Mr. DAWSON said, he concurred in the opinion that legislation on the subject was desirable, and there were points to be urged in favour of both the Bills which had been brought in on the subject; but he thought that any alterations in the law could be done better by Government, the peculiar sources of information at their disposal placing it in their power to deal more effectually with such great social questions. Both measures were so intricate, and the amount of change was so out of proportion to the necessity, that he was inclined to regard both as inopportune, and he should join in the appeal to the hon. and learned Member (Mr. Butt) to postpone the matter. Otherwise he should vote for the Previous Question.

Mr. BUTT said, he could not yield to the suggestions of hon. Members. The hon. and learned Member (Mr. Longfield) had misunderstood the state of the law and the object of his Bill. He had never asked for inquiry on the question to which the Bill related. He had certainly asked for inquiry as to the grand jury system generally, but hon. Members then said, "Do not go into so wide a question, but bring in a Bill upon a particular point." He had done so, and the present proposal did not at all interfere with the general grand jury system. As to the petitions, he had presented one from the county of Leitrim with over 3,000 signatures. The defects were not theoretical only, and his Bill would remedy an acknowledged grievance. It was intended to remove anomalies which no Member of the House would attempt to defend. The first defect was, that persons having no interest in a barony could attend the presentment sessions and outvote the resident magistrates. That was one grievance he proposed to remedy. The other evil he proposed to remedy was the mode of election of the associate ratepayers. At present they were elected, not by those they were intended to represent, but by those they were intended to control. The representation which existed was much the same as if the House of Lords should govern the expenditure of the country. In respect to the other Bill before the House, he must object to the machinery proposed to be established, which he, thought, far less convenient than that proposed in his measure. Both Bills, however, might be referred to Committee, or to the same Committee, when all questions of detail could be considered fully. If the House should reject the Bill that would not be his fault. The responsibility of the rejection would rest on the House. But he should not do his duty if he did not press the question to a division.

Colonel DUNNE said, it was impossible to take the Poor Law Guardians as a substitute for the Grand Jury, as the parochial districts were not conterminous with the baronies, and in some cases not even with the counties. He wished to know whether Government were prepared to introduce a measure of their own, or whether they would adopt the Bill. He thought that the Bill would be unworkable, whereas the present system worked effectually. He should, therefore, vote against the Bill.

Mr. M'MAHON said, he was surprised to hear the arguments which had been used against the Bill. Let Englishmen consider that £1,000,000 a year was raised by the grand juries of Ireland, who were in no way responsible to the people. He held that representation and taxation should go together, and the Bill before them provided the smallest modicum of representation of the people. The people had not petitioned on the subject, because they had got tired of petitioning.

MR. CARDWELL said, that questions of county finance were not at any time very encouraging, but let them consider the position they were placed in with respect to this question. When his hon. and learned Friend (Mr. Butt) moved for a Committee, he was told that he had better bring in a Bill, the Committee being objected to, on the ground that they had all the information before them. At that time he (Mr. Cardwell) said that if the hon. and learned Gentleman would leave the matter in the hands of Government he would introduce a Bill, or if the hon. and learned Member would introduce a Bill, he would give any assistance in his power. There were now before the House two Bills, that of the hon. and learned Member for Youghal (Mr. Butt) and that of the hon. Member for Roscommon (Colonel French). The former was met by the proposal of the Previous Question, and probably the other Bill would be met in the same way. Now, if the proposal for a Committee was to be met by the suggestion to bring in a Bill, and the Bill by a Motion for the Previous Question, what encouragement was there to any hon. Member to attempt to legislate upon an important and difficult question? The Bill would certainly require considerable alteration to meet the objection that the electoral districts were not conterminous with the baronies, but that was a matter of detail that might be dealt with in Committee. He should support the second reading of the Bill.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes 66; Noes 86: Majority 20.

House adjourned at five minutes before Six o'clock.

* * *

HOUSE OF LORDS,

Thursday, May 2, 1861.

MINUTES.]—PUBLIC BILL.—3ª Queen's Prison, &c.

ROMAN CATHOLIC PAUPERS.

PETITION.

THE EARL OF DERBY *presented* petitions of Roman Catholics, Edinburgh; and of John Campbell, Advocate of Edinburgh; against Inequality of Treatment of Protestants and Roman Catholics, and for Provision of Education of Roman Catholic Children. The noble Earl said he wished to draw their Lordship's attention to these petitions, one of which was signed by 787 Roman Catholics, ratepayers of the city of Edinburgh, the other by a Roman Catholic gentleman who had for two years been a member of the Parochial Board in that city. Their complaint was, in general terms, that under the present administration of the Poor Law in Scotland adequate provision was not afforded for the instruction of Roman Catholic children in the tenets of their religion, and they named, in particular, that the Roman Catholic pauper children were boarded out in the houses of Protestants, where, of course, any instruction of these children in their own religious creed was impossible; and they prayed their Lordships to cause an inquiry to be made into the matter, and to make such alterations in the provisions of the law as that Roman Catholic adults might be appointed to have the care of pauper children of Roman Catholic parents, and that such children might receive an education in conformity with the Roman Catholic form of worship. For the accuracy of the statements which the petitioners put forward, he, of course, did not hold himself responsible; but he at the same time thought it was incumbent upon the Government to take care that the people of this country, who so much reprobated the conduct of Roman Catholics in such cases, for instance, as that of the boy Mortara, should not be rendered liable to the charge of unduly interfering with the exercise of the religious principles of their Roman Catholic fellow-subjects. Entertaining these sentiments, he had deemed it to be his duty to place copies of the petitions which he had presented in the hands of the noble Duke opposite (the Duke of Argyll) in order that he might institute inquiries into the truth of the allegations which they contained. He wished to ascertain from the noble Duke whether he had received any information on the subject?

The MARQUESS of NORMANBY and the MARQUESS of BRISTOL *presented* similar petitions from Birmingham, Manchester, Bury St. Edmund's, and St. Marie's, Middleton Lodge.

THE DUKE OF ARGYLL said, that the noble Earl having directed his attention to the allegations of these petitions some days ago, he had caused inquiries to be made, and he could not do better than to read to their Lordships some extracts from the Poor Law regulations which had been sent to him by Sir John M'Neill, who was at the head of the Board of Supervision in Scotland. From the first of these rules it appeared that the adult inmates of poor houses in that country were required, unless they were incapacitated by illness, to attend morning and evening prayer daily, and Divine service on the Sabbath. It was provided, however, that those inmates who objected to attend on the ground of their religious tenets should be exempted from the rule. By another rule it was provided that any inmate should be allowed to receive the visits of a minister of his own faith, for the purpose of religious instruction, and for the education of his children. Orders were also directed to be given by the governor of the poor house to permit opportunities to Roman Catholic clergymen of making visits to the house, and to regulate the hours of instruction for adults and their children. These rules, it would be admitted, were very excellent, provided they were attended to. Another rule permitted paupers under certain regulations to visit places of worship in the town. The other question with regard to the education of pauper children was more important. The petitioner was, he believed, a Mr. Campbell, who had recently become a convert to the Roman Catholic religion, and who had interested himself greatly in the welfare of the poor. With regard to these children, Sir John M'Neill said that great advantages had been found to arise from the practice of boarding out poor children amongst the neighbouring peasants, one, two, or three to each family. They were thus brought up to cherish feelings of independence, and rarely relapsed into pauperism; whereas the result of retaining children in the poor house was that they looked upon pauperism as their natural condition, and came back constantly upon the parish. But in Scotland it was not always possible to find suitable Roman Catholic families amongst whom to board children of Roman Catholic parents; and it, therefore, no doubt, had sometimes happened that Roman Catholic children had been boarded with Protestant families. Still this was avoided whenever it was possible, and the Board were extremely anxious to provide properly for the education of children in the religion of their parents. Each child was registered as being of the religious persuasion of its parents, and the natural and legal right of that child to receive education in the same form of religion was distinctly recognized. He did not believe there was any necessity for any change in the law, or for any alteration in the construction of the Poor Law Board in Scotland as at present constituted. All who knew Sir John M'Neill, who had performed so many important public services, would feel quite sure that he would endeavour to enforce the rules of the Board, which met the exigencies of all these cases, without the smallest bias from sectarian feeling.

The Earl of WICKLOW said, he knew nothing of the grounds of complaint in Scotland, but regretted that the noble Duke had confined his explanation to that country, for he knew that in England the boards of guardians would not give Roman Catholic clergymen permission for visiting in the workhouse paupers of his own flock. In Essex especially was this the case, and the consequence was that they were obliged to take for their children the religious education there given, or go without education altogether. This matter was one which required some alteration.

Earl GRANVILLE said, he understood that a Select Committee of the House of Commons was at present engaged with the consideration of this very question, and probably action would be soon taken upon the Report.

Petitions *ordered* to lie on the Table.

LEASES, &c., BY INCUMBENTS RESTRICTION BILL.—COMMITTEE.

Order of the Day for the House to go into Committee read.

Lord LYTTELTON, in moving that the House go into Committee on this Bill, said, that he had received a suggestion from a correspondent, which tended to modify the objections formerly made to one of its objects. He originally proposed that existing incumbents should not be debarred from issuing leases; to which it was objected that this exemption might tend to prejudice their successors. The proposition was that without taking away the right to lease from existing incumbents, it should be restrained and modified.

The Bishop of LONDON said, he thought their Lordships ought to have a great deal more information before they allowed this measure to become law. In London and other cities and towns the livings depended to a great extent on the power of granting building leases. In the case of bishops and chapters there were restrictions as to renewal of leases, but the interests of the bishops and chapters were protected by Act of Parliament. He thought it would be a hard thing if in any parish it turned out that no proper provision could be made for the minister during a period of perhaps forty years. It would be desirable before legislating on this subject to have more information than they now possessed of the number of cases and the amount of property which would be affected by the Bill. He hoped that, at all events, the noble Lord would take care to make the change gradual, so as to inflict as little injury as possible on existing incumbents.

THE BISHOP OF OXFORD said, they ought to have more information, for at present he thought they were legislating in the dark. Even with the Amendment which the noble Lord intended to make, there would not be adequate provision made for incumbents. He thought they would not be justified at present in passing the Bill with their eyes open.

Amendments made; the Report thereof to be received on *Monday*, the 10th inst.

ITALY—THE ELECTIONS.

QUESTION.

THE MARQUESS OF NORMANBY, who had given notice to ask Her Majesty's Government, Whether they have any Objection to give a Copy or Extract of any Despatch from Sir James Hudson forwarding the Report made to the Parliament now sitting at Turin as to the numbers of Electors qualified to vote at the late Election, and of those who did give their Suffrages to the present Sitting Members, and of those who voted for other Candidates, said, he had to request their Lordships' attention for a few minutes while he explained the reasons which had induced him to put his question to the noble Lord the Under Secretary of State for Foreign Affairs. He believed that latterly it had been found more convenient, when the object was simply to obtain information on matters of fact, to put a question rather than to make a formal Motion for papers, and he was very glad to adopt that course, because he did not really desire to make a distinct Motion for the papers of which he had given notice, as he did not suppose there could be any objection to give in the regular course the information he sought, because every one of the blue books contained despatches from our Ministers in the different kingdoms of Italy that had been recently annexed to Sardinia, giving the results of the recent decisions by universal suffrage in those provinces. He thought when the Sardinian Chambers themselves had made public all the information he wanted, it was not likely that Her Majesty's Government would refuse to give that information. Since he came down to the House one or two of his noble Friends had asked him what he had discovered about the Sardinian Chambers. He did not pretend to claim the merit of any discovery, because these Returns had been published and commented upon in many papers revolutionary as well as anti-revolutionary in France, Germany, and Italy. What was, perhaps, more important was, that the results of these elections had created an immense amount of dissatisfaction with the party which was called the party of action. When it was seen how few persons out of those who were qualified had availed themselves of the privileges of the franchise it was not wonderful that that party should say, "Let us have a Constituent Assembly, or at least let us have elections more like our neighbours." He was still more confirmed in the idea that Government would not refuse the Report he asked for when he read the last despatch of Lord John Russell, dated the 21st of January, which had been presented to the House since he (the Marquess of Normanby) gave notice of his question.

> "Foreign Office, January 21, 1861.
>
> "Sir,—I have not taken any official notice of the Decrees you sent me, annexing, not to Sardinia, but to 'the Italian State,' Naples, Sicily, Umbria, and the Marches.
>
> "In fact, the votes by universal suffrage which have taken place in those Kingdoms and Provinces appear to Her Majesty's Government to have little validity. These votes are nothing more than a formality following upon acts of popular insurrection, or successful invasion, or upon Treaties, and do not in themselves apply any independent exercise of the will of the nation in whose name they are given."

In that despatch Lord John Russell further alluded to his previous despatch of the 31st of August, omitting all reference to what had occurred in the meantime. But the main point for which he referred to this despatch was that in it Lord John Russell, commenting on the vote for annexation by universal suffrage, said that Her Majesty's Government attributed to that vote "little validity." The noble

Lord added that these votes were little more than a formality, following on popular action or a successful invasion. He was not surprised that the noble Lord the Foreign Secretary should have specially alluded in this despatch to the case of Naples, because, in point of fact, the annexation of that country was carried into effect by a foreign army. There were also the volunteers of General Garibaldi, and that general announced the fact of the annexation before he had consulted the people at all. Treason, founded on corruption, effected the deposition of the King, who was unable to disengage himself from the treachery of Liborio Romano. But when freed from this nest of traitors the attached portion of his army and his people rallied round him. The noble Lord the Foreign Secretary had very naturally inserted a reference to successful invasion in his enumeration of the grounds of annexation; because, in point of fact, there was now the fullest proof—the authority of the Sardinian Generals—that General Garibaldi would have been driven out of the Kingdom of Naples but for the intervention of a foreign army—the army, that was to say, of the King of Sardinia. They had the celebrated letter from General Cialdini to General Garibaldi, in which he said to that gallant adventurer, "Nothing could be worse than your position on the Volturno." He had also seen, within the last few days, a pamphlet put forth by certain officers in the Neapolitan army who had been conspiring against their King, and used to meet at the House of the Sardinian Minister. They were promised certain things, and they were now complaining that those promises had not been fulfilled. The pamphlet also contained the answer of General Fanti, Minister of War, who is there said to to have replied—

> "You are not rewarded because what you did was not of the slightest use—what you promised to do was not required of you, because by the Sardinian army, and by the Sardinian army alone, the result was effected; and if it had not been for our intervention at the Volturno General Garibaldi would have been taken and shot."

If the noble Lord the Foreign Secretary did not think there was any ground for assenting to the annexation up to the time of the meeting of the Sardinian Parliament, it became most important to ascertain what validity could be attached to the acts of that Parliament which, by his own account, had subsequently induced him to accept national changes such as those which had recently taken place in Italy. When the population of a great country amounted to some 23,000,000, one naturally looked to see the proportion of that number who actually could and did vote. It appeared that, taking the whole population of Italy to amount to 23,000,000—which it did, because, although they must exclude Venetia and the Roman States, they must take in the islands of Sardinia and Sicily, the whole number of voters inscribed upon the electoral register, taking Italy from the Alps to Cape Pesaro, was only 420,000. But their Lordship's expectations would be still further disappointed when they heard that out of that number who were registered only 171,000 voted—a number which was rather less than the registered voters of the eight metropolitan boroughs and of the county of Middlesex. By the electoral law of Italy it was declared that no election could be valid unless the representative was elected by at least one-third of the registered electors. Notwithstanding this 130 Members were returned to the existing Parliament by less than one-third of their constituencies. He merely mentioned this as showing the want of interest taken in the elections by the people, and how inveterate was the general apathy. It appeared, further, that of the 444 Members constituting the Italian Parliament, fifty-seven were returned by less than 200 electors, 161 by less than 300; 359 by less than 500, only twenty-one had more than 700 votes, only nine more than 800; and only two more than 1,000. It should be borne in mind that each of those Members who could only unite so very few suffrages are nominally the representatives of an equalized district or area of a population of 50,000 inhabitants. When two-thirds of the registered electors abstained from voting, the election by law was void, and the proceedings adjourned to another day, but upon that second occasion no restriction as to numbers was required. Thus, no fewer than 130 Members were returned by less than one third of the electors. Did this show that enthusiasm on the part of the Italian people in favour of the united kingdom that the partizans of Sardinia would have us believe? Considering how much had been said of the desire of the Italians for popular institutions, he thought that those figures would be regarded as somewhat surprising. Naples had 12,549 electors out of a population of 600,000; only 4,009 of those voted, or one in three of the electors, and one in 150 of the population. Milan in its five districts had 8,609 electors, of whom the five Members had the votes of 2,668, or less than one third; at Genoa, in none of the three colleges did one half of the electors take part, and in two out of the three colleges less than one third. In Tuscany, with the single exception of Leghorn, in no district did the majority of those inscribed vote at the election. At Florence the electors qualified were 6,255, but those who voted for the four Members were only 2,094. In Bologna less than two-fifths voted, and in none of the other Papal provinces did 400 electors vote—in many the number was under 200. At Ancona, the town which General Cialdini had taken by assault, and was said to have bombarded for twelve hours after the capitulation had been settled with General Lamoriciere, Count Cavour had made a Parliamentary invasion and was elected, but 267 were all the votes he could obtain. Napoleon Pepoli, a relative of the Emperor of the French, was even less fortunate at Perugia, for only 260 persons voted for him. Now it must be recollected that there were no public meetings, no nomination speeches, nothing but the votes put into the ballot boxes by which the feelings of the people could be known. He mentioned these facts in order to make a sufficient ground for asking for the production of the Report made to the Parliament sitting at Turin, which would show those results. Count Cavour had stated in a despatch to Lord John Russell that the Parliament just assembled contained the principal men in Italy; but they must recollect that a different statement had been made by an authority whom the noble Lords opposite would scarcely regard as less important than Count Cavour—namely, General Garibaldi. His statement was at variance entirely with that of Count Cavour. He had said the principal men were not in the House, but characterized those who were in terms which he (the Marquess of Normanby) would not repeat, as the terms used were opprobious, but conveyed the idea that those to whom they were addressed were in a state of servitude to the Ministry. He would not further mention the vaunts which Count Cavour made as to the state of Italy, but he would only remark that last year, when he (the Marquess of Normanby) made some observations as to arrests and other proceedings in Italy, he was at a great disadvantage, because, though he stated what he knew to be facts, he did so without being in a position to give names or authorities. At that time there was not the slightest power existing in those provinces where a temporary Government was established to write anything in the public press. Not a single phrase was allowed that was not agreeable to the views of the Minister; but since then papers had been established throughout Italy opposing the progress of the Revolution, which were conducted with great ability and had attained large circulation, which fully bore out the statements he last year made to their Lordships. These papers are still continued in spite of the Government prosecutions of greater frequency and severity than had ever before been known in any country pretending to allow any liberty to the press. As a proof that he was not wrong in questioning the statements made to the British Ministry by the Provisional Governments last year, he should only quote an anecdote published by Signor Brofferio, an ultra Liberal deputy of great ability. On the occasion of his visit to Florence he complained to one of the Ministers, whose name he gave, of the untruths they had circulated, who replied—"*Caro mio colla verita non si governa*" (with the truth you cannot govern). He was aware that it was a thankless task to be frequently pressing on their Lordships and on the Government views which did not agree with the sympathies by which they were animated—sympathies which he ventured to think were all the stronger from the fact that their knowledge of events in Italy was of a limited character. But he was induced to bring forward the subject because some of the principles laid down in Lord John Russell's despatch of the 27th October were calculated to endanger the vital interests of England, and, as connected with her colonial empire, to diminish her greatness. His object was to work while it was yet time, to arrest if possible the wide spread ruin which threatened to annihilate the material interests of Italy for ages to come, and to avert the consequences which the reckless course of her present rulers was likely to draw upon the country which, next to his own, he regarded with the greatest affection. The noble Marquess concluded by putting his question.

LORD WODEHOUSE said, he hoped he should not be charged with having shown unwillingness to give information to the House, or to answer any question put to him, acting on behalf of the Secretary of Foreign Affairs; but he appealed to the

House, on the present occasion, whether it was necessary or convenient that they should enter on a detailed discussion with regard to the election of Members of Parliament in a Foreign State, the details of which they were not acquainted with, and which, if they were acquainted with them, he thought it was not desirable that they should discuss? The answer he had to give to the noble Marquess was, that no despatch had been received from Sir James Hudson, at Turin, containing the information that the noble Marquess asked for, and consequently no despatch could be produced on the subject. His noble Friend had alluded to Returns which were furnished with reference to the voting by universal suffrage, on the question of the annexation of several States to Sardinia. Now, he need not point out to their Lordships that a voting of that kind, which related to the annexation of certain States, was of a very peculiar nature, and naturally formed the subject of despatches, because such matters related to changes in sovereign States, and, therefore, affected the relation of this country to them. But if they were to have the returns of different elections, if they were to examine into those elections, and if they were to go into questions whether the suffrage were too restricted, or whether it was a franchise that would fairly test the disposition of the people, he must say that they would be engaging in a controversy in which they could not be fit judges. The noble Marquess had himself furnished a sufficient answer to his own remark as to the despatch of his noble Friend (Lord John Russell), in which he referred to the Italian Parliament as being entitled to act authoritatively in all matters concerning the country, because the noble Marquess had referred to Count Cavour's despatch, in which he stated, and as far as he (Lord Wodehouse) knew with perfect truth, that the Italian Parliament contained men of the highest distinction in the country, and who might be said fairly to represent the opinions of the nation. Without entering into details in connection with the Italian elections, he might, as to the smallness of the number who were stated to have voted, remind the noble Marquess that in this country it was not always found that all those who were registered voted at the elections. For himself, he thought they might fairly regard the Italian Parliament as expressing the general opinions and feelings of the Italian Kingdom, and as such entitled to be considered by Foreign Governments as a fair exponent of the desires of the Italian people.

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 2, 1861.

MINUTES.] PUBLIC BILLS.—1° Criminal Proceedings Oath Relief; Naval Medical Supplemental Fund Society.

The House being met, the Clerk, at the Table, informed the House of the unavoidable absence of Mr. Speaker, and read the following Letter, which he had this day received:—

"Speaker's House, May 2, 1861.

"Sir,—I am desired, by my Medical Adviser, Dr. Bence Jones, to remain quite quiet to-day.

"I must, therefore, request the further indulgence of the House.

"I have the honor to be Sir,
"Your obedient Servant,
"JOHN EVELYN DENISON,
"Speaker.

"Sir Denis Le Marchant, Bart."

Whereupon Mr. Massey, the Chairman of the Committee of Ways and Means, proceeded to the Table, as Deputy Speaker; and after prayers, counted the House, and Forty Members being presented, took the Chair, pursuant to the Standing Order of the 20th day of July, 1855.

WESTMINSTER IMPROVEMENTS BILL.

Order for consideration read.

MR. AUGUSTUS SMITH said, that the Bill of 1847 provided that the west and south parts of the Abbey should be brought into view, but when the lofty buildings in contemplation were erected opposite the Westminster Hotel the whole of the Abbey on that side would be kept out of view. On this account he proposed that the Bill should be referred back to the Committee to ascertain what were the improvements contemplated by the original measure; and, also, to what extent these improvements had been carried out, and whether if they could not be carried out in toto they might not be carried out in part, so as to accomplish one of the principal objects of the measure?

MR. H. BAILLIE said, that as Chairman of the Committee upon the Bill, he could state that the designs under the original Act had not been entered into. The Westminster Improvements had not been successfully carried out. The Acts of Parliament for the purpose had expired, and the object of this Bill was to appoint a new Commission, with powers to wind up the concern and do what they could for the mortgagees, the bondholders, and the public. It was a measure well calculated for the object in view, and he trusted it would be allowed to pass. He apprehended the hon. Gentleman entirely misunderstood the scope of the Bill.

SIR WILLIAM GALLWEY said, that if the Bill only referred to the Commission there would be no necessity to send it back to the Committee, but it did more than that. The public were also interested in the matter, but the only object of the Commissioners would be to wind up the Commission to the best advantage of the bond and mortgage holders, without the slightest reference whatever to the interests of the public. He thought they required more information before legislating on the subject, and he should, therefore, support the Amendment.

MR. SOTHERON ESTCOURT said, that they would establish a very bad precedent if they departed from the principle of confirming the proceedings of Committees to which they referred such Bills, and he, therefore, recommended that the Amendment be withdrawn.

Amendment by leave *withdrawn;* Bill to be read 3°.

RESTORATION OF WINDSOR CASTLE.

QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the First Commissioner of Works, Whether he can state to the House what is about to be done to the ancient Towers of Windsor Castle, the Julius Cæsar and the Belfrey; whether there is any plan of encasing those towers with new stonework; and whether care will be taken as far as is practicable, to preserve the ancient character of those buildings in making any necessary repairs?

MR. COWPER replied that, although it had been found necessary to recase a large portion of the external wall of Windsor Castle, he was glad to say that that process had not become necessary in the case of the tower to which the hon. Member had given two names. It had little claim to be called after Julius Cæsar, since it was built in the reign of Henry III. The walls of that portion of the castle were so thick that, if decay continued at the rate it had hitherto done, a period of about 1,200 years might probably elapse before recasing would become necessary. He had impressed upon Mr. Salvin, who had charge of the repairs, the necessity of preserving as far as possible the ancient character of the buildings, though the taste and reverence for antiquity of that gentleman made such a caution superfluous.

CONVOCATION OF YORK.—QUESTION.

MR. DANBY SEYMOUR said, he would beg to ask the Secretary of State for the Home Department, Whether, in compliance with the Petition of the Convocation of York, a Royal Licence has been granted empowering that Convocation to repeal or amend the 29th Canon in like manner as the permission of the Crown was granted to the Convocation of Canterbury for that purpose?

SIR GEORGE LEWIS said, the assent of the Crown to the petition of the Convocation of York had been signified to the Archbishop, and instructions had been given to the Law Officers of the Crown to prepare a proper Licence for Convocation.

THE NEW FOREIGN AND INDIA OFFICES.

QUESTION.

MR. TITE said, he would beg to ask the First Commissioner of Works, Whether the Plans and Designs for the Foreign and Indian Offices are determined upon; and if so, whether before the Vote is proposed for the Foreign Office he will exhibit the Drawings in one of the Committee Rooms of the House?

MR. COWPER said, that Mr. Gilbert Scott, the architect of the new Foreign Office, had at his request prepared another elevation, different from the one which had been exhibited last year, and which would in the same way be shown in one of the Committee Rooms before the House was called upon to consider the Estimate for the Foreign Office.

GREENWICH HOSPITAL.—QUESTION.

MR. LIDDELL said, he wished to ask the Secretary to the Admiralty, What steps have been, or are being, taken by the Government for carrying out the Recommendations of the Commissioners appointed to inquire into the affairs of Greenwich Hospital; and also, whether he will lay upon the Table of the House a Copy of the Regulations?

LORD CLARENCE PAGET said, that various alterations had been made according to the recommendations of the Commissioners. The schools had been amalgamated and placed upon a new footing, the patronage of the Admiralty had ceased, and admission to the schools was left in the hands of the Commissioners of Greenwich Hospital. With respect to the government of Greenwich Hospital, the Duke of Somerset had introduced a Bill to the other House having for its object to improve the management of that institution. There would be no objection to lay upon the table a copy of the regulations, but he might state at once that the allowance to the Pensioners had been increased—the first class receiving *5s.* a week, and the second and third classes *4s.* and *3s.* respectively.

PENSION TO MR. CLOSE.—QUESTION.

MR. STIRLING said, he would beg to ask the First Lord of the Treasury, If it be true that a pension of Fifty Pounds had lately been granted out of the Fund set apart for persons of literary eminence in distressed circumstances, to Mr. J. Close, residing at Kirkby Stephen, Westmoreland, the author of Poems, and styling himself Poet Laureate to His Majesty the King of Grand Bonny, Western Africa?

VISCOUNT PALMERSTON replied, that it was quite true that a pension of fifty pounds a year had been granted by Her Majesty, upon his recommendation, to Mr. Close, the Westmoreland poet. That pension was granted in consequence of the recommendations contained in a petition, which was signed by almost as many persons as had signed some of the petitions that had been presented that evening, and among the names of those subscribing to the recommendations were the names of Lord Carlisle, Lord Lonsdale, and a great number of country gentlemen, clergymen, and others—altogether some hundreds of names. The grounds upon which the recommendation was founded were that Mr. Close was one of those men, of whom he was glad to say several had appeared of late, who in a very humble station of life, and with little education, except what they might have gained by their industry, had nevertheless by innate genius risen above

Mr. Liddell

the class to which they naturally belonged and had distinguished themselves in literature, not certainly in a manner equal to Burns, but generally deserving to be placed in the same category as his works. The pension was given, as he thought, deservedly, to a Westmoreland poet of a humble class, to whom fifty pounds a year, perhaps, made all the difference between penury and comfort, and to whom, also, it would be recommended by the additional consideration that it had been given by the Crown, and was a mark of distinction which of itself would be of great value to the recipient, not only as agreeable to his own feelings, but as increasing the consideration he enjoyed among his neighbours. As to the title which the hon. Gentleman said Mr. Close had assumed—of Poet Laureate to the sable warrior on the coast of Western Africa—until the hon. Member gave notice of his question he (Viscount Palmerston) had been ignorant that Mr. Close enjoyed any such distinction. If it was meant that such an office was a source of profit, and disentitled its holder to a pension from the Crown, he could only say he feared it would be difficult to obtain from the sable warrior even the butt of sack which was the traditional stipend of Poets Laureate in this country. He was not aware that Mr. Close had any pretensions to the title which it was supposed he had assumed.

GRANT'S COOKING APPARATUS. QUESTION.

GENERAL BUCKLEY said, he rose to ask the Under Secretary of State for War, The reason why Captain Grant's Cooking Apparatus, sufficient for 5,000 men, which was sent to China in the Royal Adelaide transport, 3,000 tons, was not landed, though written applications were made for that purpose by the Officer commanding; and whether the transport has not returned to England without having broken bulk?

MR. T. G. BARING said, he was unable to give the hon. and gallant officer any answer at present respecting Captain Grant's Cooking Apparatus. With respect to the Royal Adelaide transport, he believed she had not yet been reported, though he understood that she had broken bulk.

HOUSE AGENTS' LICENCE. QUESTION.

MR. HODGKINSON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he will so modify the 9th Resolution intended to be proposed in Committee of Ways and Means (the Resolution relating to House Agents) as to exempt from its operation all persons letting and receiving the rents of unfurnished houses only; and, if not, whether he will consent to exempt from its operation those persons who are agents only for houses none of which shall be let for a higher rent than £25 per annum?

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware of any sufficient reason for exempting from the operation of the 9th Resolution persons letting and receiving the rents of unfurnished houses only, but he had no objection to limit the operation to agents of houses that were not of higher rent or value than £25 per annum.

CHARGES FOR FORAGE.

QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for War, Whether it is to be understood from Vote 10, as detailed in the Army Estimates, that the charge for the daily ration of Forage, which for the Cavalry of the Line in England is at 20*d.*, and in Ireland at 18*d.*, is for the Staff and Departmental Officers of the Army charged at 28*d.* in both countries; whether such difference arises from the superior quantity or value of the ration supplied to those branches of the service, or, if not, what reason he is able to give for the difference?

MR. T. G. BARING said, that part of the difference of 8*d.* per day in the allowance for the ration of forage, to Staff and Departmental Officers, above the charge for the Cavalry of the Line, arose from its being a commuted allowance; Officers purchased forage for themselves and could not do this at so low a price as the wholesale contract rates; part of the difference also consisted in an allowance for stabling.

SUB-INSPECTORS OF FACTORIES.

QUESTION.

MAJOR EDWARDS said, he would beg to ask the Secretary of State for the Home Department, Whether he has any intention to increase the number of Sub-Inspectors of Factories in the event of the Bleach Works Bill coming into force previous to the passing of the proposed Government Lace Works Bill; and whether he has yet received the opinion of the Inspectors of Factories with regard to an increase of the staff of Sub-Inspectors, and if he has any objection to lay the Correspondence upon the Table?

SIR GEORGE LEWIS replied that he had not yet received the opinions of the Inspectors of Factories with regard to an increase of the staff of Sub-Inspectors; but he thought it was not impossible that some small increase in their number might be recommended.

SOUTHERN CONFEDERATION LETTERS OF MARQUE.—QUESTION.

MR. J. EWART said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, seeing the possibility of Privateering being permitted and encouraged by the Southern Confederation of the States of America, Her Majesty's Government have placed a sufficient Naval Force, or intend to increase it, in the Gulf of Mexico, with a view to protect British shipping and British property on board of American ships; and if Privateers, sailing under the flag of an unrecognized Power, will be dealt with as Pirates?

LORD JOHN RUSSELL: Sir, in answer to the first part of the question of the hon. Gentleman, I beg to say that Her Majesty's Government has directed that a naval force, for the protection of British shipping should be sent to the coast of America. As to the latter part of the question, I will state to the House that the Government has from day to-day received the most lamentable accounts of the progress of the war in the States of America. Her Majesty's Government heard the other day that the Confederated States have issued letters of marque; and to-day we have heard that it is intended there shall be a blockade of all the ports of the Southern States. As to the general provisions of the law of nations on these questions, some of the points are so new as well as so important that they have been referred to the Law Officers of the Crown for their opinion, in order to guide the Government in its instructions both to the English Minister in America and the Commander-in-Chief of the naval squadron. Her Majesty's Government has felt that it was its duty to use every possible means to avoid taking any part in the lamentable contest now raging in the American States. Nothing but the imperative duty of protecting British interests in case they should be attacked justifies the Government in at all interfering. We have not been involved in any way in that contest by any act or giving any advice in the matter, and, for God's sake, let us if possible keep out of it!

THE IONIAN ISLANDS.

QUESTION.

MR. BAILLIE COCHRANE said, he would beg to inquire of the Secretary of State for Foreign Affairs, Whether certain statements are correct which have appeared in the French papers of yesterday, stating that there had been a collision between the English garrison and the Ionians, and in which some persons had been wounded?

LORD JOHN RUSSELL said, that he had seen some accounts in the newspapers to the same effect as the hon. Gentleman had stated, and he had inquired at the Colonial Office, but he was informed that no information of such disturbances had been received, and that none were apprehended.

WAYS AND MEANS—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Deputy Speaker do now leave the Chair."

MR. HUBBARD said, he rose to move, by way of Amendment, that it is not expedient to remit taxation to such an extent that the annual produce of the remitted taxes shall exceed the estimated surplus revenue in the Budget for the current financial year. He asked the indulgence of the House in consideration of the importance of the subject. The misgivings he had heard expressed in many quarters in reference to the financial statement of the Government had induced him to make a careful scrutiny of that statement, and the examination had convinced him there were elements in the Budget that required mature consideration before the House could assent to it. The right hon. Gentleman stated the income of the past year at £70,043,000, and the ordinary expenditure at £69,800,000; the expenditure for the Chinese operations was £3,043,000, leaving a deficiency of £2,558,000. That deficiency was met by the withdrawal of Exchequer balances, £1,300,000; by the appropriation of returned advances, £628,000; and by the issue of Exchequer bonds, £630,000. But passing from consideration of the year just concluded to the year now current, the estimate of the ordinary revenue was £71,073,000, and a sum from the Chinese indemnity of £750,000, making a total of £71,823,000. The total expenditure was estimated at £68,900,000, with an estimated expenditure on account of the Chinese expedition of £1,000,000, leaving an estimated surplus of £1,923,000. He wished especially to call attention to the mode in which £750,000 of the Chinese indemnity had been dealt with. He was not going to question the right of the Government to include that sum within the expectations for the financial year just begun, but he would take the assurance of the right hon. Gentleman, the President of the Board of Trade, on that head. He thought, however, that it was not accordant with notions of safe commercial finance, after having made an adventure, to treat the anticipation of the result as a fact, and while calculating income to leave out of view the expense incurred, which ought to be balanced against the profit of the venture. He submitted that the entry of £750,000 as Chinese indemnity ought to have been carried to the account of the Chinese expedition to relieve the debt that had been incurred, and replace part of the balances drawn on account of it. Neither of these steps had the Government taken. In this matter the most convenient and useful tests of the soundness of what they had done on a large scale was to try it by what could reasonably—and unreasonably—be done by an individual in his private capacity. It was perfectly easy to find an instance of this mode of dealing with receipts and expenditure. One had occurred recently; a young gentleman operated largely on the turf, and had extensive dealings at Tattersall's and Newmarket. He lived freely, spent freely, had some winnings and lost perhaps more; but his principle was whenever he lost to charge his estate with his losses, and whenever he won to carry all his winnings to income. Acting in this way he was never in a deficiency. Now, opposed to this, what was the course of a prudent manufacturer who, having built a mill with borrowed money and insured it, was unfortunate enough to have it burnt down? What would he do on the receipt of his insurance money? Carry it to income? No! He would either rebuild the mill or discharge his debt. That was the ordinary, the prudent, and the necessary course of commercial dealing, and the same course ought to be pursued as regarded the country at large. He (Mr. Hubbard) submitted, therefore, that that sum of £750,000, the China item, ought not to have been carried to the credit side of the account. The balance, then, instead of being £1,923,000, would really be £1,173,000. He would, however, assume that there was a surplus balance of £1,923,000. How did the right hon. Gentleman propose to deal with it? After having told them the sum he had to dispose of, he stated the way in which he was going to dispose of it. In the first place, to the general satisfaction of the House, he told them he was going to propose a 9*d.* income tax, instead of 10*d.* Besides giving up about £1,100,000 of the income tax, he proposed also to give up £1,300,000 by a remission of the paper duty. Now, these two remissions together would amount to £2,400,000, and in listening to his right hon. Friend he could not help wondering, regard being had to Cocker, how £2,400,000 could be deducted from £1,923,000. The course pursued by the Chancellor of the Exchequer reminded him of some of those tricks which he had seen in his youth, in which a conjuror surprised the spectators by producing from a small cup a quantity of flowers, feathers, and a few live pigeons. But the right hon. Gentleman, with more frankness than the conjuror, challenged his hearers to follow him behind the scenes and see how those marvellous feats he proposed were to be performed. He (Mr. Hubbard) accepted the right hon. Gentleman's invitation, and would go with him behind the scenes. The Chancellor of the Exchequer proposed to remit the penny off the income tax, but such remission would only take effect for three quarters of the present financial year; therefore he would have at his disposal one quarter of this year's income tax at the rate of 10*d.* in the pound. The loss, then, from the three quarters of the year's income tax would be £850,000. Then the remission of the paper duty was not to come into operation until the 1st of October. He now came to the point on which he wished to challenge the attention of the House. Was it a wise and a safe policy for the Finance Minister to propose so large a remission of taxation, and to justify the remission, not by the actual surplus at his command, but to measure that surplus against a distant period of the financial year, within which he proposed to confine his measures of remission? Such a course would be a most dangerous precedent. Imagine a Chancellor of the Exchequer representing one of these northern counties which are one great hive of industry, and to whose constituents the repeal of the sugar duties would be most acceptable, and that he made this proposal. The sugar duty yields £6,000,000. I expect a surplus of £1,500,000; the remission of the duty I defer for nine months, a quarter only of the remission will come within the financial year, and my accounts will balance. With regard to such a mode of making remissions, it had, as he humbly submitted, a most injurious effect upon the future interests of the country, and hardly came within the province of those propositions which the right hon. Gentleman challenged the House to discuss. He was struck with one portion of the right hon. Gentleman's speech. After enlarging upon the prosperity of the country in the last year, he commented upon the increase in our imports in these terms—

> "I do not suppose that any Gentleman here will deplore that as a calamity, and insist that as it has been paid for in gold it must impoverish and not enrich the country. I shall presume you have faith enough in free trade to believe that an increase in our exports must have been accompanied by an increase in our imports."

THE CHANCELLOR OF THE EXCHEQUER: What I said was that an increase of imports must be followed by an increase in our exports.

MR. HUBBARD said, he must apologize for having misplaced the words of the right hon. Gentleman. The very words of the right hon. Gentleman, namely, "that an increase of imports must be followed by an increase of exports, involved a doctrine that could not be supported by facts." Taking a country like England, in which the productive power was immense, undoubtedly it did not, perhaps, export more than it imported. An excess in our imports taking one year with another really might represent the profits of our exports. To the ordinary course of trade, however, there might arise exceptional circumstances, of which the year 1847 was a remarkable instance. In that year this country and more particularly Ireland suffered very severely from a scarcity. The amount of our imports of foreign grain consequently was in excess of the ordinary amount by £20,000,000. Those imports were paid for by gold to a large extent, and also by erasing from our list of securities our claims on foreign industry and our mortgages on foreign states. In the present season we were again suffering from a remarkable scarcity and the destruction of a large quantity of grain. There had been again an unusual amount of importation and we had paid an excess of £21,000,000 on foreign grain. No one could doubt that £21,000,000 really expressed the loss the country had suffered from the destruction of the crops. The right hon. Gentleman had himself stated that the importation of corn last year amounted to £17,000,000, and in the present year to £38,000,000. Another point referred to by the Chancellor of the Exchequer was the increased import of wine, which was not, however, spoken of in similarly jubilant terms by any of those engaged in the trade. One of the most eminent wine houses in the city, in answer to his inquiries respecting the character and result of the very large importation of foreign wine, said—

> "The general character of the additional imports in the last twelve months has been of a decidedly inferior description. A large quantity of low French wine was imported last year, and, being unfit for home consumption here, has entailed considerable loss upon shippers and importers. Large importations of low sherry from Spain and imitation sherry from Hamburg have been made, and these appear to have been substituted for Cape wines, the importation of which has very much diminished. The wines from Hamburg have principally competed with Cape, and forced the prices of the latter down, causing a very heavy loss on stocks in bond here, and stopping further shipments."

From another quarter he was informed that the wine so described, instead of going into consumption, for which it was utterly unfit, was really still in the docks. There were thus two alternatives; either this wine must be consumed and ruin the constitutions of the men who drank it, or it must remain in the docks, where it would ruin those who imported it. So far, therefore, from the wine experiment being successful, upwards of £2,000,000 had been sacrificed by the import of unsuitable wine. £2.500,000 might be added for the excess of imports of cheese, eggs, and butter over last year, which would bring up the imports in excess of last year to between £24,000.000 and £25,000,000. Omitting the imports of cheese, butter, and eggs, the excess of corn and wine imports would amount to over £22,000,000, which would express the loss sustained by the British capitalist and the British farmer last year. With respect to the Revenue of last year the extra duty on corn amounted to £866,000, the deficit anticipated was £800,000, but the real loss was only £493,000, so that 307,000 accrued to the revenue in excess of what was anticipated. These two sums together brought up the extra revenue to £1,173,000. Yesterday morning a paper was circulated which bore upon it the most intelligible marks of the pressure of the income tax during the last year. £10,900,000 was the sum which had been paid into the Exchequer from this source during the year, and £8,900,000 the sum, according to the paper, which would have been paid had not the right hon. Gentleman's extraordinary means been used; £2,000,000, therefore, represented the result of the alteration in the time and mode of collection. He had received various letters on this subject, and, though expecting to find that some pressure had been put on the taxpayers, he was surprised at the extent to which it had gone. Amongst many letters he had received on the subject was one from a person residing in the north of England. The writer stated that he had been served with a notice requiring him peremptorily to pay his income tax about three weeks before it was actually due. That he had to borrow the money to meet this unusual demand, fearing that his goods would be seized for the amount. Enclosed in this letter was the notice of the tax collector, in which it was stated that he had received imperative orders from the Board of Inland Revenue to close his accounts forthwith, and that in order to prevent coercive measures, the tax (which it appeared was not really due at the time) should be paid before the 20th of March. He (Mr. Hubbard) himself resided in St. Margaret's, Westminster, and received a notice of a similar character from the collector of that parish dated the 12th March, requiring him to pay his income tax. He, therefore, paid the amount demanded, although it was not really due at the time. Now, he should like to know from the Chancellor of the Exchequer what proportion of these £2,000.000 had been obtained by this extraordinary pressure. The right hon. Gentleman might say that hasty mode of collection was perfectly legal, and, strong in his own conscientiousness, he might steel himself against complaints of this sort; but he should like to know how long the system was to continue, and how long the taxpayers were to be subjected to that pressure to pay their taxes not only the moment they were due, but even before they were due. The opinions and principles which seemed to have guided the Chancellor of the Exchequer in the construction of the Budget appeared to him unsound and unsafe, and as in matters of this kind the best way was to bring them home to everybody's comprehension, he would illustrate by a case of every day life the course of the financial proposal. Mr. Bull is a gentleman who had inherited considerable ironworks in the north, who was a shareholder in some cotton mills, and proprietor of some woollen and linen manufactures, besides landed estates. His friends thought he was going a little too fast, and wished to point out to him where his extravagance would end. "Oh, no," he said, "I am going on all right I certainly put no stint on my domestic expenses, but then you know under the new system and the Treaty with France my income is sure to come up to my expenditure. I have commenced a few little operations in France; my wife and daughters get beautiful silks and laces from a Paris milliner, and I have dropped Bass's ale and taken to claret, which I get from an eminent wine merchant at Bordeaux, and which the Chancellor of the Exchequer assures me is, properly speaking, the national beverage." "Well, then," his friends would ask, "Are all your bills met?" "Oh, if you put it in that way," Mr. Bull's reply would be, "Madame Palmyre, my wife's milliner, has not yet attained to a full knowledge of the principles of free trade, and she duns my wife and daughters confoundedly; and my wine merchant's bill comes due next week; but I am going to follow the Chancellor of the Exchequer's example, and, instead of giving my tenants to Midsummer to pay Lady Day's rent, I mean to make them pay on the nail, and for the future they shall pay quarterly. India certainly has not taken so many of my goods as I expected, nor in the disturbed state of the United States, have I liked to ship much there; while, in the matter of my ironworks, these foolish French will take nothing but pig iron, and will have nothing to do with the manufactured iron I prepared for them. However, I trust to the Chancellor of the Exchequer, and it will all come right in the end." Under such circumstances it would be no wonder if Mr. Bull very soon made his appearance in the *Gazette*. But his was the reasoning, and his was the position adopted by the Chancellor of the Exchequer. The right hon. Gentleman was determined under all circumstances to balance his expenditure with his resources. They had a high authority on the other side of the House, the right hon. Gentleman the President of the Board of Trade, who stated the other night that it was a bad principle to make prospective Budgets, and laid down the principle that each year should stand on its own footing. The refusal to enter into the consideration of prospective Budgets was a sound and admirable doctrine, and he only wanted to mend it in one particular. If it were dangerous or injudicious to anticipate the charges and expenses of the country in a future year, let it be admitted that it was more dangerous and injudicious to anticipate the probable revenue and income in a future year. The Budget in its present form was a positive remission of taxation, to be met by a problematical increase of revenue. It was a principle not without precedent, but it was a principle to which he hoped the House would not assent. The heir of a property who had been extravagant satisfied his creditors by giving them post-obits, and in the course of nature those documents were matured and paid; but the Chancellor of the Exchequer offered only his own post-obits, which were to be matured, not by the operation of nature, but by the termination of his official life. Nothing could be more unfair to his successor than making positive and irrecoverable remissions, the burden of which would fall on future years. He, therefore, asked the House, by affirming his Resolution, to put a restraint on a system of extraordinary and extravagant finance which exceeded the limits of the year and plunged them into an unknown futurity. He frankly confessed that when he heard the paper duty was proposed to be repealed he experienced feelings of relief. No one who wished well to his country could desire that there should remain latent in the minds of those who sat in either House of Parliament any sparks of resentment on account of a conflict as to the treatment of great interests to which all were bound to give an undivided support. He, therefore, felt relief, but he had too great confidence in the patriotism of Members on either side to believe that, for the sake of a hasty removal of a possible bone of contention, or too hasty recovery of a position of dignity which they might fancy they had forfeited, they would concur in giving to the future finances of the country a direction which was inconsistent with its safety and its success.

MR. NEWDEGATE seconded the Motion.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is not expedient to remit Taxation to such an extent, that the annual produce of the remitted Taxes shall exceed the estimated Surplus Revenue, in the Budget for the current financial year,'" instead thereof.

THE CHANCELLOR OF THE EXCHEQUER: It is my intention to reply to the hon. Member in the briefest terms possible. I confess I have failed to discern any connection between a considerable portion of the speech of my hon. Friend and the Motion he has submitted to the House, so much so that it appears doubtful whether the speech does not really belong to some other occasion, and a question is raised whether the speech of my hon. Friend is made for his Motion, or whether the Motion is made for the speech. I shall, therefore, make no answer on the subject of the importation of cheese, butter, and eggs; and, I confess, I do not see the comparison between a certain system of finance and the young man who had a large connection at Newmarket and elsewhere, because the system, for which the hon. Member could find no better illustration, is a system established by law in this country, and by the universal practice of all Finance Ministers. With regard to the question of the income tax, and the touching letter which has been read by my hon. Friend, I regret that he did not think fit to adopt the usual course, and have laid what he believes to be a matter of complaint with respect to an administrative subject before the Executive Government, and thus given them an opportunity of examining into facts. The circulars to which he has referred are written, as he ought to know, by officers who are not under the control of the Executive Government. If he had given me the opportunity I would have ascertained the facts, and laid them before him. The only point with respect to the income tax which requires any notice from me is the charge of having impoverished the Revenue of the coming year by the extraordinary pressure which has been used in the collection of the tax. That I admit to be fair as an argument, but entirely untrue as a matter of fact. So far from the collection of the income tax outrunning the arrangements made last Session, it has lagged considerably behind. The consequence is that there is a material arrear on the third quarter, which will swell the amount to be collected in the ensuing year. The real sum and substance of my hon. Friend's speech is contained in what he stated—and which I do not deny—when he said, "You are repealing a tax the whole annual proceeds of which exceed the surplus which you show upon your Estimates of revenue and expenditure. The surplus which you show is £1,000,000, and the amount of the taxes remitted may be taken at nearly £2,400,000." That is the entire point of my hon. Friend's speech. The hon. Gentleman invites the House not to pursue such a course, and not to remit any taxes beyond the limits of the estimated surplus revenue of the year. But, in so doing, he invites us to reverse the principles upon which most of the important financial operations of this House during the past twenty years have been founded. It has been a common measure of the Legislature to repeal taxes of much greater extent; and, I will venture to say, in a manner far more venturesome than is proposed in the present year. I will give three different instances under three different Chancellors of the Exchequer. In 1848 the amount of estimated surplus was £113,000. In that year the House of Commons passed an Act—which, though contested on other grounds, was never contested on this ground—for the repeal of the duty upon sugar and molasses, and thus, with an estimated surplus of £113,000, it provided for the repeal of duty to the extent of £1,480,000. But that was not merely for that year and the next year, but it extended over seven years, bringing us down to 1854. In 1853 the amount of our surplus was £493,000. Yet, so large was that surplus considered, that my right hon. Friend the President of the Board of Trade assailed me with a Motion for the repeal of the advertisement duty, in which he was supported by the right hon. Gentleman the Member for Bucks. At that time we were making considerable impositions and remissions of taxation—that is to say, of impositions £3,390,000, and of remissions £5,384,000. In that year, however, we had a surplus of only £493,000, which was reduced almost to *nil* by modifications introduced in the course of debate. Well, that course pursued by the House made the excess of remissions over and above the taxes it imposed amount to £2,345,000.

And those remissions, likewise, extended over four years. Again, in 1857, my right hon. Friend, now Secretary for the Home Department, had a surplus of £931,000; yet with that surplus he remitted taxation to the extent of £5,800,000, about £4,500,000 being the produce of the income tax for six months, and about £1,200,000 being the extent of the remission upon tea and coffee. In point of fact, therefore, the hon. Member for Buckingham is inviting the House to reverse and overturn what has been the common and consequently the necessary and legitimate principle involved in the adoption of extensive financial measures. The present year presents an even stronger case than 1848, 1853, and 1859. Our case stands thus:—We propose an ultimate remission in excess of the surplus to the extent of about £500,000. It is true that a portion of revenue will be surrendered for next year that is not surrendered for this, but it is equally true that a considerable portion of charge—I refer to the extra charge for China, which there is every moral certainty will terminate within the current financial year—extraordinary in its nature, and amounting to about £1,500,000, will, in all likelihood, not have to be included in the arrangements of next year. Under those circumstances, without further troubling the House, I invite it to place its negative upon the Amendment of my hon. Friend.

MR. NEWDEGATE remarked, that he thought the hon. Member for Buckingham perfectly justified in the course he had taken for he, no doubt, had been as much surprised as he (Mr. Newdegate) had been to find that it had been the pleasure of the House to vote the income tax at two o'clock in the morning, when many hon. Members had left, not expecting that the question would at that late hour be decided. If the right hon. Gentleman the Chancellor of the Exchequer was not aware of the pressure which was being exercised with regard to the collection of the income tax, he was in a state of ignorance which did not extend to those who sat on that (the Opposition) side of the House. He (Mr. Newdegate) had heard bitter complaints that the officers of inland revenue were in the habit of sending letters, if not actually commanding, at least inviting prepayment of the income tax—a request which commercial men had a hesitation in resisting lest their refusing to comply might reflect upon their credit. Representing as he did a commercial constituency, he was able to assure the Chancellor of the Exchequer that the operation of that proceeding was most grievously felt in the commercial world. He (Mr. Newdegate) doubted whether the House was prepared to adopt the income and property tax as the basis of their financial system, although they voted that tax as having precedence. It seemed to him that this idea had produced in the House an extravagant disposition with respect to the remission of other taxes; for income tax was so odious an impost that when the House had voted it hon. Members felt a wish to remit some other tax—perhaps to make a little political capital, and in order to relieve themselves of the popular odium which they had incurred by assisting in the imposition of the income tax. It had been remarked by a leading journal, first impose an income tax, and then the Chancellor of the Exchequer might do anything. The House had seen of late years too much of one Chancellor of Exchequer bidding against Chancellor of Exchequer for popularity. He thought it a great mistake to treat this odious tax, forming so large a part and the basis of the taxation of the country, and that to the having done so virtually of late years was attributable more than to any other reason the unwholesome state of our finances. Formerly the property and income tax was used only as a subsidy in case of war. It was used by Sir Robert Peel to meet a deficiency at a period of great commercial pressure and monetary difficulty induced by a disturbance of the balance of trade. After that the House was induced to admit of its use on the part of that great financier, in order that he might readjust the system of taxation; but he stated emphatically that it was to be used only for exceptional purposes, the exceptional purpose in that case being the readjustment of our Customs' duties. Then in 1848, under the plea that its continuance would enable us to meet the pressure caused by the Irish famine, it was again renewed. Since then it has been treated very much as the basis of our taxation, instead of as a subsidy and an occasional taxation. If the exigencies of the State required, it was a perfectly legitimate source of resort to make up a deficiency; but as the basis of our taxation it had more to do with inducing an unwholesome and gambling system of finance during the last twenty years than anything that could be named, MR. DISRAELI said, he would not enter on a discussion of the principle which his hon. Friend the Member for Buckingham had laid down respecting the management of our finances. Those principles might be sound as they were undoubtedly important, but he thought his hon. Friend must feel that the object he had in view was of so grave a character, and would bring about such extensive alterations, that it could not be accepted by the House, except after a prolonged discussion, not only of the principle, but of the details of the question. For that reason he trusted that his hon. Friend would not ask the House to come to a decision on the question, which he had brought forward with great ability, and which had been attentively listened to by the House.

Question, "That the words proposed to be left out stand part of the Question."

Put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I rise for the purpose of proposing, on the part of the Government, that we should pass a Resolution to continue until the 1st of July, 1862, certain duties upon tea and sugar, together with other subsidiary articles, of the same class, as sugar. They are duties which have been called, popularly, but not correctly, "war duties," because, in point of fact, they were imposed in the year 1857, in a period of peace, a considerable time after the Russian war had ceased. In 1853, when it was my duty to make a proposal upon the subject of the tea duties, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) observed that I ought not to do so without making a preliminary statement. I comply on this occasion with the wish which he then expressed; but another reason leads me to the same conclusion. Circumstances have changed considerably since last Monday fortnight. We then made a proposal which we deemed one of conciliation, but it has been received as a proposal of controversy and war. We thought we were offering the olive branch and it has been treated as if we had been throwing down the glove. If it be so, I am able to say, on behalf of myself and my colleagues. that we do not decline the challenge. We have no reason to complain and do not complain of the discussions that have already taken place. We have the satisfaction of recollecting that for three days the most minute and searching as well as sweeping criticisms were applied to the estimated balance-sheet of the year, all founded on the principle that there was no reason to believe that we had a surplus of income over expenditure, and that at the termination of the debate the right hon. Gentleman the Member for Bucks rose in his place, and at once and unceremoniously dismissed all the arguments upon that point. The right hon. Gentleman observed in language of perfect truth and good sense, that the wise course for the House was to adopt the figures as laid before them by the Government. I may now, perhaps, be permitted to offer an apology to the House for a course on my part which is not altogether usual. It was observed in the course of the recent debate by the right hon. Gentleman, and I think with general truth, that it is not desirable to bring any of the permanent civil servants of the Crown before the House, and that the Minister ought to take the entire responsibility of the Estimates. My apology is, that after I had seen a course pursued—a course which has no parallel in the recollection of any one here, after the Estimates had been subjected to the most excessive scrutiny and criticism, I thought I had no choice except what in homely phrase is called to make a clean breast of the whole matter, and tell the House, point by point, by what process the estimated figures had been arrived at. I did that, however, only under great pressure. The course I took was criticised by the right hon. Gentleman the Member for Bucks, and it was with extreme surprise I recollected that when he was Chancellor of the Exchequer, without any pressure whatever, and upon only a casual doubt let fall by our deceased friend Mr. Wilson, with regard to the Estimates, the right hon. Gentleman immediately fell back on the heads of the Revenue Department. The right hon. Gentleman sought that shelter, after a slight attack of barely five minutes, to which I was driven by a three nights' debate. The right hon. Gentleman said—

> "I, of course, am in no respect disposed to shrink from taking upon myself the responsibility of having framed the Estimates which I have laid before the Committee. Upon the contrary, I, to the fullest extent, accept and embrace them; and I add that I have been empowered to state, on the authority of those gentlemen upon whose knowledge and experience I, and every gentleman who holds the position which I have the honour to occupy, must place the utmost dependence, that there is not a figure which I have submitted to the Com-

mittee which has not their fullest sanction."—[3 *Hansard*, cxlii, 1329.]

Mr. DISRAELI: I beg to remind the right hon. Gentleman that the Estimates referred to were not Estimates prepared by the Government of which I was a Member, but those which we accepted from our predecessors. Technically, the right hon. Gentleman is justified in his statement; but it certainly makes a great difference that we were called upon to accept the Estimates of our predecessors. At the same time, I do not mean to justify the course which I then followed.

The CHANCELLOR of the EXCHEQUER: I cannot admit that the statement of the right hon. Gentleman makes the smallest difference. The Estimates which the Government of the right hon. Gentleman (Mr. Disraeli) accepted from their predecessors were Estimates not of revenue, but of expenditure. However, I will terminate this part of the controversy. The right hon. Gentleman has said in a manly way that the circumstance in question did not justify the course he pursued, and that is enough for me. By all means, then, let us go on with the discussion if there is still opposition to our proposals. The more these subjects are discussed the better they will be understood. If it were not for one very inconvenient monosyllable I should be disposed to quote the exclamation of Macbeth, to which I can only refer, which begins with "Lay on Macduff," and ends by expressing a very uncivil wish in regard to whoever first "cries Hold, enough!"

We have before us on the present occasion two questions. We have to consider the absolute merits of the only contested part of the Resolution I am submitting to the House—I mean of the tea duties; and, likewise, to balance the reduction of these duties against the remission of the paper duty. I confess it is with interest, and not altogether without recreation, that I see the claims of the tea duty to remission in such good odour on the other side of the House. The condition of the poor man has found its way to the hearts of a very large number of highly respected gentlemen who sit opposite; but the claims of the tea duty to remission were not always thus favourably viewed. On a former occasion, when the Government of the Earl of Aberdeen proposed the reduction of the tea duty, what was said by the right hon. Gentleman the Member for Buckinghamshire on behalf of the party whom then, as now, he led? The right hon. Gentleman did not say that the proposal was so obviously advantageous that it at once commanded assent. No; he called on me to show cause for the reduction of the tea duty, and disclaimed the responsibility of that reduction simply on its merits. On the 30th of May, 1853, the right hon. Gentleman said in Committee—

> "The Committee must recollect that when a proposition was made by the late Government to deal with the tea duties we purposely combined with it an article of British growth with which tea was supposed to enter into competition— . . . . . . You are now called upon immensely to reduce the duty on a foreign article, without reducing the excessive duty which is paid on an article of home growth."—[3 *Hansard*, cxxvii. 827.]

Because we did not propose to reduce that excessive duty on an article of home growth which amounted to 20 or 25 per cent on the price of beer at a time when the duty on tea was 200 per cent, the right hon. Gentleman as leader of his party disclaimed that policy, and insisted that the tea duty ought not to be remitted unless at the same time we sacrificed £2,000,000 on malt. That was the position taken by the right hon. Gentleman with respect to the tea duty at that particular time. My hon. Friend behind me (Mr. B. Osborne) said wittily the other evening that I had wrapped up my penny in paper; and it might be said that the right hon. Gentleman thought it necessary to wrap up his tea in malt. As to the merits of the tea duty we think much more favourably of the reduction of that impost than the right hon. Gentleman does. We think that its reduction under favourable circumstances would not require an apology, and that it would be highly beneficial to the population of the country. But in present circumstances we have to consider it with regard to the extravagant claims which have been made for it in certain quarters. I endeavoured to show on a former night what would be the effect upon the surplus and upon the consumer, and likewise this, which has not been contested, and I know cannot be confuted, that the reduction of mere revenue duties for the benefit of the consumer has not been the first, but the last of the great objects of commercial reform for the last twenty years; and that although good in itself it is and has been recognized by statesmen and legislators during that period to be less good than those great measures which have been adopted by the House for the abolition of protection and for the liberation of trade from its fetters. Since then a new fact has come to our knowledge. There is an Amendment, and several petitions have been presented to-night on the other side of the House, some of them amidst expressions of great satisfaction, but I did not hear whether any of those petitions were in favour of the Amendment of the hon. Member for Liverpool (Mr. Horsfall). Was the petition from Liverpool in favour of the Amendment?

MR. HORSFALL: The Liverpool petition was against the repeal of the paper duty; and prayed that any surplus might be appropriated to the diminution of the tea and sugar duties, or to the reduction of the income tax. I also presented a similar petition from Warrington.

THE CHANCELLOR OF THE EXCHEQUER: My question was simply intended in courtesy to the hon. Gentleman, and to discover whether the petition was in favour of his Amendment. If it had been, I admit that that would have been so far an argument in favour of the Amendment which I am about to criticise; but I understand from the substance of the petition that it was against the plan of the Government, and not in favour of the Amendment of the hon. Gentleman. ["Oh, oh!"] We shall see. I must confess that it is curious to observe the circumstances under which this Amendment is proposed. Some hon. Gentlemen who presented petitions to-night observed that they had been signed very numerously and largely in the course of a few hours. Why within a few hours? That is a very singular circumstance. For nearly three weeks the proposals of the Government have been before the country, and it is only within the last few hours that the spontaneous feelings of certain communities have been expressed in these petitions. It took fifteen days to consider what course should be pursued, but when a decision was at last arrived at no time was lost, for steps were immediately taken through the proper channels to procure that entirely spontaneous expression of public opinion of which we have witnessed the results to-night. And for what do these petitions ask? For the reduction, many of them, of the tea and sugar duties. Again, the very fallacy which we have had occasion to expose, as if it was possible that the tea and sugar duties should be reduced, the fact being that there is available less than half the money which the subscribers of these petitions have been led to suppose is at our command. I really do not think that the hon. Gentleman has found time to consider the grammatical force and effect of his own Amendment. I do not know whether he is aware what is the legal construction of that Amendment; and I am very glad that I have an opportunity of speaking before him; because, before he proposes this Amendment, I should advise him to amend it. I am calling the hon. Gentleman's attention to a matter which I hope he will consider before he rises. It is an established principle of construction, that every financial or taxing Act must be construed in favour of the tax-payer. I know what is the meaning and intention of the hon. Gentleman, but I am now referring to what is the effect of his Amendment, as illustrating the manner in which it has been framed. He lays upon tea a tax of 1*s.* 5*d.* per pound until the 30th of September; his words, until the 1st of October, mean up to that date; and he provides for a tax of 1s. per pound after the 1st of October. But under the operation of the Amendment as it stands all those Gentlemen who had accumulated stocks of tea, waiting for the reduction of duty, would, on the 1st of October, have the privilege and advantage of entering it free of any duty whatever. I do not ask the hon. Gentleman whether that is his intention; but I trust that he will alter the language of his Amendment, with a view to avoid such a catastrophe. "Until the 1st of October" means, in the language of taxing Acts, until the expiration of the 30th of September, and "afterwards" means after the 1st of October—that is to say from the 2nd of October. I admit that is nothing but a verbal criticism; but I want to call the attention of the Committee to the effect of the proposal which is now made. I think it is quite fair to do so, considering the circumstances under which the Amendment has been framed and ushered into existence, with most authoritative notices from two Gentlemen who upon matters of finance may be said to be almost of equal authority with the party opposite—I mean the right hon. Gentleman the Member for Bucks (Mr. Disraeli) who sits on that side of the House, and my right hon. Friend the Member for Stroud (Mr. Horsman) who sits on this side. First, what would be the effect of this Amendment upon the surplus? We have heard a great deal about the neutrality of the surplus, although the right hon. Gentleman the Member for Bucks dissents from that opinion. Much, however, has been said questioning the amount of the surplus as stated by me; and my hon. Friend the Member for Buckingham (Mr. Hubbard) has laid down a doctrine, and has supported it by his vote, although he did not go to a division, according to which I take it for granted that he does not intend to go to the extent of the remission contemplated either by the Government or by the hon. Member for Liverpool (Mr. Horsfall). I ventured the other night to say that I deprecated the exchange of responsibility between the Government and the Opposition, and that I very much doubted whether the Opposition, taking upon themselves the custody of the public purse, would come to good. How does that matter stand? We propose the repeal of the paper duty from the 1st of October. That will reduce the surplus by £665,000, and will leave an estimated surplus of £408,000. The moment that I saw the Motion of the hon. Gentleman I took the best means in my power to obtain an estimate of what would be its effect. My belief is that that estimate was given without any knowledge of the reason why it was asked for. At any rate, the result was this, that the loss upon tea which would result from the adoption of the Amendment of the hon. Gentleman and the provident stewards of British finance with whom he co-operates would within the financial year be, not £665,000, but £950,000. Thus he takes away £285,000 from the modest, and, as some have said, the unsafe surplus which I have proposed to retain, and leaves me with only £123,000. That is the upshot, so far, of a three nights' debate. At last the trumpet has sounded; at last the troops are marshalled; all the preliminaries turned upon showing that the surplus was not to be relied upon, and now that we have come to action the proposal is to take away £300,000 from the little surplus of which hon. Gentlemen opposite previously denied the existence. That is the effect of this Amendment upon the surplus; but we have not done there. It was no merely captious question which I put when I asked the hon. Member if the community of Liverpool had petitioned in favour of the Amendment. I venture to say they have not. I defy the hon. Member to produce a petition from a commercial community asking for a reduction of the tea duty to take effect on the 1st of next October. Has the hon. Member paid the slightest attention to the course of financial legislation for the last twenty years? Whether he has or has not, as he has made this most extraordinary proposal with the support and concurrence of a large party in this House, I must ask the attention of the Committee to that subject. Now, Sir, it is one among the elementary and cardinal principles of dealing with Customs' duties which have been established alike by reason and by experience that the first effect of any reductions which you propose should never be postponed. In the year 1842, when first such operations were legislatively carried into effect on a great scale, we had not the advantage of the experience which we now possess, and, in consequence, the Government of Sir Robert Peel made a double mistake. The legislation of that year occupied, as was natural, a long period in its discussion. We were many weeks carrying the tariff through this House, and the arrangement unfortunately made was this—first, that all the reductions of Customs' duties should be postponed while the House was debating them, and should not take effect until the Act authorizing them had received the Royal Assent; and, secondly, that the reduction of the duty on timber should be postponed until the 10th of October. I will show the Committee what was the effect of postponing those reductions. Unfortunately, it is not possible to show the effect with regard to all the miscellaneous articles, but I will take one of the most important—that of coffee. The reduction of the duty on coffee from amounts varying from 6*d.* to 1*s.* 3*d.* per lb. to amounts varying from 4*d.* to 8*d.* per lb. did not take effect until the 9th of July. The consumption during the year 1842 up to the 9th of July amounted to 10,645,000lb.; up to the same period in the previous year it amounted to 13,823,000lb.; so that there was a reduction of about 30 per cent upon the consumption of coffee up to the 9th of July caused by our unwisely postponing the taking effect of the reduction. After the 9th of July there was, it is true, an increase of consumption. From the 9th of July to the end of 1841 the consumption amounting to 14,597,000lb.; during the same period of 1842 it reached 17,922,000lb., so that there was an increase of 3,325,000lb. That is to say, although we had made a great reduction in the duty, so paralyzed was the trade by its postponement that with the exception of 100,000lb. or so, the augmentation consequent upon that reduction of duty only brought up the aggregate consumption to the amount of the previous year; and we lost our revenue without being able to say that we had added to the comforts of the people. I tell the hon. Gentleman boldly that in bringing forward the reduction of the tea duty, to take effect on the 10th of October, he does not represent the opinion of Liverpool or any other commercial community. I go now from coffee to a more conspicuous article, that distinctly tests the question, because the postponement is very nearly to the same date. Let us see what was the effect of postponing the reduction of the duty on timber in 1842 till the 10th of October. As before, I make the comparison with the corresponding period of the previous year. In 1841, before the 10th of October, we consumed 554,000 loads of timber. I confine myself to loads, because owing to the changes which took place, it is impossible to institute a comparison with regard to deals. We unhappily postponed our reduction in 1842 till the 10th of October. What was the consumption down to October, 1842? 173,000 loads. That was a diminution of 70 per cent on the whole consumption. It did not rally afterwards. The result for the year was this—in 1841 we consumed 741,000 loads; in 1842 we consumed 523,000 loads, and the result of our postponement was that we lost £377,000 of revenue, and effected a decrease in the consumption of the year of 221,000 loads. There might, indeed, be found some apology, for such a state of things at that time. We had not the experience of these extensive changes; but I must confess when after this I saw the hon. Member proposing deliberately, as the organ and champion of a great party in this House, that we should postpone the remission of the tea duty till the 10th of October, I was surprised indeed. Perhaps, I may be told these remissions are frequently postponed, and that, consequently, these inconveniences are incurred. I am quite aware of that. I know it is impossible altogether to avoid it; but then I must say that in all cases of reduction of duty since 1842 we have invariably taken care to give effect at once if we could to the entire reduction, if not to as much of it as possible. I will show you the effect of postponement in the remission of the duty on tea—how inconvenient in restricting consumption and causing paralysis to trade which the hon. Member represents. In 1852-3 the duties on tea were reduced in the month of May. The usual monthly consumption was 4,400,000lb. In March and April, two months before the reduction took effect, the consumption instead of being 4,400,000lb., was 2,650,000lb. In 1853-4 there was a further fall in the duty, and that is more strictly analogous to this case, because the fall had been foreseen for a considerable time before. At that period the usual monthly consumption was 4,750,000lb. The reduction took place on the 5th of April. In January, February, and March the whole consumption was 8,000,000lb., instead of 12,000,000lb. That is under 2,700,000lb. per month, instead of 4,750,000lb. In 1857-8 there was a third example of the same kind—a reduction was made on the 5th of April. The usual monthly consumption was 6,460,000lb. The consumption in January, February, and March, instead of 6,460,000lb., was 3,200,000lb.—one-half of the ordinary consumption; and that paralysis of trade for three months is the measure which the hon. Gentleman, with powerful backing, brings forward as against the proposition of the Government in the interest of trade.

I have spoken of the effect on the surplus and of the effect on trade which these postponements produce. I will now show how much these reductions affect the consumer. What is to become of the consumer in the course of these operations? Now, I do not hesitate to say, as far as experience goes, that a reduction of the duty on tea would have a very beneficial operation; yet do not imagine that the effect of it is likely, as a general rule, till after a long period to reach the consumer in any proportion to the loss sustained by the revenue. Now, I challenge an answer to this view of the case, and the figures I am about to give for in the interests of the poor man it is important they should be considered. Twice the duty on tea in this country has been reduced. It was reduced by my right hon. Friend now the Home Secretary, in 1857, and when I was Chancellor of the Exchequer in 1853. In 1857 it was reduced from 1*s.* 9*d.* to 1*s.* 5*d.* per lb., so that the revenue lost 4*d.* on every pound. How much of that 4*d.* did the consumer get? The long price of tea—that is, the price in bond, with the duty added, in 1856, before the reduction of duty, was 2*s.* 11¾*d.*; in 1857 it was 2*s.* 11*d.* per lb. The revenue lost 4*d.* per lb.; the consumer gained three farthings per lb. That was the average established by the inspection of commercial documents of that period. But, then, it may be said that was a period of warlike operations in China. Then, let us go to a period when there were no warlike operations in China. I go to 1853. In 1853 the duty was reduced from *2s.* 3¼*d.* to 1*s.* 10*d.* There was a loss to the revenue of 4½*d.* per lb. The price was reduced from 3*s.* 2½*d.*, which it had been in 1852, to what in 1853? Why to 3*s.* 2½*d.* Fourpence farthing was lost to the revenue, and nothing was received by the consumer in that first year. If, instead of comparing it with that single year, we make one comparison with a period of five years—that is, from 1848 till 1852—the whole being years of peace, the difference is really very immaterial. The average price for these five years was 3*s.* 3⅜*d.*, and the gain to the consumer was 1⅛*d.* per lb. So that, as far as experience goes, what these figures show is that you may expect that about one-fourth of the duty which you remit will find its way into the pocket of the consumer, and anything over and above that which you may expect is not experience but speculation founded on assumptions respecting the prospects of trade and production in future. Such is the Amendment of the hon. Gentleman as far as regards its effects upon revenue, upon trade, and upon the consumer. I must say, I think, considering the time that was taken to prepare this Amendment, something less vulnerable might have been produced. I believe it is a law of nature that the nobility of animals is generally in proportion to the length of gestation by which they are produced. I am sorry to say if that be the law of nature the very reverse appears to be the fact in the case of Parliamentary gestation.

I come now to another question—the relative merits of the tea and paper duties in regard to the remission of taxation. I have spoken of the extravagant and inflated expectations which have been raised of the advantages to the consumer from a reduction of the duty on tea. At the same time I admit that it is desirable that reduction should take place when it can be made without detriment to the Exchequer, and so that the consumer may derive the full benefit; but we have now to deal with another state of the question. The Amendment of the hon. Gentleman is brought forward in opposition to the proposal of Her Majesty's Government, and I must beg the Committee to consider those two proposals together. I must recall to the recollection of the Committee that the repeal of the paper duty was proposed last year, at a period when an extensive armed expedition had been sent to China, the bearer of certain terms from Her Majesty's Government, and when we had provided for the cost of that armed expedition no less a sum than £2,500,000. We had remaining a very small surplus revenue—much about the same as the surplus revenue with which the hon. Member for Liverpool proposes to deal so recklessly on the present occasion. When the second reading of the Bill was proposed, if I recollect right, certainly long before the third reading, the condition of affairs in China had changed, and with that the financial prospects of the country. Her Majesty's Government persevered with the Bill for the Repeal of the Paper Duty—not because they thought is was a proposal which they would, under the altered circumstances of that season, have been justified in making for the first time, but because they thought the implied pledge given by this House to all the interests concerned in the terms of the Vote on the second reading was a pledge that ought to be redeemed, even if it should cause inconvenience to the Government. But what course did we then take, and what appeal did we make to the House? Did we attempt to override the judgment of this House? A hope was expressed the other night that nothing would be done which might deprive the House of its usual and most precious privilege of advising the Government gently, in the form of an adverse vote as to the choice of the taxes for remission. What in the world, I ask, is the meaning of singling out this particular privilege from the rest? No doubt the House of Commons has a perfect right to deal as it pleases with every proposal of the Government; but if it is intended to be insinuated that it is customary for Governments to give all their force and influence in favour of the adoption of a specific financial measure, and then to acquiesce in the substitution of other measures in their stead, then I trust that those who are learned in the Parliamentary history of our lifetime will be kind enough to supply us with a few precedents. For myself, I do recollect that when an effort was made in 1852 to overthrow the proposal of the right. hon. Member for Buckinghamshire for the imposition of a house-tax, the right hon. Gentleman and his colleagues said that the House might, if it thought fit, pursue that course, but the Government would look upon it as a vote of want of confidence. That, however, is a matter upon which I do not wish to enter, for it is no business of mine, further than to say that I am not at all aware of these occasions to which reference is made, when there has been the substitution of one tax for another in the teeth of the Government, and after it has been allowed to commit itself with all its strength and authority to a particular proposal. It so happens that was certainly not the case last year, because when we proposed the repeal of the paper duty we placed it in comparison with the repeal of the duty on tea. The hon. Member for Somersetshire (Sir William Miles) is weary, and has left the House. I wish he were here, for he would bear me out when I say that last year our statement was that if the House of Commons, on a deliberate review of all the circumstances, thought that tea had a superior claim to consideration to paper, then, although we might differ from it, we were ready to accept its decision. Therefore we did not attempt to override the judgment of the people's representatives, or seek to rob them of their most cherished privilege, if such, indeed, it be. But we felt that this House, before it committed itself to the repeal of the paper duty, should have another alternative presented to it; and, by the way, where was then this great anxiety to give the poor man this immense benefit? Why, we challenged, we invited, we almost proposed, that if there was this strong feeling as to the direct bearing on the masses of the tea duties, some one should constitute himself its organ, and afford the House the opportunity of expressing its sentiment. Well, was our suggestion taken? On the contrary, as long as the House was uncommitted, all such proposals were carefully withheld, and the second reading of the bill to repeal the paper duties was carried by a majority of 53. But what is the case now? By voting the second reading of that Bill the House of Commons affirmed the remission of this tax, thereby conveying to the country what you may or may not call a pledge, but at any rate the knowledge of a fact which, in the repeal of seventy millions of taxes since the Peace of 1815, has never once been overlooked or infringed—namely, that one deliberate vote of this House for the abolition of a tax was conclusive for its abolition. And it is now, after the House of Commons has done that—after it was permitted to do it without any offering to challenge the opinion of the Government by raising the question of the paper duty in contrast with the tea duty—it is after all this, and after the circumstances of last year, which, at least, it is a moderate statement to say do not weaken the case as far as the honour of this House is concerned, that the hon. Member for Liverpool, in the interest of commerce, comes forward with this strange proposal. We hear cheers raised when some petition is presented, and it seems to be said that there is no general desire for the repeal of the paper duties. That is one great objection. Another is that the abolition of those duties is not what is called "recuperative." I must confess that I do not know exactly where that word came from. I should like very much to enter my protest against it as I go along. At all events, if I employ it, I do so only for the sake of convenience. But these two principles are laid down in the name of hon. Gentlemen opposite—for I presume the bulk of them intend to follow the hon. Member for Liverpool into the same lobby. The first principle is, "Do not repeal the duty altogether, because it is not recuperative;" and the second is, "Do not repeal a duty unless its repeal is called for by a petition." That is the elevated doctrine which is recommended to us from the other side! We demagogues who sit here, say, the business of the House of Commons is to repeal that duty the repeal of which will prove most beneficial to the country. But hon. Gentlemen opposite, with whom high political maxims are greatly in vogue, and ancient recollections much cherished, tell us that if some one or two dozens or scores of petitions come upon us they supply a conclusive argument which is to govern the choice of the House and the Government in the remission of taxation. I think the name of Sir Robert Peel commands some respect on the other side of this House—at any rate, with a considerable proportion of hon. Gentlemen. With some of them I know it commands a warm—indeed, an affectionate respect, and I believe it carries some weight and authority even with all. Now, in 1845, Sir Robert Peel, when proposing the entire repeal of an Excise Duty which could not be reimposed, said—

> "There has been no clamour raised for the reduction of this duty. I am not quite sure whether

or not greater popularity might not have been obtained by proposing a reduction of the duty on some other articles than the one I am about to name; but I am satisfied that it is the duty of the Executive Government to take those articles which, whether there has been any clamour for a reduction of duty on them or not, are articles in respect of which any duty at all is open to the greatest objection."—[3 *Hansard*, lxxvii. 485.]

That, Sir, was the opinion of Sir Robert Peel at the period when a Conservative Government was denounced as an "organized hypocrisy." How the Conservative Governments of a still later day should be described I do not pretend to say. But Sir Robert Peel went on to another point, and dealt with the frivolous, and, I must add, innovating and new-fangled objection which we now hear from the other side—for the objections which come from that quarter are really the most new-fangled. Sir Robert Peel, speaking of the total abolition of duties, not being recuperative, said—

> "Let the House remember that the principle on which we have gone, and gone advisedly, is the absolute repeal of taxation in many cases. We do not diminish a tax on glass, for instance, keeping on one quarter or one-half of it; we do not lower the duty on auctions, on cotton, wool, or on articles of smaller imputation; but we propose the absolute repeal, expecting from the increased consumption of other taxed articles an equivalent improvement in the revenue."—[3 *Hansard*, lxxvii. 495-6.]

And it has become the fashion of late years, but only of late years—

"Virtutem incolumem odimus,
Sublatam ex oculis quærimus invidi."

It has become the fashion in certain quarters to bestow laudations on the measures of Sir Robert Peel, and to say that his Budgets were, forsooth, the incarnation of political wisdom! I trust that the two passages I have just read may be some apology and justification, the one for consulting our own understandings, and not allowing them to be overruled by the addition of signatures to a petition in respect to the choice of taxes for remission, and the other for contending that the absolute repeal of Excise duties, so far from being a wasteful, is one of the wisest and most provident measures that can be adopted.

Let me, now, briefly compare the operation of the two rival proposals before us. I assume—now that the hon. Member for Liverpool leaves nothing of that modest surplus which we were told a fortnight ago was not sufficient, except the small balance of £123,000 in the Treasury, for the protection of which I am obliged to invoke the sympathy of the House against his marauding attempts. I assume, what, indeed, is not the truth, that he is only going to take as much revenue from the country in the current year as our plans will take. Of course, when I say that his Amendment will cause a sacrifice to the Exchequer of £950,000, over and above all the injury to the trade through stagnation, I ought to mention that that sum is not calculated as the gross loss, but it makes a fair allowance for the probable recovery of the revenue when the tea duty is reduced. Let us suppose that these two measures, the one the reduction of a Customs' duty, the other the repeal of an Excise duty, involve an equal amount of money, and that the benefit to the consumer is equal in both cases. That hypothesis I make for the sake of argument, and for that only; because I have shown from past experience that the remissions on tea have not reached the consumer in the first instance. I believe that down to this very hour the full measure of relief has not reached him, and that none at all hardly ever reaches him in the first year. But now as to the paper duty. The duty on foreign paper being upon the same footing as our Excise duty, the foreign article will come in freely, so that competition will bring home every farthing to the consumer except the minute and trifling matter as to the charge for certain books of a very high class, published at certain prices, as, for example, Lord Macaulay's *History*, the cost of which may not be appreciably reduced by the repeal of the tax on the raw material. I will take it, therefore, that the consumer—the collective community—will be richer by the million you remit on either of these two duties, and that he will have that sum to spend in other ways. Let us next consider the stimulus that would be given to production in each of the two cases. The increase of trade in an article like tea may, no doubt, when the tax is reduced, ultimately set in motion as much labour as the repeal of an Excise duty. But hon. Gentlemen opposite are the friends of the foreigner. It is foreign labour that will, in the first instance, be set in motion by the remission of the tea duty. That measure may add two or three million lbs. to your yearly consumption of tea. Two or three British ships may be employed in bringing the increased quantity of that article to this country; but, undoubtedly, the first labour you will set in motion is that of the China-men, who I am sure ought to be much obliged to the hon. Member for Liverpool. On the other hand, the labour our proposal will set in motion from the first is undeniably British labour, rural labour; and we believe, if you do not, that this labour will be accompanied by a demand for agricultural products in fibrous articles which are not now available. It is certainly rather a hard case that when hon. Gentlemen on this side were engaged in abolishing differential duties they were advertised and decried as the friends of the foreigner, while the moment they find themselves able to become the friends of the Englishman, such is the spirit of controversy among hon. Gentlemen opposite that they immediately abandon their old ground, and make a demand the first effect of which clearly is to give a stimulus to foreign, not British industry. But let me point out what is the speciality of this case. The addition to British labour involved in the remission of Excise duties is enormous. It was shown by a Return which was quoted by an hon. Friend of mine in this House some time ago how great is the number of families who at present find employment in trades in connection with which those duties have been abolished. The figures to which he called our attention do not, however, exhibit all the advantages to the working classes by which that abolition has been attended. You do not merely find work for 5,000 or 6,000 additional families by taking off the Excise duty on soap, glass, and other articles, but by withdrawing that number from the labour market you increase the wages of those who remain behind. Depend it upon these things are sufficiently well understood by the people of England, who cannot fail to perceive that we adhere to the well-tried principles of the last twenty years, and who, therefore, will, I am sure, be disposed to place greater faith in our efforts for the liberation of trade than in the recently adopted benevolence of those who sit on the benches opposite.

I now come to what I regarded as the peculiar vice of Excise duties, and more than any of the Excise duty on paper. Their injurious effects are not confined simply to trades which exist, and it is in that respect I may be allowed to observe that hon. Members on the other side of the House seem to me to have missed the point of this case; for the duty on paper is, I contend, not only a burden on trades which do exist, but it prevents other trades from springing into life. In order to illustrate that proposition, I may be permitted to call for a moment the attention of the Committee to an article which I hold in my hand, and specimens of which I dare say more than one hon. Member has seen. This is a specimen of a bitumenized pipe, and these pipes are made of paper, covered over with pitch. They are said to be only one-fifth the weight of iron, and—that is, of course, apart from the Excise — only one-half the price, while they are not more than about one-quarter the price of lead. They will, I may also state, bear much greater pressure than iron or lead pipes are ever subjected to for the purpose of being tested, and, therefore, a pressure infinitely greater than iron or lead pipes, ordinarily speaking, undergo. Their great superiority, however, to similar articles composed of a different material consists in the fact that they are entirely impervious to the evil effects of weather or chemical action. There are, I may further observe, some very exalted establishments which I could name where these pipes are at the present moment in the course of being adopted, with the view, I believe, mainly to sanitary purposes. That being so, the House will, perhaps, be kind enough to listen to me while I give them a brief history of this invention as illustrating the injurious operation of the Excise duty on paper. My information on the subject I derived from the manager of a company which was formed to carry on the trade in these articles, who has addressed to me a letter which contains all the particulars I have just mentioned, and which I shall be happy, if any hon. Gentleman is desirous that I should do so, to lay on the table of the House. Well, I learn from this gentleman that the invention is about four years old; that at the commencement of that period a patent for it was taken out in France; that a few months after a similar patent was taken out in England, but that for three years it remained, owing to the incubus of the paper duty, entirely useless in this country. Now, let me for a moment pause and ask the Committee to weigh well what it is to prohibit the growth of a trade by the operation of Excise duties. In those cases in which it becomes necessary that a certain amount of revenue should be raised in order to meet the exigencies of the public service, every other consideration must, of course, give way to that which is an imperative demand. But bear in mind that, when by means of a duty you prohibit your fellow-countrymen from applying their capital to trade, you are precluding them from doing that which would be likely to be most beneficial to themselves and to the public. I now go back to the history of the articles of which I have just been speaking. For a period of three years you practically forbade their manufacture here, while all that time the trade was flourishing in France; but, to show you the truth of what has been said about the abundance of the raw material at home, I may state that even now, under the pressure of the duty, paper of a coarse description for exportation is cheaper in England than anywhere else, and that while these pipes could not be manufactured here, on account of your Excise laws, a branch company was established in Australia under whose direction they were made of paper procured from this country. Well, having been in abeyance for the time I have mentioned, the trade among us began about twelve months ago to show some signs of animation. Why? Because some enterprising men — men such as those who have made England what she is — placing reliance on a vote of this House by which the paper duty had been condemned — a reliance which under similar circumstances had never before been known to be misplaced — formed a company with the view of prosecuting this particular manufacture. What was the result? The duty on these pipes amounts to 25 per cent. They are articles of low price. The tax on paper, instead of being remitted, was continued for another year; and the effect of this alteration in our financial scheme was that the amount which was being done in the trade—it had been commenced very soon after the proposals of the Government were first made—dwindled down to one-tenth. Nay, more, it could not be continued at that level, and its promoters, in consequence of the disastrous position in which they found themselves, made application to the Treasury, requesting that they would remit the duty—that is to say, charge it in the first instance, but afterwards remit it when it was proved that the materials used had been applied to other purposes than the manufacture of paper. The Treasury, after communicating with the Board of Inland Revenue, granted this virtual drawback; but the precedent thus set up is, in my opinion, one of a most doubtful and dangerous character. By what rule are we to determine what kind of fibrous material it shall be on which we shall levy the duty, and what the description of the article on which we shall take it on ourselves to remit it? You who are for retaining the tax force into our hands arbitrary powers entirely foreign to the genius of this country and odious to Englishmen. In many instances we have been obliged to refuse similar applications for the remission of the duty, and if the right hon. Gentleman the Member for Bucks were now as anxious for its repeal as he seemed to be under circumstances which he characterized as more propitious, and thought proper to ask the Committee to censure the conduct pursued by the Government in those cases in which exceptions from the tax were granted, we should have no other resource than to throw ourselves on the mercy of Parliament, seeing that we must, owing to the state of the law, admit that we cannot, in dealing with these applications, be guided by any distinct principle. We have, as I said, remitted the duty in the particular case to which I just alluded, but we at the same time know that much soreness and heartburning exists among other trades, who consider that they have an equally good claim upon our attention, but whose requests for a similiar boon we felt bound to refuse. But how do we stand now with respect to the manufacture of these pipes? We have gone to the length of our tether and our position is this, that not only will the Exchequer not derive a shilling from this source, but we shall be obliged to keep up a staff of officers whose duty it will be to enter the mills in the early stage of the process, and follow it up not until the duty is paid, but until the material used is no longer in a condition applicable to the manufacture of paper. So much for the advantages which the Government derives from the present state of things. But what is the position in which the trade itself is placed? Its promoters assure me that inasmuch as it is absolutely necessary for them to have recourse to these materials while it is necessary for the purposes of the Excise that the material employed shall undergo a particular process, so as to render it unfit to be used as paper, a burden equivalent to about 25 per cent of the duty is still imposed upon them by the operation of this restriction. It is further alleged that if the duty were repealed the cost of the raw material, owing to the immense supply of it in this country, would be reduced about 25 per cent; so that a heavy burden rests, and must continue to rest, on this trade as long as the present duty is maintained. I trust, therefore, that the Committee will take within the scope of its view, in dealing with this question, that Excise duties are grievous and burdensome, not only as far as existing trades are concerned, but that they practically prohibit a large number of other trades from springing into existence.

I now come to ask the hon. Member for Liverpool having arranged his troops for the conflict, who is going to support his Amendment? Reviewing the debate which has taken place, this seems to me a question for interesting speculation. I see opposite to me the hon. Member for Cambridgeshire (Mr. Ball), and I recollect that when the duty on tea was 2*s*. per lb., he contended that it should not be touched unless due regard were paid to the claims of malt, which competed with it for a remission of duty. If he is going to vote, especially after his speech showing the grievous hardship of the malt duty—if he is going to vote in favour of a reduction of the tea duty, I can only say it is a proof of the exigency of the circumstances in which he finds himself placed and an instance of fidelity to party. There are other Gentlemen whose votes I wait for with some curiosity. There is my right hon. Friend the Member for Hertfordshire (Sir Bulwer Lytton), and my noble Friend the Member for King's Lynn (Lord Stanley). They have made for themselves high and distinguished positions upon this question; they have taken prominent parts far in advance of all Parliaments and Governments. They have been members of an association; they have attended meetings; they have delivered speeches in which they have turned the whole question inside out. I want to see in what manner they can at all support the Amendment of the hon. Member for Liverpool. But whatever they may do, there are some Gentlemen who sit upon the opposite side of the House, as also upon this side, who cannot support the proposition of the hon. Member. Indeed, I only know of one Gentleman on this side who objects to the financial propositions of the Government. It is impossible for my right hon. Friend the Member for Stroud (Mr. Horsman) to support the Amendment. That right hon. Gentleman told us in an eloquent speech last Monday that for fourteen days he had been diligently consulting the figures of the Budget and he could not find the least evidence of a surplus. For fourteen days, like some Newton, he has been studying the problem, and, finding no surplus, I want to know whether he is going to give his support to the hon. Member for Liverpool? If he is it will be wholly inexplicable, for that will not exactly be an instance of fidelity to party. There is another hon. Gentleman, the Member for Inverness (Mr. Baillie) who has expressed anxiety for the repeal of the paper duty, and, when my right hon. Friend the President of the Board of Trade taunted him with a disposition to prefer a repeal of the tea duties upon this occasion, he started up, rejecting the imputation of inconsistency, and said, "Oh, no, I do not believe in a surplus." If he does not believe in a surplus he cannot vote with the hon. Member for Liverpool Then there is my hon. Friend the Member for Huntingdon (Mr. T. Baring) and everything that falls from him is received. not only by me but by the House with universal and unvarying respect. He declared in the most clear manner—not that there is not a surplus; he admitted that—but that the repeal of a penny of the income tax is as much as we can afford, and that to do away with £670,000 of paper duty was too much to add to the penny taken off the income tax. Well, if £665,000 is too much to add to the penny taken off the income tax, I apprehend my hon. Friend will agree with me that it requires no great arithmetical calculation to show that to take off £950,000 for the tea duties would be too much to give up. These are questions of some interest, the solution of which I await with some curiosity. But I do not remain in doubt on this—that the spirit in which this proposal was made by the Government, when they did their best, when they did all that in them lay to remove out of the way this subject of contention between the two Houses, and met the wishes which the Opposition expressed last year by the mouth of one of its best and most respected of its Members upon this point —that these things will have their effect on this House. They may not have their effect while a party cheer rings through the House, but when we come to a division we shall see that there are men sitting opposite who will show by their votes that they appreciate the endeavours of the Government to make finance once again a question of reason and of justice. I do not know who will support the Amendment, but I know who will not. I will venture to say that the majority of this House will not support it. After some considerable experience in this House in matters of finance, and some experience under circumstances that might be called critical, I say, in conclusion, with unhesitating confidence, that never with a more certain expectation of the issue did I submit a proposition to the House than I do now in asking them to accompany the Government to give effect to its proposals, which are based upon the principles which have regulated our legislation for the last twenty years; upon the principles which have been productive of such enormous benefits, and which have added almost as much to the authority and fame of the British House of Commons as it has contributed to the strength, the security, and the happiness of the people.

(3.) Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, the Duties and Drawbacks of Customs now charged and allowed on the articles undermentioned shall continue to be levied, charged, and allowed on and after the 1st July, 1861, until the 1st July, 1862, on Importation into Great Britain and Ireland, or on Exportation therefrom to foreign parts, or on removal to the Isle of Man for consumption therein, namely—

Tea.
Sugar, as denominated in the Tariff.
Sugar cane juice.
Molasses.
Almonds, paste of.
Cherries, dried.
Comfits, dry.
Confectionery.
Ginger, preserved.
Marmalade.
Alums, preserved in Sugar.
Succades, including all fruits and vegetables preserved in Sugar not otherwise enumerated."

MR. HORSFALL: There are, Sir, in this House hon. Gentlemen who will do me the justice to remember that when a short time ago I took the liberty of offering a few observations on the general principles of the Budget I took occasion to express the deep regret with which I took exception to any portion of the financial statement of the right hon. Gentleman the Chancellor of the Exchequer. I felt that regret from the personal regard and respect which I have hitherto, at least, felt towards him. I felt that regret from the great respect which in common, I think I may say, with the whole House, I feel for the noble Lord at the head of Her Majesty's Government. I should have rejoiced if the Amendment of which I have given notice had been submitted by my hon. Friend the Member for Huntingdon, because, however much hon. Gentlemen opposite may differ from the conclusions at which he may arrive, I am sure that they will agree—that whenever my hon. Friend addresses the House he is entitled to its respect and attention. Before I proceed to deal with the Resolution before the House, I must make one or two remarks in reference to observations personally addressed to myself by the right hon. Gentleman the Chancellor of the Exchequer, and I will endeavour to answer him in a frank and candid manner, and not in the tone which he has been pleased to adopt towards me. The right hon. Gentleman asked me how many of the petitions which I presented were in support of the Amendment of which I have given notice, and at the same time he made a contemptuous allusion to those petitions as if they were not "spontaneous" petitions. I can only say for myself that I have never written one line to any individual, or invited a petition in any form or shape on this subject. As to the substance of these petitions—I have presented three this evening, and the main one from Liverpool was, as I stated, in opposition to the repeal of the paper duty, but in favour of applying any surplus to the reduction of the tea or the sugar duties, or of the income tax, as the House in its wisdom might see fit. The other petition from Liverpool was from the East India and China Association, and it was specific—in asking for reduction of the duty on tea to 1*s.* per lb. The other petition put into my hands was from 900 of the inhabitants of Warrington —a large number for so small a place—praying the House not to repeal the paper duty so long as the oppressive duties upon tea and sugar still remained. I hope I have satisfied the right hon. Gentleman the Chancellor of the Exchequer of the validity of the petitions which I have had the honour to present. I will now proceed to notice the question at issue, and the question my Amendment gives rise to is simply this—"Will the House in July next reimpose 1*s.* 5*d.* duty on tea to enable it to remove the duty on paper, or will it reimpose the 1*s.* duty on tea, retaining the duty on paper?" I think I have put the question fairly before the House. Now, the right hon. Gentleman has told us that there is no war duty upon tea, and I shall notice that in a very few moments. Before doing so, however, I should like to call the attention of the House to the objections with which I am met on the threshold by the Chancellor of the Exchequer—that the

House is pledged by the proceedings of last year to repeal the duty upon paper. I should like to ask the Committee if there is no other pledge which has been given—if no antecedent pledge has been given by the House as to the tea and sugar duties—and given, not be a bare majority of nine, but by the unanimous assent of the House? And I will not ask the Committee to take my representation of that, but I will read to them the Resolution adopted by the House on the 31st of May, 1853—

> "Resolved, that in lieu of the duties of Customs now chargeable on tea imported into the United Kingdom, the following duties shall be charged:—To 5th April, 1854, 1*s.* 10*d.*; 1855, 1*s.* 6*d.*; 1856, 1*s.* 3*d.*; after, 1*s.*"

The House thus unanimously resolved in the year 1853, that on and after the 5th of April, 1856, the duty on tea should be reduced to 1*s.* per lb. But what followed? Shortly afterwards the Minister of the Crown came down, appealed to the patriotism of the House and of the country, and asked for supplies to carry on the war in which we became engaged; and the House, with a generosity which has since been but ill requited, immediately assented to a proposal for increasing the income tax and the duties on tea and sugar. But did the House, acting upon the advice of the Chancellor of the Exchequer, give no pledge upon that occasion? The right hon. Gentleman now says that these duties are improperly called war duties; but who is it that first called them by that name? I find that the following Resolution was unanimously adopted by the House on the 3rd of March, 1855:—

> "That the further decline of the several duties of Customs made payable on tea from and after the 5th of April, 1855, as provided by the Act 16 & 17 of *Vict.*, c. 106, shall be suspended until the 5th day of April which shall first happen after the end of twelve months from the date of a definite treaty of peace, on which day the said duty shall be reduced to 1*s.* 3*d.* per lb., and on the 5th day of April in the year following to 1*s.* per lb.; and that in the interval, in lieu of the said duties provided by the said Act, there shall continue to be charged the duty of 1*s.* 6*d.* per lb."

That, Sir, was the unanimous Resolution of this House with respect to these war duties, by which it was pledged long before it gave any pledge on the subject of the paper duties. But the right hon. Gentleman the Chancellor of the Exchequer is at variance upon this point with some of his own colleagues, for I find that when, on the 21st of June, 1858, the right hon. Gentleman the President of the Board of Trade proposed his Resolution to the effect, that when a fitting time arrived the Excise duty on paper ought to be abolished, the noble Lord the Foreign Secretary said—

> "The House would recollect that last year the then Chancellor of the Exchequer proposed that the income tax should be kept up at 7*d.* in the pound, and that instead of 1*s.* 3*d.*, the duty on tea should be 1*s.* 5*d.*, and that there should be a proportionate increase in the duty on sugar. This year they had allowed the income tax to fall from 7*d.* to 5*d.* in the pound, but they had kept up the duty on tea at 1*s.* 5*d.*, and also retained the proportionate increase in the duty on sugar. It was, therefore, almost a matter of good faith, when next there was a reduction in taxation, that the duties on tea and sugar should be reduced, which were, in fact, war duties; and there could be no greater claim for reduction in taxation than in those articles of consumption which entered so largely into the comforts of the people."—[3 *Hansard*, cli. 133.]

This is no new question. The right hon. Gentleman seemed to speak as if the cry for a diminution of the tea duties was one that is now raised for the first time. I recollect that some fifteen or sixteen years ago a great excitement prevailed throughout the country upon the subject of those duties. Large meetings were held, particularly in Manchester, where they were presided over by the mayor. At that time the reduction of the duty to 1*s.* per pound was contended for, and some importance was then attached to the matter by the hon. Members for Manchester. A circular was issued from that place, in which the duty on tea was spoken of as exorbitant, disproportionate, unjust, impolitic, and injurious, and in which the following sentence was printed in conspicuous type:—

> "Experience has proved that low duties produce larger revenues."

On the flysheet of the circular was an invitation to attend a meeting signed by, among other persons, Thomas Bazley, Chairman of the Manchester Chamber of Commerce; and J. A. Turner, Chairman of the Manchester Commercial Association. Under these circumstances I cannot help expressing a hope that I shall upon this occasion receive the cordial support of both the hon. Members for Manchester. Up to that time our merchants engaged in the trade with China had been placed in a most disadvantageous position; and a Committee of this House, of which the right hon. Gentleman the Secretary for Ireland was a most active member, after having inquired into the nature of our commercial relations with that country, reported that—

> "They think themselves warranted in recommending to the House a considerable reduction in

> the duty on tea at the earliest period which in its wisdom it may see fit, as most desirable in itself, with a view to the comforts and the social habits of the people, as involving but a temporary loss to the revenue, and as essential to the extension of our trade with China; nay, even to its maintenance at the point which it has already reached."

The Committee then proceed to contrast the duty on tea with the duties on coffee and cocoa, and point out that while the duty on tea was maintained at a high rate, the duty on coffee had been reduced from 1*s.* to 4*d.* per pound, and the reduction had been attended with an increased consumption of 500 per cent; and that the duty on cocoa had been reduced from 1*s.* to 2*d.* per pound, followed by an increased consumption of 1,000 per cent. These are facts which may convince the Chancellor of the Exchequer of the effect which reduced duties have in increasing the revenue. The Report of that Committee has been entirely confirmed by the fourth Report of the Commissioners of Customs issued last year. It is there stated that in the year 1848, when the duty stood at 2*s.* 2¼*d.* per pound, the quantity of tea entered for home consumption in the United Kingdom was 48,734,789lbs., which brought in a revenue of £5,329,992, and in the year 1859, when the duty stood at 1*s.* 5*d.* per lb., the quantity of tea entered was 76,362,008lbs., which brought in a revenue of £5,408,924. While entering into these details, I must express my regret that the Chancellor of the Exchequer had not the courtesy to remain in the House to listen to any statements I might have to make, after the very pointed and somewhat personal observations which he addressed to me. If he had been here I should have answered the taunt he has flung out with regard to my being the representative of a commercial community. I will now only say upon that subject that I feel proud of representing nearly 500,000 people, and a town the value of the exports from which exceeds the value of the exports from all the rest of the United Kingdom, including the port of London. But I shall proceed to notice, in the absence of the Chancellor of the Exchequer, the observations which he made with respect to the effect my proposal would have on the revenue of the country. I estimate the consumption of tea for the present year at 77,000,000lbs.; and the removal of 5*d.* per pound of the duty would create an apparent loss to the Exchequer of £1,641,000. But if we allow an increase of one-third in the consumption we should obtain from that source an additional sum of £547,000; and the total net loss to the revenue would then amount to £1,100,000 for the year. On this calculation the loss upon the year, if the duty were not reduced until the 1st of July, would be £825,000; if it were not reduced until the 1st of October the loss would be £550,000; and if it were not reduced until the 1st of January next the loss would be £275,009. But if it be considered that one-third is too much to allow for increased consumption, I will then take the increase at one-fourth, which would bring in an additional sum of £410,000; and then the whole loss for the year would be £1,230,000, or about £300,000 per quarter: so that if the duty were reduced from the 1st of July the loss would be £900,000; from the 1st of October it would be £600,000; and from the 1st of January it would be £300,000. Now the right hon. Gentleman the Chancellor of the Exchequer reckons his surplus at £1,923,000. The reduction of the income tax to 9*d.* involves a loss of £850,000, which would reduce the surplus to £1,073,,000 and with this latter sum we should have an ample margin for the reduction of the tea duties to 1*s.* per lb. from the 1st of October at all events. Another gentleman who is very well informed upon these points, does not go quite to the extent of the statement I have just made. He states that the annual increase in the consumption of tea under a 1*s.* duty, may with perfect safety be estimated at 4,000,000lb., which will cause an annual increase in the consumption of sugar of 16,000,000lb. The increase of revenue, therefore, would be £300,000 per annum; namely—on 4,000,000lb. of tea, at 1*s.*, £200,000, and on 16,000,000lb. of sugar at 1½*d.*, £100,000; so that in the course of about five years we should make good the £1,600,000 sacrificed by the reduction of the tea duty to 1*s.* But in all probability the increase of consumption would go on at such a ratio that the loss would be made up in three or four years; and there are those who would be prepared under the proposed change to farm out the revenue under an engagement to pay into the Exchequer in four years the total amount which is now raised by the duty of 1*s.* 5*d.* A very important subject for consideration with regard to this question is the relative effect of high and of low duties on the consumption of tea. I find that in the year 1840, when an addition of 5 per cent or 1¼*d.* per lb. was made to the duty, the consumption decreased by

2,874,659lb. From 1840 to 1851 the duty stood at 2*s.* 2¼*d.*, and the average annual increase throughout that period was 1,543,000lb. But during the next four years, when the duty was reduced from 2*s.* 2¼*d.* to 1*s.* 10*d.*, 1*s.* 9*d.*, and 1*s.* 6*d.*, the average annual increase of consumption was 1,851,000lb; and during the last four years, when the duty was reduced to 1*s.* 5*d.*, the average annual increase of consumption was double, or 3,400,000lb. I must add that as far as I am competent to form an opinion upon such a point I am led to believe that that increase would be doubled during the next five years if the duty were reduced to 1*s.* Since I placed my notice upon the paper I have received communications from many people both rich and poor; some of those communications I have not yet had time to read; but I was particularly struck by one of them which came from Birmingham; and I hope the hon. Member for that town will now allow me to direct his attention to the statement of one of his constituents. The writer addressed me as follows:—

> "I cannot omit the duty to tender to you the expression of my sincere thanks for your determination to move the lowering of the tea duty instead of the paper duty being taken off. I am a middle-class man with a large family; use 9lb. of sugar, near 1lb. of tea, ½lb. of coffee weekly. I need not tell you what a boon the 2½d. war tax per lb. off tea would be, and especially if sugar were lowered. Now it is clear all the tax to be remitted by your noble Resolution for Thursday's debate will come direct into my own family's comfort. The repeal of the duty on paper would not add one fraction to my comfort, nor would it save me as much in a year, as would your proposition save me the first week it came into operation if carried, as I trust in God it will, by the good sense of the Commons of England."

The writer of that communication does not wish his name to be known, as he is a Government employe; but I have no objection to show it to the hon. Member for Birmingham, if he should have any doubt of its authenticity. I believe that if the inhabitants of every large town in the kingdom were polled, it would be found that nine out of every ten of them, or even as many as 99 out of every 100, would rather have a reduction of the tea duty than a repeal of the duty upon paper. It may be thought that I am anxious to make out a very strong case against the latter proposal. But I am not disposed to do anything of the kind. I have, both in public and in private, advocated a repeal of the paper duty during the last twelve or fifteen years. I believe that that measure is only a question of time, it is a question of justice to the payers of other taxes, who are still subject to the extraordinary charges that were imposed upon them in a time of war, and who have the first claim on the favourable consideration of this House and the first mortgage on the finances of the Chancellor of the Exchequer—a mortgage which he is bound, I think, as an honest man to redeem. The right hon. Gentleman upbraided some hon. Members on this side of the House for their presumption in entertaining different views upon this subject from those which they held some years ago. It is not my intention to attempt to defend gentlemen who are perfectly competent to defend themselves; but I cannot refrain from saying that I think the right hon. Gentleman the Chancellor of the Exchequer is the last man in the House who ought to have brought forward such accusations. I promised to confine myself to the proposition before the Committee; and I have endeavoured to do so. I have submitted the proposition whether it is desirable to repeal the paper duty, and so to create a permanent loss to the public Exchequer, or to diminish the duty on tea, and thus pass a measure which I think I have shown will lead to a recovery of revenue in the course of five, if not of three or four years. The Chancellor of the Exchequer may take exception to the wording of the Amendment as it stands on the Paper, and he is very ready to object to small details of that kind; but I am quite prepared so to alter the Amendment that it may not be liable to any such objection. I invite the Committee to assent to the proposal I am now submitting to their consideration, not only as an act of justice to the working classes of the country, but with a view to extend our commerce, and to place the national revenue on a more safe and satisfactory footing. The hon. Gentleman concluded by moving his Resolution.

Amendment proposed,

> "In line 7, to leave out the word 'Tea,' and at the end of the Resolution to add the words 'Tea, until the 1st October, 1861; and on and after the 1st October, 1*s.* per lb.'"

THE MARQUESS OF HARTINGTON said, he had expected that the hon. Member for Liverpool would have put a stronger case before the House. No doubt, the hon. Member had made out a certain case for the reduction of the tea duty; it was perfectly true that a sort of arrangement was once entered into, by which the duty was to have been diminished to a lower amount than that at which it at present stood. But there were other taxes that had a stronger claim than the tea duty. Not only had there been a tacit agreement entered into with the country by an abstract Resolution for the repeal of the paper duty, but last year a Bill passed the House repealing it; that constituted a still stronger claim for the repeal of that duty than any tacit agreement. It was impossible to mistake the object of this long discussion. It was hoped that "something might turn up," and that the Government might be found to have committed some error. But it had committed no error. The right hon. Gentleman the Chancellor of the Exchequer on the part of the Government had answered in a strightforward manner the vague questions that had been put to him; and at last it had been announced, to the astonishment of every one, that a party fight was to be made on the question how the surplus was to be disposed of. The paramount consideration which induced him to vote for the repeal of the paper duties was that last year the House of Commons by a large majority consented to pass the second reading of a Bill to effect this object, resolving that they would pay an additional penny of income tax as the price of the repeal, while at a later period of the Session, in the face of an increased expenditure, they passed the third reading of the Bill. That Bill was rejected by the House of Lords, and the tax was now levied upon the authority of a body which had never had, and ought not to have, the control of the taxation of the country. The rejection of the measure last year furnished ground for a quarrel between the two branches of the Legislature which might have been dangerous to the Constitution. The House of Commons, however, displayed the greatest moderation; even hon. Gentleman opposite assumed no triumphant tone and said, "This act of the House of Lords is an exceptional one, justified only by exceptional circumstances, and not to be drawn into a precedent;" and by this moderation on both sides of the House the breach was avoided. Still, however, the question was not set at rest. The paper duty remained, and at any moment the dispute might be revived. What was to prevent another abstract Resolution being brought forward in this House? If such a Resolution were carried, and a Bill were sent up founded on it, there would be a collision between the two Houses? Now, by passing the Budget, not only would the possibility of such a collision be at an end, but the only sign by which last year's dispute could be remembered would be swept away. It would be no longer in the power of any demagogue — sincere and earnest though he might be mistaken—to say that this duty, pressing severely on a branch of industry, was retained by the sole authority of the House of Lords. The Budget, as proposed, would effect all trace of disagreement. Surely the House could do no wiser thing, seeing that it could be done without injury to the finances of the country, than thus to get rid of the vexed question. But the Government were invited to accept this Amendment in a friendly spirit. He thought, however, that when they had twice deliberately proposed, and when the House had twice as deliberately agreed to repeal the paper duty—looking also at the important constitutional question involved —the Government could not accept such an Amendment. If they did accept it they knew what would be their position. The Earl of Derby in a speech of great ability had announced it on the previous night. The noble Viscount was to remain at the head of the Government, but was not to choose his colleagues. He was to abandon his Chancellor of the Exchequer, once the ornament of the Conservative party, but now too dangerous an opponent to be allowed to continue in the Ministry. The noble Viscount might bring in his measures, but was not to pass them, nor was he to resign. The noble Viscount's task, according to this new theory, was principally to defeat the measures brought in by the hon. Gentleman who sat behind him, and this he was to do by the help of his new friends, the hon. and right hon. Gentlemen who sat opposite to him. He would ask whether any more degrading and insulting proposition could be made to the noble Viscount? He was glad to hear from the right hon. Gentleman the Chancellor of the Exchequer that night that there was to be no faltering on the part of the Government in carrying out their financial scheme, and he trusted that the Committee would hear from the noble Viscount at the head of the Government, before the debate closed, that he was determined, at all risks and hazards, to support his Chancellor of the Exchequer, whatever the result might be. He trusted they would also hear from his noble Friend that if the proposal of the Government to repeal the paper duty should be defeated by a hostile majority, he would not be deterred by the prospect of a good opposition hustings cry, which appeared to have given the Earl of Derby so much pleasure, from appealing to the country on behalf of the financial proposals of the Government. Something had been said of the political aspect of the Budget, and it had been objected to it that it had obtained the favourable opinion of the hon. Member for Birmingham and his friends. Now, the House had seen hon. Gentlemen opposite, when they were in office, bidding pretty high for the support of that hon. Member. He did not entirely agree with the hon. Member for Birmingham, either on the subject of Parliamentary Reform or the national defences; but there was one subject on which the hon. Gentleman and his friends had never been much at variance with public opinion, and that was on our commercial legislation and on commercial subjects. He could not, therefore, agree that if the Budget met the approval of the hon. Member (Mr. Bright) that was any reason why it should not pass, but rather the reverse. For these reasons he must beg the noble Viscount at the head of the Government to press without flinching his financial propositions upon the House, and, if its decision were unfavourable, to appeal to the country against that verdict.

Mr. HENNESSY said, he had no intention of following the noble Marquess into the contest between the House of Commons and the House of Lords, but would confine himself to the humbler and more practical contest before the Committee between tea and paper. As an Irish Member he begged permission to discuss the Amendment mainly with reference to Irish interests. His hon. Friend the Member for Dungarvan (Mr. Maguire), in calling attention on a previous night to the influence of the Budget upon Ireland, told the House that the paper trade of Ireland was declining, and the hon. Member for Birmingham, for the same reason, called upon Irish Members to support the Budget. But, on referring to the ordinary records of the trade of the country, he found that so far from the Irish trade being in an enfeebled and embarrassing condition it was a flourishing trade. He would first remind the Committee that Ireland had declined during the last twenty years in her population, wealth, land under tillage, and fisheries. The investments in savings banks had diminished, and the population was at that moment several millions less than it was twenty years ago. But one interest was successful and increasing, and that was the paper trade. In 1840 the quantity of paper manufactured in Ireland was 3,500,000lb. Year by year the production increased. In 1844 the quantity had increased to 4,500,000lb.; in 1848 to 5,500,000lb.; in 1852, 7,373,000lb.; in 1856 to 7,864,000lb. In 1859 the amount had reached 8,292,000lb., while last year it was no less than 9,000,000lbs. His hon. Friend had, no doubt unintentionally, misled the House by stating what was exactly opposed to the truth. His hon. Friend had also asserted that in consequence of the embarrassing action of the Legislature last year the paper trade of the United Kingdom had increased only 6,000,000lb., whereas the increase on the previous year was 25,000,000lb. But the fact was that during the last twenty years the average increase was somewhat under the increase of last year—namely, 6,000,000lb. The largest sum paid into the Excise in any one year on Irish paper was paid last year, being £55,349 in 1860 against £50,894 in 1859. The noble Marquess who had preceded him had entirely avoided the question of cheap tea, and he was not surprised at it. Of all parts of the kingdom Ireland would benefit most from the remission of the tea duties. The margin for tea consumption was greater in Ireland than in any part of the kingdom. In England the average consumption of tea was 40oz. per head; in Scotland 35oz.; in Ireland only 23oz. In the Channel Islands, where no duty was levied on tea, the consumption was 56oz. per head. His hon. Friend the Member for Liverpool (Mr. Horsfall) had dwelt upon the probable gain to the revenue if the Amendment were carried. Now, he had been informed by Irish tea dealers that the consumption in Ireland would show an increase of 75 per cent in two years if 5*d.* per lb. were taken off the duty. That would increase the revenue on tea from Ireland alone to the amount of £350,000 per annum. There was in Ireland a growing desire for tea, and with it, he was happy to say, a diminished consumption of spirituous liquors. Twenty years ago the consumption of tea in Ireland was only 4,000,000lb.; now, although the population had greatly diminished, the consumption of tea had increased to 10,000,000lb. Mr. White, of Hull, an eminent tea merchant, was asked before the Committee of 1847 whether, if the duty were reduced to 1*s.* a pound, his impression was that the consumption of tea would increase 100 per cent within five years? and his answer was "Yes." The duty on tea was then 2*s.* 2*d.* In discussing the question they ought not to forget that they had recently made a commercial treaty with China in which we had insisted on our manufactured goods being admitted into that country at a duty of 5 per cent. The average value of tea was 1*s.* 3*d.* a pound, and on that they charged 1*s.* 5*d.* duty, so that they imposed over 100 per cent on the chief produce of the Chinese, while they compelled them to take our manufactured goods with a duty of 5 per cent only. The right hon. Gentleman opposite (Mr. Gladstone) seemed surprised that this, the Conservative, side of the House, should take such an interest in securing cheap tea for the people. But, in fact, the present Amendment was the natural sequence of former Conservative action and of consistent Conservative policy. Mr. M'Culloch, in his *Commercial Dictionary* said—

> "The duty on tea was the only very objectionable one in the amended tariff bequeathed to the country by Sir Robert Peel, and he had merely deferred to a more convenient opportunity his determination to place it on a more reasonable and equitable footing. He did not, unhappily, live to effect this object, but it has been effected by others. The reduction of the tea duties formed a striking feature in the Budget proposed by Mr. Disraeli; and after the rejection of the latter, the project was introduced into the Budget of Mr. Gladstone, and was passed."

The credit of originating the reduction of the duty on tea, therefore, belonged to the Conservatives, and it was natural that that side of the House should be anxious to carry out a commercial reform which they had originated. The House had heard a great deal about the popularity of the repeal of the paper duty, but he would adduce a piece of evidence which, to his mind, proved that there was no strong, popular feeling in its favour. When corn law repeal was agitated the hon. Member for Rochdale and the hon. Member for Birmingham argued that the Anti-Corn Law League must be a popular body, because the funds at its command were always in a flourishing state. Now, when the funds of an association were in a flourishing condition it might fairly be urged that the cause which it advocated was popular; and, on the other hand, when the funds of an associations were in a crippled and embarrassed condition, as was the case with the Association for the Repeal of the Paper Duty, the fair inference was that it was not popular. He was in favour of the repeal of the paper duty when the proper time came. He was one of the Vice-Presidents of the Association for the Repeal of the Paper Duty, and when the war duties had been taken off tea and sugar, and the income tax greatly reduced, if not altogether removed, he hoped the repeal of the paper duty would be proceeded with. He found that in 1855 the receipts of the Association for the Repeal of the Paper Duty were £476 12*s.* 8*d.*, and the expenditure £714 9*s.* 11*d.*, showing a deficiency of £237 17*s.* 3*d.* Next year the receipts were still less; the year following 1858 they were still small, and the deficiency again large. In 1853 the debts of the Birmingham branch of the association were £17 11*s.* 6*d.* A strong whip was made in 1858, and twenty gentlemen subscribed £20 each towards relieving the association generally of its difficulties, but these twenty gentlemen, he found, were in the main papermakers. In Birmingham, where the association should be popular, there were only three subscribers, and he did not find the name of the hon. Member for Birmingham among them. In London there was subscribed £142 only, and among the subscribers he observed the name of the right hon. T. Milner Gibson for £50. From Manchester the sum received was £53, and from all other parts of the country the subscriptions amounted to £44, being less than the solitary subscription of one Cabinet Minister. There was not a single subscription from Ireland. The people of that country would rather have the duty off tea than paper; and he hoped that the well known opinion of the Irish people on the subject, and, generally speaking, the anti-Irish character of the present Budget would be enough to induce the Irish Members generally to support the Amendment of the hon. Member for Liverpool.

MR. PAGET said, the issue before the House was — what reduction of duties would, on the whole, most benefit the people. The right hon. Member for Stroud told the House that the remission now under consideration would amount to about £4,500 per day, and if he had carried the calculation further he might have told them that that would amount to about 1-7th of a farthing per person; but his belief was that by the encouragement of the employment of labour, and the development of industry, the power of consumption and the wages of the working classes might be increased much more than by any mere reduction of duty on tea. This question was of great interest to his constituents, who had to undergo a severe competition with the manufacturers of Germany. It had lately become the practice among the manufacturers of Nottingham to pack up stockings in pasteboard boxes, which cost about twice as much here as in Germany. A dozen of stockings of the value of 3*s.* or 4*s.* was put in a box which here cost 4*d.*, but in Germany only 2*d.* One manufacturer told him that these boxes cost him £3,500 a year, and another that he paid in paper duty alone in that way £300 a year. This difference, of course, owing to the competition, could not be charged to the American consumer, but must be taken from the profits of the manufacturer or the wages of the workman, or be divided between them. He had lately received a deputation from Nottingham, consisting of the chairman and secretary of the Trades' Union, who would naturally be acquainted with the sentiments of their fellow-workmen, and on asking them what they thought of the Budget, they said that at first they did not care much about it; but further reflection had shown them that it would be greatly to their interests. One of these men made the cards for the Jacquard looms, and though a drawback was allowed on the pasteboard, yet he could not open a single packet until the exciseman had inspected it, to weigh it and see that it was properly marked. The delay which this caused repetedly lost him a day's work, and kept a machine and a number of men idle. These were impediments which ought to be removed. The moral recommendations of the repeal of the paper dnty were equally forcible with the material recommendations. Of late years he had noticed that a great improvement had taken place in the tone of the discussions between masters and men, which he attributed entirely to the spread of knowledge. The same might be said of the proceedings at public meetings, which were much more orderly than in former times. It was no use now-a-days to attempt to drown a man's arguments by riotous clamour, for if they were reported they would be read and would produce their effect. He had been much struck, too, by the moderate tone of the evidence which had been given before a recent Commission issued to inquire into the expediency of extending the Factory Act to lace manufacturers, both

by masters and workmen. Men knew that their evidence would be read by their neighbours, they spoke, therefore, under a greater sense of responsibility and the Reports were not filled with such exaggerated statements as in former times. He considered that the people would gain much more by the removal of the paper duty than they would by the remission of a portion of the Excise duty on tea; but even if the balance of advantage was not so decidedly favourable to that removal there were other circumstances which would make him give his vote in favour of the proposition of the Chancellor of the Exchequer. When he entered Parliament the people were not taxed without their own consent, expressed through their representatives, and the consent of the Crown. Now, there was no question whatever that they were taxed contrary to the wishes of the House of Commons and the expressed desire of the Crown. He conceived that they were placed in a most painful and humiliating position; and one motive he should have in supporting the proposal of the Government would be that it tended to rescue them from the embarrassing situation in which they stood.

VISCOUNT HOLMESDALE said, he thought the noble Lords and hon. Gentlemen on the Liberal side of the House were open to the charge of inconsistency with reference to their speeches on the financial propositions of the right hon. Gentleman the Chancellor of the Exchequer. During the debate on the question for going into Committee the Opposition were taunted by the hon. Gentleman the Member for Liskeard (Mr. B. Osborne) and other hon. Gentlemen, supporters of the Government, with not having moved any Amendment; but now that his hon. Friend the Member for Liverpool had submitted a definite question to the Committee the noble Marquess (the Marquess of Hartington) expressed his surprise that such a course should have been taken. The Opposition had endeavoured to meet the wishes of the Liberal side of the House, and had, he must say, met with a very ungrateful return. The conduct of the Liberals on this occasion reminded him of that individual on the other side of the Channel who trailed his coat after him, and asked, would no one oblige him by stepping on the tail of it? Still more unreasonable was the taunt which the Chancellor of the Exchequer had thrown out as to the newborn zeal of the Opposition side of the House in the cause of the poor man. He (Viscount Holmesdale) denied that he was actuated in the vote he was about to give by a party spirit or by party consideration. He should give his vote in favour of the Amendment because he sincerely believed that the great working mass of the country, the majority of the population, would be infinitely more benefited by a partial remission of the duty on tea than by the remission of what used to be called one of the "taxes on knowledge," but what in the course of the debate was spoken of simply as "the paper duty." The noble Marquess had alluded to the proposition of the Government as a flag of truce sent to the other House, but he (Viscount Holmesdale) was afraid, that in reference to what had occurred in "another place" last year, there was peace on his lips, but there was war in his heart. He could not agree with those who thought that the noble Lords who sat in the other House of Parliament should wish to see the records of certain of their proceedings of last year obliterated. On the contrary, he was of opinion that those noble Lords had reason to be proud of the foresight they had shown and of the way in which they had acted. The Committee had been told by the hon. Gentleman who had just sat down that the paper duty pressed heavily on the manufacturers. On what manufacturers? He had among his constituents several paper manufacturers. One of them, whose letter was similar to the communications which he had received from others, said that this duty question was of secondary importance—"in fact, of no importance at all,"—but that it was the foreign export duty on foreign rags which tended to depress the trade. The paper manufacturers could not forget that last year, when a certain treaty was being negotiated, there had been a chance of doing away with that export duty under which they were now left to groan. The unsettled state of the duty question was, no doubt, a matter of importance to the trade; but so that it was settled in one way or the other, the continuance or non-continuance of the duty was not a matter of much importance to their interests. Well, then, if the duty did not press on the paper manufacturers, whom did it press on? Would its removal benefit the poorer classes to any appreciable extent? Was it reasonable to suppose that the remission of the duty on paper in which articles of consumption were wrapped up would cause a reduction in the price of those articles? He did not think it would. They had heard a great deal about the educational advantages of the repeal of the paper duty; but they had it stated in a pamphlet written by an eminent publisher, that the difference which the duty made in a shilling book was only a halfpenny. It was not clear that that halfpenny would go into the pocket of the purchaser; but even supposing that it would the advantage to the working classes would not be very great. One set of school books pretty nearly did for all a man's children; but the article of tea was one of daily consumption, and the duty on it might prevent a man from sending his children to school at all. Some hon. Gentleman might argue that the money saved by the reduction of the tea duty would not find its way into the pockets of the consumer; but the right hon. Gentleman the Chancellor of the Exchequer could not use that argument. That right hon. Gentleman, when advocating the reduction of the wine duties, enlarged upon the advantage which that reduction would bring to the consumer, and surely there could be no difference in that respect between wine and tea? The saving by the remission of the paper duty would be far more likely to go into the pockets of the proprietors of cheap periodicals than into those of the working classes. Moreover, as to cheap publications, he had seen in public-houses in the country cheap publications which were ill calculated to improve the poor man, even if they were printed on better paper. Indeed it was satisfactory to know that the paper on which such publications were printed rendered it very difficult for any one to read them. It had been announced that as soon as the paper duty came off there would be published once a week a divorce gazette. Did the right hon. Gentleman think it would be to the advantage of the working classes to have all the cases of Sir Cresswell Cresswell's court laid before them? Another paper was to be published giving in detail all the cases in the police courts. Would that benefit the people? A far greater benefit would be conferred on the people by even a remission of only a penny on tea than by the removel of the whole of the paper duty. *Mens sana in corpore sano* was all very well, but the *corpus sanum* was the first consideration of the working man. He felt that his vote, representing as he did no small constituency, was not to be trifled with or lightly given for party purposes. He had done his best to arrive at a solution of the question; and he could say, in all sincerity, after obtaining all the information within his power, and after listening attentively to the speeches on both sides of the House, he believed that he should best be doing his duty to his constituents by voting, as he intended to vote, for the Amendment of the hon. Member for Liverpool.

MR. NORRIS said, the question had been fairly raised whether the abolition of the paper duty or a reduction on tea and sugar would most benefit the working man by increasing his comforts. The hon. Member for Liverpool (Mr. Horsfall) had quoted the case of a Government *employé* at Birmingham, who stated that he consumed half a pound of tea per week. The saving on that amount, if the reduction of duty really reached him, would be just 2½*d.* per week, or probably not a halfpenny per head to his family. But two grocers in the borough which he (Mr. Norris) represented had informed him that the poor people in the neighbouring villages who bought their weekly supplies at their shops never purchased more than two ounces of tea. The remission of 5*d.* on the lb. would give a saving of a halfpenny and half a farthing for each family. The appreciable advantage per head could not, therefore, be represented by any current coin of the realm. As to the argument of an increase of consumption consequent upon this reduction of duty, what little increase took place would be among the poorer classes. Therefore, he did not regard the calculations of the hon. Member for Liverpool, that there would be a material increase of consumption, and consequent augmentation of revenue. The repeal of the paper duty would not only confer a benefit upon the producers of the literature of the country, but would largely benefit the working classes. Large quantities of wrapping paper were used in Manchester, Sheffield, Nottingham, Birmingham, and the other great hives of industry. Paper cost from £25 to £40 and £45 per ton, and a lace and stocking manufacturer in Nottingham had to pay £3,500 for paper, and compete with a manufacturer in Germany, where there was no duty, who could obtain the same quantity of paper for half that sum. Years ago the House had decided that the paper tax was one that ought not to be imposed, because it was calculated to interfere with the moral and spiritual welfare of the people. The Bibles issued from the Oxford press were not subject to duty, and if the paper tax had been levied upon the Bibles which had been issued by the British and Foreign Bible Society, which amounted to 39,315,226 copies, the duty would have amounted to the enormous sum of £709,526. Upon books which had been published of a kindred character to the Bible, illustrating its doctrines, the tax amounted to about 10 per cent. Then there was the duty on the four or five millions of tracts issued by the Religious Tract Society, and four or five hundred publications of the Wesleyan Society, and other works to inculcate good principles among the working classes—all of which paid this heavy duty. By abolishing the duty on paper the House would do more, he firmly believed, to improve the condition of the poor man than they could possibly do by remitting a halfpenny and half a farthing on his tea. Having once gone into a humble dwelling in a village in Berkshire, he noticed upon the walls some pieces of stained paper, most extraordinarily diversified in pattern and size; and, on interrogating the woman to whom the house belonged, he ascertained that at the paper mill where she and her husband worked hundreds of tons of old paper were ground up, but these paperhangings being unfit for use, they were allowed by the overseer to take them home. The isolated fact might appear of no importance, but he saw a great moral in it in connection with the oppressive operation of the tax on stained paper. The Amendment on which they were called to vote that night was not one expressive of sympathy with those whose precarious incomes were subject to an oppessive income tax; it was not proposed in the interests of those who paid fire or life insurance, or who sustained the burden of the hop duty; neither was he able to perceive that the interests of the poor were in any way promoted by it. The true interest concerned in the proposal of the hon. Member for Liverpool had been avowed in the speech of the Earl of Derby, who declared that it was easy for men like himself, who had attained to to the highest honours within the reach of a public man, to wait their time calmly and patiently; but true virtue was shown by those young and laudable ambitions, panting for opportunities of distinguishing themselves, and exhibiting the great qualities of their party, who yet practised restraint at the bidding of their leader. The true issue raised was, whether the aspirations of those young statesmen should be realized, and he believed they would be disappointed. He hoped the Chancellor of the Exchequer would abide manfully by his Budget, and that Her Majesty's Ministers would stand by the right hon. Gentleman; and he confidently predicted that an abundant majority of the nation would, if it were necessary, confirm the policy of the Government.

Sir STAFFORD NORTHCOTE said, he should not attempt to answer the arguments of the hon. Member who had just sat down, because, following the example of the right hon. Gentleman the Chancellor of the Exchequer and of almost every hon. Member who had spoken from the Ministerial side of the House, he had taken a wholly false view of the question really at issue. The hon. Member argued the question as if the country were in possession of a certain surplus, and as if a choice had merely to be made in reference to the remission of one of two taxes standing on an equal footing. He wholly denied the truth of that position; he denied that his right hon. Friend was in possession of a surplus. He did not question, and he never had questioned, the figures of the Chancellor of the Exchequer—though his right hon. Friend told him a few evenings since that he was "playing upon words" when he pointed out the real state of the case. He asserted that on the figures, as they had been put forward from the Treasury bench, there did not exist any surplus, but that a surplus had to be made. The question asked of the House was not "which of two taxes will you remit?" but "will you put on one tax in order that you may remit another?" For this statement, which he made unhesitatingly, he should refer, if authority were required, to the statement of his right hon. Friend in 1857, under circumstances parallel to those which now existed. The war duties on tea then existed at the rate of 1*s*. 9*d*. in the pound, and the Chancellor of the Exchequer of that day—the right hon. Baronet the present Home Secretary—proposed to make what he called a reduction to 1*s*. 7*d*., when by law they should have fallen to 1*s*. 3*d*. But his right hon. Friend took a very different view of the change which was suggested. He said—

> "You would have imagined that this innocent and harmless Budget of his was going to remit, not to impose, taxes on tea and sugar. . . . But the case stands thus—The war tax on tea will fall on the 5th of April next from 1*s*. 9*d*. to 1*s*. 3*d*. per lb. My right hon. Friend proposes to raise it again to 1*s*. 7*d*., and then he takes credit for 2*d*. of remission. This is his process. He says he remits 2*d*.; I say he imposes 4*d*. . . He intends to introduce Resolutions enabling him to levy on the 6th of April a duty which by law would not be leviable. That I call an increase of taxation."—[3 *Hansard*, cxliv. 1014.]

What was the House now asked to do? According to the principle laid down by his right hon. Friend, to add 2*d*. to the duty legally leviable on tea, and this, not to cover the necessary demands of the year, but to make up an excess over those demands in order that a certain other duty might be taken off. The case ought to be understood by the country. It was not a question between two existing and analogous duties, as for instance, the paper duty on the one hand and the fire insurance duty on the other; in such a case the arguments of the hon. Gentleman who had just sat down would have been admissible, but that was not the question. The question was would the House reimpose a duty levied originally for war purposes on an article of general consumption, and kept on after that war had ceased, in order that other taxes might now be remitted? He was prepared to argue the matter on more than one ground. In the first place, he would argue it on the ground of general policy; next, on the ground of good faith—and in connection with that branch of the subject he would consider the narrower question which had been raised affecting the honour of the House of Commons; and, lastly, he would deal with the narrowest point of all, but in his opinion the most important, the financial ground on which the proposal was advocated.

In dealing with the question of general policy, his right hon. Friend had made some statements which very much astonished him. The Chancellor of the Exchequer had stated that in adopting the Resolution of the hon. Member for Liverpool, they were going against the policy laid down by Sir Robert Peel and other great financial and commercial reformers; and at the expense of endangering the revenue and of paralyzing trade they were about to confer a boon, which was in reality no boon, upon the consumers of tea, because—it was alleged—they would not obtain the benefit of the reduction. He proposed to meet his right hon. Friend on every one of these grounds. When the Chancellor of the Exchequer asserted that the reduction of duties for the benefit of the consumer had never been the first, but the last of the great measures of Reform adopted by statesmen during the last twenty years, he was by no means sure that the statement was accurate when contrasted with the acts of the right hon. Gentleman's predecessors, or even with his own. He would not quote against him expressions which he had himself used in former years. He would not even refer to the reduction of the wine duties last year, though he was prepared to show that these measures of last Session stood on all fours with the proposed reduction of the tea duties. He was not at that moment about to challenge his right hon. Friend with any inconsistencies either of speech or action; but he would quote against him an authority whose weight his right hon. Friend very justly extolled—that of the late Sir Robert Peel. There were two occasions on which Sir Robert Peel made great reductions in the Customs' duties, and on which, in memorable speeches delivered in that House, he laid down the principles on which those reductions ought to be pursued. In 1842 he certainly did not consider it a matter of primary importance to reduce the duties pressing upon article, of general consumption; but in that year he was encountering a falling revenue which it was necessary quickly to replace, and he had to deal with a commercial system greatly crippled by most unjust and unwise restrictions. But what was the argument of Sir Robert Peel in 1845, when the income tax, which he had imposed in 1842 for a particular purpose, had done its work, and when he was able either to take off that tax or to continue it for the general benefit of the country? Sir Robert Peel said that, having a considerable surplus to dispose of—

> "In the first place you have to consider the claims which may be urged in favour of a reduction of taxation on account of the heaviness with which certain imposts press on articles of general consumption."—[3 *Hansard*, lxxvii. 472–3.]

What Sir Robert Peel placed first in 1845 his right hon. Friend placed last in 1861. But it was not alone for the benefit of the general consumer that he urged the reduction of the tea duty. Looking at the question in the broadest way, he maintained that the reduction would promote the general interests of the trade, commerce, and manufactures of the country. His right hon. Friend had made a statement which had astonished him greatly, coming from such a quarter. It was probably meant as a taunt to hon. Members on the Opposition side, but he could tell his right hon. Friend that the lessons of the last twenty years had not been so entirely lost upon hon. Gentlemen on that side of the House as he seemed to suppose. Individually at least he (Sir Stafford Northcote) did not need to learn them. His right hon. Friend said that in reducing the tea duty they might, perhaps, benefit trade, but that in the first instance it was the foreigner, the China grower, whom they were benefiting. That was a doctrine which might have emanated from his hon. Friend the Member for Norfolk or any other of those who held consistently the old Protectionist views, but it sounded very strangely when it came from his right hon. Friend. No doubt the Chinese grower would benefit by the reduction of the duty on the great staple of his exports, but the benefit would not stop there. He surely did not need to remind his right hon. Friend of the great free trade principle which he enunciated the other evening, and which he said he took it for granted even Protectionists were now ready to acknowledge—that our exports depended on our imports. Hon. Members on that side of the House wished to encourage the importation of tea by the reduction of the duty, not because they had any particular affection for the Chinese producer, but because they knew that imports must be paid for in exports, and that an increased consumption of tea in this country would be followed by an increased demand for the cottons, and calicoes of Manchester, the hardwares of Birmingham and other manufactured goods, to find fresh markets for which was of the utmost importance in the present critical condition of the trade of the country. Their policy was dictated, therefore, by a regard to the true policy and the best interests of the country considered on the largest and widest scale, not by a regard to what his right hon. Friend called —although he did not admit the justice of the appellation—the narrow and limited interest of the tea drinkers of the country. His right hon. Friend said, and said truly, that the policy of that (the Opposition) side of the House had throughout been tolerably consistent. He said, what was not quite true, that the policy of the great commercial reformers had been to relieve articles that were used in trade and commerce rather than articles of general consumption. But he stated what was perfectly true, that the policy of hon. Gentlemen on that side of the House had always been to reduce the duties on articles of general consumption when it was in their power to do so. That was true in the case of the article under consideration—tea. Who was the first to propose the reduction of the duty on tea? Why, his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli). When the Government of the Earl of Aberdeen came into office in the following year they were obliged to own that the proposal of the right hon. Gentleman had met so completely the wishes of the country that they had no alternative but to follow his example. He (Sir Stafford Northcote) was prepared to adhere to this policy, and to lay down the proposition that they were bound to consider whether in benefiting trade and manufactures they were also conferring a real and general benefit on the consumer of the necessaries of life. He would be quite ready to take issue on the question whether any remission of taxation which they could afford should be given to the manufacturers or to the working classes. Whose turn was it now? They had been conferring many boons on traders and manufacturers for some time past; but what had they been doing for the general consumer? Remember the history of the tea duty. At one time the House agreed to reduce the duty to 1*s.* per lb., but a great crisis came, a war intervened, and its fall was arrested. The war drew to an end, and an opportunity arrived for reducing the duty, but the arrest of the fall was continued till 1860, when the war duty was certainly to terminate. Last year it ought to have been lowered, but instead of doing so the Government asked for its renewal for the sake of certain great commercial reforms—for the sake of a treaty with France — for the sake of measures which were intended to benefit the trade and commerce of the country—measures which he (Sir Stafford Northcote) honestly believed would tend to the prosperity of the country; but which, at all events, were directed to serve in the first instance the interests of the manufacturer rather than of the working classes. Now, again, they had an opportunity of relieving the consumers from the burden which had so long and heavily pressed upon them, and again they were asked to disappoint the just expectations of the public for the benefit of the manufacturers, who had already had more than their share of favour and consideration. It was "for only one year more" they were told. Now, he would ask those hon. Gentlemen who were interested in the reduction of those duties, and there were many of them he knew on the benches opposite—what they considered was the meaning of that plea of one year more? Other duties had been renewed for a certain period, the income tax had been renewed for a limited period, in order that certain commercial reforms might be obtained. Those reforms had been obtained; the full period of the continuance of the tax had elapsed; but notwithstanding that, what, he asked, had become of the income tax? So it would be with regard to the duties on tea and sugar. If they did not get the tea duty reduced now they would have very little chance of getting it reduced at any future time. Next year there would be the fire insurance duty, the hop duty, or some other tax claiming remission, and the reduction of the tea duty would be continually postponed, again and again, until they had accomplished every reform which the fertile brain of the Chancellor of the Exchequer could suggest. If they agreed to renew it this year, their compliance would be established as a precedent against its reduction in future years. And in that point of view he wished to make an appeal to those interests the duties on which the Amendment did not propose to touch. The delay in the reduction of the tea duties would postpone still further the reduction of the duties on those articles in which they were more immediately interested. The tea duties would be kept on because they only pressed on those who had no influence in the House—only on the general consumers of the country. Last year they were to have had a Reform Bill, which would have admitted that class of the community to the suffrage; but now that hope had vanished—they were excluded from the suffrage, and if they complained too loudly, through the only channel that was left open to them they were told that that fact was an argument against them. The manufacturers were represented in the House by men of their own class, whose position and whose natural powers would always command a hearing; the working classes, the consumers at large, could only petition, and when they did so they were told their petitions were forged. His right hon. Friend said it was all very well to talk of conferring a benefit on the consumers, but the fact was that the benefit would never reach the consumers—that it would be all intercepted by the trader. All he (Sir

Stafford Northcote) could say was that of all extraordinary doctrines that was the most extraordinary. He should not have been surprised if he had heard it from the lips of some antiquated Protectionist; but it was doubly extraordinary when he heard it from his right hon. Friend, from whom he had been accustomed to hear doctrines so very different. But his right hon. Friend undertook to prove his point, and he quoted two instances—the first in 1857, and the second in 1853. Now, he did not know whether it struck other Members as it had done him, but he confessed it did appear to him extraordinary that his right hon. Friend should have taken the earlier example after the later. The reason for that, however, was not long in appearing. In 1857, said the right hon. Gentleman, you reduced the duty, but the price did not fall. At this there was a slight movement on those (the Opposition) benches, and the Chancellor of the Exchequer added, "Perhaps that may be explained—there was a war with China." He cheered that observation, and his right hon. Friend continued, "That is your answer, but what will you say of 1853?" In that year you reduced the duty from 2*s*. 3*d*. per lb. to 1*s*. 10*d*., but the consumer got no benefit, and he quoted the price current. He (Sir Stafford Northcote) could not quote the price current, although he believed that as to that the Chancellor of the Exchequer was about right; but he would quote what his right hon. Friend said on introducing his Budget on the 6th of March, 1854, with reference to the effect of the reduction of the tea duties. His right hon. Friend then said—

> "With respect to the tea duties, I hope the Committee, notwithstanding the unfavourable circumstances which have occurred, and the state of disturbance which has been prolonged in China —I hope, I say, the Committee does not repent of the large and liberal measure which it adopted last year upon this subject. Last year the House of Commons gave assent to an immediate reduction of the tea duty, amounting to 4½*d*. in the pound. The amount of relief afforded to the consumer by that reduction has been not less than £950,000 in the year. I estimated, however, that from the nature of the consumption, and the elasticity which it was expected the article would show, the whole loss to the revenue against the relief of £950,000 would be a sum of £366,000. Now, I think the Committee will see that it is a satisfactory result that the loss to the revenue is no greater than that which at the time I estimated it to be. I took it at £366,000; the loss which I have now to state is £375,000. The Committee must bear in mind that an actual increase has taken place within the last two years in the low price of teas, which I shall be quite safe in putting at not less than from 4*d*. to 5*d*. per lb. It is, perhaps, more; so that, in fact, the whole of what we have given away in duty has been absorbed by the augmentation in the increased cost of the article. But do not let us suppose that upon that account the repeal of the duty has been useless to the consumer. On the contrary, I venture to say that there never was a time at which it was more important that you should have remitted the duty. What we are suffering from is, not an abstraction of the duty from the Exchequer, to be enjoyed by the trader who comes between the producer and consumer, but from a real scarcity of supply, owing to the state of affairs in China. But the effect of your remission of duty was this, that it drew to England, as compared with other countries, a much larger proportion of tea than we should otherwise have had. And if it be true, as it undoubtedly is, that the public must now pay very nearly the same price for their tea as they did two years ago, still, if you had not remitted the duty the public would not only have had to pay that price and the whole amount of duty besides, but very considerably more."—[3 *Hansard*, cxxxi. 361-2.]

He had been met in the lobby since the Chancellor of the Exchequer's speech that evening by many Gentlemen, who asked him what he said to the argument of the right hon. Gentleman, and he now replied that that was his answer.

Let him now say a word upon what he deemed to be a most important question for the Committee to consider. They had to take into consideration not only general policy but good faith. They had most distinctly pledged themselves to the working classes of the country and to the consumers that they would reduce these duties at the earliest opportunity after the close of the war. What had been the changes in the tea duty? In the year 1853 it was 2*s*. 3*d*. per pound, and an arrangement was then made by which it should fall by four steps to 1*s*., which point it was to reach in 1856. In 1853 it fell to 1*s*. 10*d*., and in 1854 to 1*s*. 6*d*., in pursuance of the law. In 1855 it was to have fallen to 1*s*. 3*d*., but in consequence of the war the House was obliged to interfere and raise it to 1*s*. 9*d*. At that point it remained while the war lasted. When the war was at an end the House reduced the duty to 1*s*. 5*d*., and provided that it should continue at that rate until 1860, when it should fall to 1*s*. That promise, which ought to have been fulfilled last year, was put off for the sake of the French Treaty, for the sake of reducing the wine duties, and of other arrangements which were then adopted. It was put off for a year, and a year only. The year had now expired, and they were asked to put it off again. They had heard a great deal about the pledge which had been given by the House in 1858 that it would take off the paper duty, but in that very debate the noble Lord the Secretary of State for Foreign Affairs said that—

> "It was almost a matter of good faith that when next there was a reduction of taxation the duties on tea and sugar should be reduced."

That was the expectation which they had held out to the working classes of this country, whom they had continually disappointed, and whom they would have to disappoint over and over again unless they took that opportunity of enforcing its fulfilment. He had heard one argument used which had very much astonished him. He had heard it said that it was a question of honour — that the honour of that House was engaged in the repeal of the paper duty before anything else was undertaken. He ventured to ask what was the nature of this honour which it seemed they were to prefer to good policy and good faith. His idea of honour was that it was the perfection of justice—that it was a feeling which prompted men to keep pledges which they had given, even though it might entail loss and mortification on themselves. He could not help thinking that the honour which led some Members of that House to set aside all other considerations, and postpone them to wiping out an insult which they imagined they had received from another branch of the Legislature, which induced them to persevere in a course which was wrong rather than acknowledge the error of which they had been convicted, was the honour of the duellist, and not true honour. How absurd was the course which these Gentlemen were taking! Did they think that, if they did last year submit to an affront from the House of Lords, they could wipe it out by now passing a Bill for the repeal of the paper duty? The House of Lords rejected the repeal of the paper duty last year not on account of any love which they had for that duty beyond any other, but because they thought that sufficient provision had not been made for the wants of the financial year. That was the rebuke which the Government and its friends received. It was a very severe rebuke and a very just rebuke. It was a just rebuke, as was proved by the fact that the country had sympathized, not with the Government or the House of Commons, but with the House of Lords, and that, when challenged, the Ministry, with its overwhelming majority, did not accept the challenge, but submitted to the decision of the House of Lords. What they did last year was conceived in a wise and prudent spirit, because when they found that they had committed an error, they submitted to the rebuke which they received. He could have understood, though he could not have approved, the adoption of a different line of conduct. He could have understood their saying last year, "We will not submit to this rejection; we will send back the Bill to the House of Lords again and again; we will suspend all public business until it is passed, and will assert our right to be wrong if we please;" but what he could not understand was the course which was now proposed. They proposed to wipe out the memory of defeat, not by allowing the matter to rest, but by reviving a controversy in which they had the worst, and in which they deserved to have the worst, and by reviving it in a form which would bring to the memory of the country the records of their mistakes, and which could not set them right in the eyes of the country, nor, he would venture to say, in their own. They could not reverse the decision of the House of Lords. They might take the paltry vengeance of erasing the name of the field upon which the battle was fought, but the fact would remain that the House of Lords had for once sent back a Budget which was hastily conceived and rejected—a financial scheme which was not sufficient to provide for the wants of the country. They might do away with the paper duty—for do not let them think that the House of Lords would again refuse to consent to its repeal—but the battle had been fought, and they could not reverse the decision. It was only a question whether they would with a good grace take the matter as it stood and forbear the revival of this controversy, or whether they would oppose to the wise and magnanimous conduct of the House of Lords—(*Cries of* "Oh, oh!" *and cheers, which prevented the completion of the sentence.*) Did hon. Members mean to say that the conduct of the House of Lords was not wise, was not magnanimous? Then, let them explain their conduct of last Session. He repeated that the conduct of the House of Lords was wise, that it was magnanimous; and there were papers upon their table which proved the truth of his assertion. Let them look at the balance-sheet of income and expenditure, and add to the deficiency the loss which would have been occasioned by the repeal of the paper duty; let them consult public opinion upon the subject, and then tell him on what grounds they last year consented to submit to this rebuff, and what were the grounds upon which they were this year going out of petty pique to revive a question which neither honour nor interest called upon them to raise.

Descending from these higher grounds, he would come now to the narrower, but, perhaps, even more important question, that of finance. Some surprise had been expressed that those who had challenged the existence of a surplus were prepared to vote for a remission which must come out of that surplus. He utterly denied that in any true sense of the word there was a surplus at the present moment, but he had never ventured to question the figures of the Chancellor of the Exchequer, nor had he ever said that if the taxes proposed by the right hon. Gentleman were put on, supposing the expenditure not to exceed the Estimate, there would not be a surplus to the amount claimed. He admitted that he had questioned one item, and one item only, in the estimate of revenue. He had questioned the Chinese indemnity, estimated at £750,000, and he confessed he was not thoroughly satisfied with the explanation which had been given upon that point. At the same time he knew well that no man in the responsible position of the Chancellor of the Exchequer would venture to include in his estimate of expected receipts a sum which he believed he had no chance of getting; and, therefore, confessing that he was not entirely satisfied, he was not prepared to dispute the estimate of revenue. Nor had he ever said one word against the estimated expenditure for the current year. All he had said on that point—and his criticism remained unanswered—was that the Chancellor of the Exchequer had left out of view an item of expenditure which must be defrayed either in the present year or next year—namely, about three quarters of a million of unexpended balances on the Vote of Credit for China. But he had no doubt, since the Chancellor of the Exchequer had said so, that the right hon. Gentleman had laid before the House an accurate statement of the expenditure which he expected to incur in the present year; and, therefore, he admitted that, if Parliament gave him the taxes he asked for, the Chancellor of the Exchequer would have a surplus. He consequently felt it to be quite unnecessary, in announcing his intention to vote for the Motion of the hon. Member for Liverpool, to retract anything he had said on the question of surplus, because his remarks had not only not been answered, but no attempt had been made to answer them. He had called attention to the unsatisfactory result of the financial measures of last year. No answer had been given to his observations upon that point. He had also called attention to the heavy calls which were likely to be made upon the country next year, and had referred particularly to the million of Exchequer bonds which would then fall due. Upon that point the Chancellor of the Exchequer had simply given the House to understand that he did not mean to condescend to the baseness of repayment. After the statements which the right hon. Gentleman had made on his official responsibility—statements to which he still solemnly adhered—it would be improper and even indecent for Members of the Opposition to dispute the existence of a surplus. The real question, therefore, came to be, what duties ought to be selected for remission? Upon that question he had no hesitation in saying that the true financial policy would be rather to reduce the tea duty than to abolish the Excise duty on paper. The right hon. Gentleman the Chancellor of the Exchequer had told the House, on authority which, of course, could not be questioned, but with a lamentable absence of detail, that the Motion of the hon. Member for Liverpool, if agreed to, would entail upon the revenue a loss of no less a sum than £950,000. He was bound to accept that statement, but he was utterly unable to make it out. He could not, of course, presume to compare the information he possessed on the subject with that of the Chancellor of the Exchequer, but in 1859 he held a subordinate position in the Government of the Earl of Derby, one which brought him into connection with financial matters, and he assisted in the preparation of the Budget for that year. It was necessary for him to consider the effect of the fall which was to take place in the tea and sugar duties in 1860. Acting upon the best information he could obtain, he calculated that the fall in the tea and sugar duties, according to the consumption of that time, would cause a loss of about £2,000,000. In 1860 his calculations were strikingly confirmed by the present Chancellor of the Exchequer, who stated when he brought forward his Budget that the reduction of the tea and sugar duties would produce a loss of £2,100,000. His own figures were arrived at as follows:—The total number of pounds of tea consumed in the country was multiplied by 5, *5d.* being the amount of the fall, and from the product one-third was deducted on account of expected increase of consumption. Some might think the deduction too large, but the Chancellor of the Exchequer, when he reduced the wine duties last year, estimated the recovery at 35 per cent. Lest, however, the case of the wine duties might be considered an unfair one he would take that of tea. Taking the tea consumed last year at 77,000,000 lbs., a reduction of *5d.* would give a relief of £1,641,000 per annum, or a gross loss for six months of £820,000, making no allowance for increase of consumption. He could not understand how the Chancellor of the Exchequer had converted that £820,000 into £950,000. Perhaps it was owing to the calculation he had made of the effects likely to be produced upon the trade by a prospective reduction of duties. What, however, were the actual facts as regarded tea? In 1853 the right hon. Gentleman reduced the duty on tea from *2s. 2d.* to *1s. 10d.*, and he estimated the relief to the consumers at £950,000. But the loss to the revenue was only £375,000, and in the same proportion a relief of £820,000 to the consumers would cause a loss of only £313,000 to the revenue. He admitted that these were rough and vague calculations; but he might say, at all events, that the circumstances under which the hon. Member for Liverpool proposed a reduction in the present year were not less favourable than those which existed when the Chancellor of the Exchequer effected his reduction in 1853. But his right hon. Friend said these reductions would paralyze trade and inflict a heavy loss on the revenue because they were prospective. He did not understand the meaning of that argument. There had been like reductions of Customs which had been prospective. Last year there was the prospective reduction of the wine duties. And even with respect to the paper duty, they proposed to take off that duty, not immediately, but from the 1st of October next. The right hon. Gentleman had been challenged by the hon. Member for Honiton (Mr. Moffatt) as to the revenue he would receive from paper between this and October. It was said the trade would be paralyzed in the interval if the duty was not to fall until then, and that was precisely the argument the right hon. Gentleman used with regard to tea. Trade would be paralyzed because there was going to be a fall in duty. Was not that the case with paper as well as tea? One thing, however, he might safely say—that the duty on tea, whether it was to fall in October or not, would not affect the people's purchasing powers; they would go on drinking and buying tea till October, as they had done hitherto. Then, as to the effect on the consumer, that depended very much on the stock of tea in the country and in warehouse. What was the present condition of the tea trade? It was very remarkable. They were told there were some articles of which the consumption was stationary, such as tea, sugar, and tobacco. He had looked into the facts and he found that the imports of tea had not been stationary. They were largely increasing; but the consumption of tea was stationary. The imports of tea in the first three months of 1859 were 8,000,000lb.; in the corresponding period of 1860 nearly 11,000,000lb., and in 1861 they were nearly 17,000,000lb. But in the same years the entries for consumption were as nearly as possible stationary; or rather in the last year they had decreased. The entries in the first three months of 1859, 1860, and 1861, respectively were 8,700,000lb., 8,800,000lb., and 8,400,000lb. There was a large import and a stationary consumption. What was the effect on the stock in warehouse? It was larger than it had ever been—it was 78,000,000lb., against 71,000,000lb. in 1860. But it was said we ought not to reduce prospectively. He admitted there were some cases in which prospective reductions were bad; but there were other cases in which prospective reductions were necessary in order to enable the consumer to get the benefit, and tea was one of them. They had always dealt with tea by prospective falls at long intervals, and why? Not for the sake of revenue, but that the consumer might get the benefit of the reduction. He would venture to give the Committee a little political economy. One great object in the reduction of duty was that whatever the revenue lost the consumer should gain. They had to encounter, on the one hand, the danger that, if they reduced by driblets, the retailer, not the consumer, would benefit; on the other hand, there was the danger, if they reduced by a large amount and so stimulated the demand while the supply was not increased to meet the demand, the producer would gain the benefit. To apply this to the present case

—if ever there was a favourable moment for a large reduction in the duty on tea, it was then. He might adduce many considerations, all converging to the same end. What was the quantity of tea actually available for consumption? What was the state of the market from which they were going to draw their supply? The markets of China had just been thrown open to them in a manner they could not have expected. Who were the principal customers of China besides ourselves? The United States. And what was their condition? Was the trade between the United States and China likely to be developed in the present condition of affairs? Now was the time to step in and take advantage of the development of the trade of China, to avail ourselves of this great new market while the outlets in America and the Levant were in jeopardy. If they properly took advantage of this opportunity, a great advantage would be conferred on Manchester, Birmingham, and the other great seats of manufacture. They might talk of the Commercial Treaty with France and the reduction of duty on wine; the commercial treaty, as he had never hesitated to admit, was a good thing—the reduction of the duty on wine was a good thing, but give him the reduction of the duties on tea and an increase in the trade to China for the special benefit of manufactures.

There were other matters he might have brought forward, but he felt he had trespassed enough upon the Committee. He had ventured to treat the question as one of general policy, of good faith and honour, and on the narrower grounds of finance. Something had been said of the reduction of recuperative duties. In this view the tea duty was a safe one to reduce. The tea duty in the course of a few years would replace itself. He was afraid he could not say so much for the paper duty. They all knew the old fable of the traveller who had a cheese given him which he might eat down to the lowest point so long as he left a bit to grow from; but one day a hungry friend came in and ate it all up; nothing was left to grow from, and so he lost his cheese altogether. It was said that the repeal of one Excise duty had a beneficial effect on another; yes, but they must leave other articles to tax. He was quite ready to take off the paper duty at the proper time, but not on the plea that the Excise revenue possessed that elasticity which would enable it to recover. The recovery of the Excise arose, not from elasticity, but from an increase of duties. The Revenue derived from Excise duties had increased from 1849 to the present period some two or three millions a year, but it was because there had been an increased duty on spirits. In the year 1849 the spirit duty realized £5,700,000, in the year 1860 it realized £9,700,000. That increase explained the increase in the Excise. But to what was it due? Not to elasticity, not to an increased consumption. On the contrary, the consumption of spirits had diminished. The quantity of spirits manufactured in 1849 amounted to 23,000,000, and last year to 22,000,000 gallons. The increase was occasioned by the increase of duty; but they could not go on adding to the spirit duties, which were admitted to have reached their maximum; if, therefore, they desired a progressive revenue they must make their reductions in what were called recuperative duties. Looking at the demands they had to meet, it was safer to remit part of the duty on tea than to destroy the entire duty on paper. He did not, however, admit that the question then to be argued lay between tea and paper. The question was—Should they or should they not renew those war duties which for so many reasons ought to be remitted? He appealed, on the grounds he had stated, to hon. Gentlemen below the gangway—he appealed to Manchester and Liverpool, to the trading and commercial interests of the country, to help them in taking off the duties on tea. He said nothing against the repeal of the duties on paper. If they thought that repeal of such importance, let them by all means effect it; only let them not do it in this way. The real point was—would they put on one duty in order to take off another? It was quite possible that it might even be worth while to put on a new tax with a view to relieve paper; all he said was, that tea was not the article which should be taxed for such a purpose. They had an ingenious Chancellor of the Exchequer, fertile in expedients; if he longed to slay that giant, the paper duty, let him choose some other weapon from his armoury for slaying it, rather than the war tax on tea. The poor were now appealing to them for relief. ("Oh, oh!") He observed that any reference to the great consuming classes coming from his side of the House was received by hon. Gentlemen opposite with something like a sneer. Would hon. Gentlemen be kind enough to ask themselves how the question appeared in the eyes of the country? Hon. Gentlemen were discussing the subject of the paper duties with intense eagerness, because they thought their own honour was concerned. They had got into a quarrel—a very one-sided quarrel, let him tell them—with the House of Lords relative to what occurred last year. He for one was prepared to protest against the position which hon. Gentlemen assumed. He stood there as one of those independent Members who had never committed themselves to the policy of hon. Gentlemen last year, and to whom if they had only listened they might have escaped the reproach to which the majority had exposed themselves, because on the very question of the repeal of the paper duties he and others had submitted that that measure was an unwise one on the very ground afterwards taken by the other House. An *argumentum ad hominem* might, however, be addressed to him and those who agreed with him, and their pride in the great assembly of which they formed part might be appealed to, and, perhaps, appealed to in some respect not in vain. But let him ask hon. Gentlemen opposite what was the feeling of their constituents? *Quicquid delirant reges, plectuntur Achivi.* They were quarrelling among themselves, and it was the people who suffered. Because of the pledges they had unwisely given, they were refusing the manufacturers a new outlet for their trade, and withholding from the whole community, on grounds personal to themselves, the boon now sought at their hands. That was a position entirely untenable. He confidently appealed, then, to hon. Gentlemen to go with him on that question of the tea duties; and they might afterwards consider whether they could make any arrangement in respect to the paper duties. He did not love the paper duties. ("Oh!") Well, he repeated that he did not love those duties. He admitted that there was great force in the objections which were stated to them. But they were now arguing quite another and a wholly preliminary question; and he, therefore, now called upon them—laying aside all prejudices, all false notions of honour—to support the Resolution of the hon. Member for Liverpool.

SIR GEORGE LEWIS: Sir, there are real questions and also merely verbal questions, even in financial debates; and I think the hon. Gentleman who has last spoken began by giving a specimen of a mode of reasoning founded on a merely verbal distinction. Financial debates usually have a definite practical issue. The long debate we have lately had on the Motion that the Speaker leave the chair had, I thought, produced at least one practical result—namely, an universal agreement that we have a large surplus to dispose of. In the course of the debate opinion fluctuated on that point in a remarkable manner. At first hon. Gentlemen seemed to question the existence of any surplus whatever; indeed, they were rather inclined to maintain that there was a large deficiency. But as the discussion advanced, the equilibrium was gradually established, and at last we had a clear and full admission from the right hon. Member for Bucks that there was a surplus, and that the calculations of my right hon. Friend, the Chancellor of the Exchequer, must be accepted as the foundation of our debates. Sir, I should have thought that that admission would have facilitated our further discussion of this subject. That, however, was not at all the view of the hon. Gentleman who has just sat down. He began by alleging that there was no surplus, because my right hon. Friend, the Chancellor of the Exchequer, called on us to renew the taxes that are about to expire or have already lapsed. He says that because there are certain taxes which have only a temporary currency, and because there are Resolutions on the table asking us to continue them, therefore your surplus is purely ideal. Well, Sir, the position of my right hon. Friend was clear. He said, "I assume that the whole of the existing taxation is retained;" and that is, no doubt, the view the country is willing to take in the present state of our finance. "Upon that hypothesis," my right hon. Friend added, "We shall have a surplus of £2,000,000. Then the question arises—how are we to deal with that surplus? I propose to remit 1*d*. of the income tax, and repeal the paper duty." That statement, perfectly distinct and consistent, is not destroyed by the argument of the hon. Gentleman that the surplus is created by the continuance of existing taxes, because the retention of those taxes is the very basis of my right hon. Friend's calculations. I think we may, therefore, at once discard all the cobweb logic of the hon. Gentleman. I do not mean to speak disrespectfully of the hon. Gentleman's argument. I only wish to say that all his logic as to the non-existence of a surplus was as unsubstantial as the material to which I have referred. We may start, then, from the assumption that we have £2,000,000 to dispose of. The first and most obvious mode of dealing with that sum in our present financial state is, perhaps, to apply it to the redemption of debt. During the late war we made a considerable addition to our national debt; and perhaps some might think that any surplus we may possess should be used for its liquidation. In the first place, be it observed, that it does so happen that no temporary debt—no Exchequer bonds, fall due during the present financial year. But let me call attention to the encouragement which a Chancellor of the Exchequer has received in the existing state of public affairs to pay public debt. After the war one series of Exchequer bonds was discharged when it became due. But when the right hon. Member for Bucks succeeded to office the first thing he did was to postpone the liquidation of £2,000,000 of Exchequer bonds then payable. He might with great facility have made arrangements for the discharge of that debt, but he deliberately postponed the payment of those bonds, the House, as far as I remember, very willingly and without a division agreeing to his proposal. More than that, he brought in a Bill to repeal the Sinking Fund, which had been created by Act of Parliament during the war by a charge on the Consolidated Fund. By those two measures, to which the House made little or no resistance, the right hon. Gentleman opposite laid down in a very significant manner the policy of not discharging debt even when the expenditure was much less than that of the present year, and when the Naval and Military Estimates had not reached their present height. But my right hon. Friend is accused of having created a debt by diminishing the balances in the Exchequer. Now what, I would ask, was the nature of the operation which in that respect he performed? The charge sounds to uninitiated ears as if some frightful dereliction of duty had been committed by the diminution of the balances to the extent of a million and a half. The proceeding, however, as I understand it, is simply this; that in March, 1860, the balances in the Exchequer were £8,000,000, and that in the course of the year they were reduced by the amount which I have just mentioned, and that last March, shortly before the payment of the dividends, they stood at £6,500,000. Well, there is nothing culpable in such a transaction. The Chancellor of the Exchequer is required only to keep the balances at such an amount as will in all reasonable probability render unnecessary the issue of deficiency bills; and as a matter of fact, whatever diminution may have been made in those balances, it did not reach a point at which any inconvenience has been occasioned to the public, or which would lead to the inference that any advantage would have arisen from the circumstance that the balances had been kept at a higher level. That question being disposed of, we come to the issue most prominently raised in this discussion—the existence of a surplus of £2,000,000 being admitted, in what manner ought it to be applied to the reduction of taxation? For my own part, I am one of those who laboured under the impression that enough had been said in the contest between direct and indirect taxation. The Government are, however, accused of showing undue favour to the latter, while they are said to be disposed to place unreasonable burdens on the people under the operation of the former. Now, would it not, let me ask, be under these circumstances the more consistent course for hon. Gentlemen opposite to pursue, rather to propose a further reduction of the income tax than to press for a diminution of indirect taxation? To proceed in that way would, it appears to me, be to act far more in accordance with their policy and principles, as well as the charges which they have brought against the Government than can, under present circumstances, be said to be the case. For myself, I confess that I am by no means disposed to join in that declamation which is so often indulged in in opposition to the income tax. I do not look on that tax as an odious impost, as it has so frequently been designated, while, upon the other hand, I am prepared to admit that it would be desirable it should be reduced to the amount—7*d.* in the pound—at which it was originally fixed by Sir Robert Peel. My conviction is, that levied to that extent—seeing that a large revenue must be raised—the tax would be willingly paid by the great bulk of the people; but if you get considerably above that amount objections are very naturally made to the pressure which is thus put on the community. Now if hon. Gentlemen opposite, when the Resolution imposing a 9*d.* income tax was proposed, had moved that it be reduced below that amount, they would, I think, be acting in accordance with their principles and policy, and would be enabled to lay before the Committee arguments far more consistent with those they have been in the habit of advancing on the subject of taxation than those which they submit to us when they come forward with—as far, at all events, as they are concerned—a new-fangled proposition for the reduction of the duties on tea. They have, however, allowed the income tax Resolution to pass with little or no objection, and the question for consideration is now narrowed to the point whether we shall reduce the tea duties by *5d.* in the pound or repeal the duty on paper. One of the main arguments used against the choice made by the Government in dealing with this point is that the Budget is of a political and not of a financial character. But are political considerations, I would ask, to be altogether omitted in framing a financial scheme? Is the Budget to be the only great subject proposed by the Government for the sanction of the House in which the state of public opinion and the position of political parties are not to be regarded? Is it credible that, after the events which took place last Session, after the decision at which the House of Commons then arrived, and after the various apprehensions which were expressed as to a collision being imminent between two great branches of the Legislature—the part in connection with this subject should be effaced from our minds, and that we should proceed as if none of the occurrences to which I am referring had ever had existence? Let me suppose that a change of Government had since been brought about, and that the right hon. Gentleman the Member for Bucks again occupied the position of leader of this House. Should we not, I should like to know, hear from him, if he were to bring forward a Budget under these circumstances, nothing on the subject of the paper duties? Does he think it would be possible for him to silence the voice of the public and of Parliament on this great question? The solemn decision which has been arrived at with respect to the repeal of the paper duties and public expectation alike forbid the adoption of such a course. We, in laying before you the financial proposals for the year, had to look to the events of last Session; we had to consider whether, if we declined to deal with the duty on paper, and proceeded to remit some other branch of indirect taxation instead, we should not be leaving this impost in a precarious position, liable to be annihilated at any moment by a vote of this House. That being so, the decision at which the Government arrived was, I maintain, in accordance with sound policy, and a discreet and farsighted view of the interests of the country; nor am I by any means to admit with the right hon. Gentleman opposite that the conclusion to which we felt bound to come in this matter, was in the slightest degree dictated by petty pique. It was, on the contrary, the expression of our deliberate judgment formed on the merits of the question at issue. I now come to deal with the comparative claims of tea and paper to this remission of taxation which we are in a position to grant. The hon. Gentleman the Member for Liverpool, in dealing with that point, went into great detail, and dwelt with much statistical elaboration on the obvious fact that if you reduce the Customs' duties on an article which is largely consumed, the probability is the consumption of that article will greatly increase in a brief period. That, so far as it goes, is, no doubt, a fair argument in favour of the reduction of the duty on tea; but it must also be borne in mind that the reduction which we have it in our power to make is only a small one, and that £1,000,000 devoted to the purpose which the hon. Member advocates would, though it is a considerable amount in the Imperial revenue, afford no very sensible relief to the class whom he seeks to benefit. With regard to the abolition of the paper duty, on the other hand, there is this argument to be advanced—that you by that means get rid altogether of an Excise duty, that you abolish inspection, and give facilities for the future growth of an important branch of manufacture. The considerations to which I have just adverted in reference to both these taxes are, of course, of a rival character, but under all the circumstances of the case I hope the House will not object to ratify the decision in the matter at which the Government have arrived. The hon. Gentleman (Sir Stafford Northcote), I may add, dwelt very much on what he termed the breach of faith in relation to the reduction of the duty on tea; but this, I confess, seems to me to be a line of argument which it would be well to resort to as little as possible, the wide application, which it must be looked upon as having, being taken into account, inasmuch as I believe there is scarcely any one important duty in respect of which breach of faith might not with some degree of justice be urged. As to the tea duty, the matter stands thus:—During the war it was 1*s.* 9*d.* per lb., and it was afterwards reduced to 1*s.* 5*d.* This is a lower rate than prevailed at any former time, and let those who are zealous advocates for a reduction of the tea duties bear that fact in mind. After the war, when I had the honour of filling the office of Chancellor of the Exchequer, I proposed to reduce the tea duties to 1*s.* 5*d.*, but my right hon. Friend who sits near me proposed upon that occasion to reduce them to 1*s.* 3*d.* Upon that question a division took place, and a considerable majority decided to maintain the duty at 1*s.* 5*d.* That decision, as it seems to me, entirely settled the question as to a breach of faith. That decision was come to after the war was concluded, when the House was in full possession of all the facts relating to this question, and yet it decided to maintain the duty at 1*s.* 5*d.* Therefore, I conceive it is perfectly open to the present Government, without any breach of faith to the House to propose, at least for the present, to maintain the tea duty at 1*s.* 5*d.* As to the pressure of this tax a material fact to guide us is a reference to our consumption. I am not at this hour going to trouble the House with many figures, but I will read what was the consumption in each of three years;—In 1853 the consumption was 58,860,000lb.; in 1856 the consumption was 63,295,000lb.; and in 1860 it was 76,809,000lb. Therefore, it is clear that, however desirable it might be, if our financial condition would allow it, to reduce the duty upon tea, which is undoubtedly a high one, at the rate proposed, yet, nevertheless, the present duty is quite consistent with a great increase of consumption. For these reasons I trust the House will not listen to the arguments of hon. Members which are directed against the Budget of my right hon. Friend. It is a Budget framed upon sound economical, and just political principles. It proposes to raise a large and almost unheard-of revenue for the wants of the country, and as to those Gentlemen who attempt to alarm us with prospects of encroachment upon our forbearance in consequence of the dangers which may arise from the state of foreign relations, I would venture to remark that our estimates are full estimates, considering that they are framed in a time of peace, and that all reasonable precautions in the nature of defence have been provided for out of the expenditure, after deducting which there remains the surplus computed by my right hon. Friend. It seems to me, whether looking at the question of expenditure or the question of receipts, that the calculations laid before this Committee have been fully justified, and I trust their votes will sanction the proposals of my right hon. Friend.

Mr. DISRAELI: Sir, I could have been quite content to leave the merits of this question to the speech of my hon. Friend the Member for Stamford (Sir Stafford Northcote). Never since I have had the honour of a seat in this House have I heard a question more completely and more fairly put before the House, supported by ampler knowledge, illustrated in a happier manner, and recommended for our consideration by reasoning more irresistible. But I understand that, in order to conclude the debate, which I suppose we all desire, it may not be inconvenient that I should avail myself of the opportunity of offering some observations upon what has passed to-night upon the Amendment of my hon. Friend the Member for Liverpool, and, therefore, I will venture for a brief space to claim the attention of the Committee. Sir, I think the debate of this evening could not be otherwise but interesting, even had it not been for the revelation on the part of the right hon. Gentleman the Chancellor of the Exchequer of the spirit in which the policy was conceived by the Government, and in which the financial scheme originated. We understand to-night, from the highest authority, that it was a spirit of conciliation. Now, Sir, although we are always opponents and always critics, yet I believe there is no one in this House who does more ample justice to the great qualities of the Chancellor of the Exchequer than myself. But still, however varied his abilities, however exuberant his resources, I confess I have always thought that conciliation was not his province. I think to-night that what he has said and what he has done has completely fulfilled that suspicion on my part, for a more startling, although I admit a more amusing, performance I never recollect to have taken place in this House. If any Free-trader who had been at a former time a Member of this Assembly could come back here to his old seat, he would be somewhat astonished and perplexed by the dogmas enunciated and the opinions enforced by the Chancellor of the Exchequer. But what is more admirable in the right hon. Gentleman than anything else is the tremendous courage with which he will support any opinion which may suit the position in which he at the moment finds himself. The right hon. Gentleman to night is one of the strictest Protectionists that ever raised his voice within these walls. He will not listen for a moment to the proposition that by reducing a high duty we may at all benefit the consumer. He is startled at such heresy, and denounces it with indignant invectives. He lays down the very principle as an axiom which for so many years he has been strenuously opposing. He not only lays down as a principle that a reduction of duty will not benefit the consumer. ("No!") If the right hon. Gentleman did not lay down that principle, I am totally unaware upon what his argument is based, for that was the foundation of every conclusion which he recommended to our acceptance. He dilated on the paralysis of trade, he showed us that this reduction of indirect taxation would injuriously affect the revenue. Every argument that has been offered in old days, but not with the same force, and with more moderate calculations has been reproduced by him to-night with a bitterness of conviction, as if he had suddenly reverted to those old original opinions, which once upon this side of the House he advocated with so much ability and apparent conviction. I ask the Committee with confidence—Has not the right hon. Gentleman been met fairly upon every one of these points? Is it necessary to convince hon. Gentlemen opposite, and especially hon. Gentlemen below the gangway, that reducing a duty does really benefit the consumer? There may be some professors of "cobweb logic" who may still cling to that ancient opinion, but it can scarcely be necessary to dilate upon its fallacy. But every other point which the right hon. Gentleman has urged has been met by my hon. Friend the Member for Stamford, and has been by him completely refuted in argument and in fact. My hon. Friend has shown, from the results of former changes under similar circumstances, not only as to other articles, but also as to this particular article of tea itself, what has been obtained. He has reminded the Committee that if your consumption is stagnant, necessarily, and in a great degree, from the amount of your duty—when we hear so much from the right hon. Gentleman of the paralysis of trade, may we not speak rather of a paralysis of consumption? The right hon. Gentleman seemed perfectly astonished that we should suddenly and unexpectedly express these opinions as to the article of tea, and it appears to him that this is the first time in Parliamentary experience that tea has been regarded as an article of great consumption and one of great interest to the community. The right hon. Gentleman met this view of the case as some startling novelty for the first time introduced to the consideration of the House. That was not the opinion of the right hon. Gentleman in former and very recent days. The right hon. Gentleman did not then maintain the opinion that the price of articles of great consumption, and especially of tea, did not affect the interests of the consumer. Very recently the right hon. Gentleman laid it down as a first principle, not only in fiscal practice, but in political science, that the reduction of the impost on tea was a measure for the first considetion of statesmen. Hon. Members must recollect the strong, violent, I will say passionate language in which the right hon. Gentleman addressed the House on that occasion. He was not then Chancellor of the Exchequer. Another Gentleman, now the colleague of the right hon. Gentleman, then filled that office, and in what tones did the right hon. Gentleman open upon the Budget of the present Secretary of State for the Home Department, especially in reference to the question of tea? The right hon. Gentleman said that this was a question which concerned a million hearths, and that if the first imposts taken off the industry of the country were not the duties on tea and sugar, it should not be kept secret from the people. Such a deed, the right hon. Gentleman declared, should not be done in the dark, for he would rise in the House and let the people know who were the statesmen, and what was the policy, which entailed upon them such grievances. This is only a feeble recollection of the forcible language which the right hon. Gentleman used in 1857. I remember with some complacency the occasion on which the right hon. Gentleman made that declaration, for he then condescended, as on more than one occasion he had done, to support a Motion on the finances of the country which I myself introduced to the consideration of the House. We were not fortunate enough, even with our combined efforts, to disturb the present Prime Minister on that occasion; but on that occasion, as I hope I generally do, I did not wish to provoke a fruitless contest; and, after once fairly appealing to the House, I declined any further struggle—not so the right hon. Gentleman, however. He reproached me for no longer standing by him in his chivalry, determined to carry on the contest without my humble assistance and the assistance of my too indulgent Friends around me. The right hon. Gentleman, confident in those great powers we all recognize—feeling that he was an army in himself, continued the war, and brought the subject under the consideration of the House, insisting that the duty on tea should be reduced. He rolled his thunder bolts at the head of the present Secretary for the Home Department, and I confess I am astonished, after what the right hon. Gentleman went through when he was Chancellor of the Exchequer, that he still survives and still sits now in the same peaceful Olympus in which the present Chancellor of the Exchequer occupies a place. When the right hon. Gentleman, confident in his own powers, and without the support of any party, either before or behind him, brought forward the case of the impost on tea, and asked the House to abolish the war duty, the brilliancy of his language and illustrations, and the inexorable and irresistible logic—not cobweb logic—with which he enforced his views perfectly astonished us. I could not, when I listened to him, help saying that, much as I admired his efforts a fortnight before, when we combined and were beaten by a majority of eighty, if he had spoken like that the other night the majority might have been greatly diminished. I never quote *Hansard* for mere taunts, but as an illustration of history, perhaps the House will on this occasion listen to the words used only four years ago by the right hon. Gentleman, when every statement the most exaggerated, and every phrase themost plausible, were employed to induce the House of Commons to abolish the war duty on tea. The right hon. Gentleman on that occasion concluded his speech in the following manner:—

> "I am deeply convinced that the rigid maintenance of the pledges given, even by the Parliament which raised these taxes during the war, is of the utmost importance in itself—of the utmost importance with a view to the increase of the comforts of the people—of the utmost importance to the satisfaction, contentment, and loyalty of the people; and, speaking of these proposals as precedents, I do not hesitate to add, of the utmost importance to the stability of the political institutions of the country; because I think that, in a country where the representatives of the people are elected, not by the entire mass of the population, but only by those who are generally above the level of the labouring classes, it is most important, if you intend to have tranquillity and contentment, that the labouring classes of the people should see that their interests are fairly, justly, and liberally cared for by Parliament, and that there is in that body no disposition to respect unduly and unequally the interests and convenience of those classes who possess the franchise. If I were an agitator for extended and organic reform in the Parliamentary representation of the people, I should not desire a better case than to go forth among those upon whom I sought to act and say to them,—'See, here is a fair test of the effects of a limited representation.'"—[3 *Hansard*, cxliv. 1990-91.]

This repeal of the tea duties is according to the right hon. Gentleman a matter of high political importance, and the refusal now to take off the war duty on tea may be an irresistible ground to—I will not say the colleague—but at least the coadjutor of the right hon. Gentleman—I mean the hon. Member for Birmingham—on which to raise his agitation in the next autumnal recess. The right hon. Gentleman added—

> "Here is a case in which Parliament had in its hands, provided by law, ample means of defraying the expenditure of the country. A movement was got up among the classes who possessed the franchise for a reduction of taxation. They did not, as they ought to have done, look first to what would be the expenditure of the country and govern themselves as to taxation accordingly; but they at once determined, with a dissolution in prospect, that, whatever might be the expenditure, the wishes of the enfranchised classes should be met; and to meet these wishes they not undid, but began to undo, the beneficial work of former years and of former Parliaments, and added to the burdens which were leviable by law upon the tea and sugar of the people."—[3 *Hansard* cxliv. 1991.]

Yet the right hon. Gentleman has told us to-night that virtually the amount of the duty on tea is a matter of no importance whatever; not of importance socially; certainly, not politically, for that is out of the question; and not even fiscally. What is the use, therefore, of taking the duty off tea? But only four years ago, when, we may believe, the right hon. Gentleman spoke with feeling not less deep and sincere than that with which he has spoken to-night, when we had considered the question no less elaborately, and with thought no less profound, he was surprised that any part of this House should refuse to take off the war duty on tea, and intimated that such an act of impolicy in the Parliament of England might be chosen—and successfully chosen—as the ground of an agitation against the institutions of the country! This, then, is my answer to the tone in which the right hon. Gentleman has to-night, with singular indiscretion of manner and so unexpectedly at the commencement of the debate, delivered opinions on this subject utterly at variance with all the policy he has of late years promoted and enforced. What can have happened in the interval since the right hon. Gentleman made the elaborate statement with which he opened this debate to change the restrained and courteous conduct which has characterized the right hon. Gentleman throughout this prolonged, but not unnecessarily prolonged, discussion? What can have happened since Tuesday evening? I was not aware at first of any extraordinary circumstance that could have sent down the right hon. Gentleman the Chancellor of the Exchequer in such a paroxysm of emotion to open the debate in a manner so precipitate and so remarkable; or induce him to give up all the opinions he has so sedulously and for so long a period professed. He suddenly comes down to the House, and rushes to the table, to declare that the amount of duty on an article of general consumption cannot affect the consumer; that the reduction of the duty on tea will greatly endanger the revenue, though we have authentic evidence before us that the diminution of the revenue will be only temporary, and that the attempt to reduce the burdens of the people in this way will cause a paralysis of the trade of the country. Nothing very remarkable happened in this House on Wednesday morning; the Government was only beaten once or twice, but that it is used to. That has happened during the whole Session, and more especially on ecclesiastical subjects, on which we hope that the right hon. Gentleman still sympathizes with us. How the evening of Wednesday was spent by some of us it is unnecessary to say, but the right hon. Gentleman appeared to make some mysterious allusion to the hours we spent in a manner that to those who were present were entirely satisfactory. But why the right hon. Gentleman came forward at the last moment to defeat this Motion, by enforcing a policy that reverses all the opinions of former days, and arguing, or I will not say arguing, for he would not condescend to argue against "cobweb logic,"—that he leaves to the right hon. Baronet—but denouncing with scorn and almost hatred all the opinions he has hitherto professed on this subject, will remain a mystery, unless it is explained by the noble Lord, who will probably enlighten us. The opinions the right hon. Gentleman has stated to-night have been completely met by the hon. Member for Liverpool and by the hon. Member for Stamford. Whether we take the effect of the tax on the consumption, the distribution of the amount of taxation to be remitted, or the effect of that remission on the revenue, every statement of the right hon. Gentleman has been entirely destroyed and refuted; and more especially with regard to the point that is most important in the consideration of this subject—the effect on the revenue and the demand on the surplus. My hon. Friend the Member for Stamford—who spoke with the modesty that distinguishes him—has information at his command on this subject in no respect inferior to that possessed by the Chancellor of the Exchequer. My hon. Friend has formed his opinions on information as authentic as any that can be placed before a public man, on which the House may implicitly trust. The conclusions my hon. Friend offers us appear, from my experience in 1852 and 1858, when my attention was necessarily directed to this subject, to be as sound as any that were ever recommended to this House; while the conclusion at which the right hon. Gentleman the Chancellor of the Exchequer has arrived is one that no arguments or details ever placed before me could authenticate or authorize.

I will now only say one word to the right hon. Gentleman on the manner in which he has reproached us for what he intimates are our new policy and principles in upholding the expediency of reducing the duty on tea. I am not aware that it is new on this side of the House, either as a policy or a principle, though the right hon. Gentleman says it is a new-fangled policy as far as we are concerned. Considering that we were the first party that proposed the reduction of the duty on tea, and that the amount of the duty should finally be 1*s.* per lb., I think there is a great want of judgment in the right hon. Gentleman choosing that as the ground for reproaching us. Eight years ago we recommended the House to adopt this policy; and why did we recommend it? Because we felt among other reasons it would contribute to the comfort of the labouring classes and the great mass of the community. And I may be permitted to say that hon. Gentlemen opposite have no right to arrogate to themselves a claim to be considered the peculiar friends of the working classes. Be the principle on which they are founded right or wrong, all the laws that have been passed by Parliament in the last twenty years, to alleviate the labour of the people, and to recognize their claim to a portion of their time, to be devoted to their general improvement—all those laws were resisted by the hon. Gentlemen opposite. And though I do not want now to go into any controversy about these statutes, I may say they have been eminently useful, have produced none of the evils predicted from them, and are now received with approval and confidence by the great body of the nation; and I think it is rather unwise for hon. Gentlemen opposite to assume on all occasions that they have a monopoly of consideration for the working classes, when, on all these subjects of deepest interest to those classes, they have been, consistently and invariably, in the wrong. When, in 1852, we recommended the reduction of the tea duty, we had in view also the opening of new markets, and stimulating demand in the old. What are our circumstances at present in reference to this subject? If the extreme East was so long ago an object of interest to us, what are China and Japan now? Our trade with them is a much more important consideration than bickerings with the other House of Parliament, if such bickerings have ever existed; and I am sorry the right hon. Gentleman has spoken of that dispute, as if the House of Commons was defeated and treated with contempt by the other House. Had it been so I should not have been silent on a question of privilege. The fact is the other House of Parliament did that which the law and the Constitution authorized them in doing. But is it the Government who talk of a collision with the other House—the Government who passed Resolutions vindicating the exercise of the privilege by the other House? And, of all Ministers ought the Chanceller of the Exchequer to treat it as an historical fact that the House of Lords have invaded our privileges? What did the Chancellor of the Exchequer himself do late last Session? He brought forward a second Budget, and proposed the paper duties as part of his Ways and Means. How inconsistent for a Minister of Finance to propose as part of his Ways and Means a law which, according to his theory, really was repealed! I discard that, then, as matter of consideration, because it is covered with cobwebs. It is not for our honour to admit it for a moment; and nothing to me is so surprising as that those who affect to be the great champions of our privileges, who will not easily bear a stain upon our honour, should be always going about saying that we have been insulted, treated with contempt, and outraged. I deny it. If we had been treated in that way there is spirit enough in the House of Commons to have properly vindicated their privileges and resented any abuse of them. The House of Commons did not resent the conduct of the House of Lords and vindicate their privileges, because, after grave and calm consideration, they found that the House of Lords had not invaded them; and I have no fear myself that the House of Lords ever will invade the privileges of the House of Commons. In conclusion, I say that we are not, in deciding this question, to take into account those petty considerations. If there be, as we admit, a surplus revenue—if a remission of taxation is to be made, and is to be distributed for the relief of the people —it is the first duty of the Committee to consider what are the best means and what is the best way in which the distribution shall take place, and by which it shall be carried into effect. Will you open new markets? Will you sustain a trade and important branches of commerce? Will you give a new impulse at this moment to a channel which, above all others, ought to be encouraged and supported? Or will you, for some private end, for some comparatively petty causes, which are still to a great extent obscure, which it has been difficult to analyze in the course of this debate, but which all acknowledge to be comparatively of a limited and personal character, will you forego this great and legitimate opportunity of supporting and stimulating the commerce of the country? That is the question on which we are going to divide, and whatever may be the immediate decision, I am sure that the principles involved in the question before us will sink deep into the hearts of the people, and will not be forgotten at the moment when they are called upon to deliberate and decide upon the conduct of their representatives.

VISCOUNT PALMERSTON: Those who have been in the habit of attending to the course of debates and discussions in this House must have observed from time to time that when a great party find themselves defeated in argument they naturally have recourse to personalities. They select for their attack some leading member of the party by whom in argument they have been defeated, and they endeavour to retrieve themselves by an attack upon him, acting upon the well-known principle in law, "where there is no defence vituperate the counsel of the plaintiff." That, Sir, is the course which this debate has taken. After long discussion upon the various details of the different proposals that have been submitted, we have this night been favoured by the pouring forth of invective from the right hon. Gentleman opposite upon my right hon. Friend the Chancellor of the Exchequer. But, Sir, I am sure my right hon. Friend, if no other consolation were afforded to him, would have derived it from one incident in the speech of the right hon. Gentleman, for in the midst of his most fiery invective the kindly feeling of his heart showed itself, and when he was accusing my right hon. Friend of every misdeed which a public man could commit, his tongue was involuntarily false to the line of argument which he was taking, and he could not help calling him his right hon. Friend. I say that that divests the duel between the right hon. Gentleman and my right hon. Friend of anything like a personal character. But we come back now to the real merits of the case. The question is simple, and is brought to a single issue. A surplus is admitted. The hon. Baronet, who spoke this evening with great ability and in great detail (Sir Stafford Northcote), said that there was no existing surplus. Well, we all know there can be no existing surplus at the beginning of the year, and as part of the taxes that are to produce a surplus are to be re-enacted, it is a truism to say that that surplus will not exist unless the taxes which are to create it are re-enacted. But a surplus is admitted to be the result of the arrangements which my right hon. Friend proposes. Well, then, the question, and a very fair one for Parliament to consider, is how a portion of that surplus shall be applied—that is to say, by what remission of taxation part of the surplus shall be converted into a relief to the community. As to the remission of a portion of the income tax, that is disposed of. Then the question resolves itself simply into this,—shall we remit a portion of the existing duties on tea, or shall we abolish the Excise duty on paper? Let us first consider the arguments in favour of the remission of the duty on tea. If that duty were a very high one, higher than had ever before existed, imposed in a time of war, and continuing now at a rate to which it was raised during and for the purposes of the war, I admit there would be a very strong argument in favour of reduction. But that is not the state of things. The duty now is lower, I believe, than it ever was at any former period. The duty imposed during the war has been taken off since the war ended. It is now 1*s.* 5*d.*, and it is, therefore, a misnomer and a fallacy to talk of repealing the war duty upon tea. In the first place, then, you cannot argue that the duty now existing is a duty higher than, or as high as, it ever was before. That argument must fail. You might say that the price is very high; but those who compare the price of tea now with what it was in former years must know that it has fallen immensely, and that the price to the consumer is far lower than it was at former periods. Then have the duty and the price together diminished consumption? My right hon. Friend (Sir George Lewis) has shown you this evening that the consumption between 1853 and the present year has risen immensely, from 50 millions to 70 millions, and you cannot, therefore, say that the present state of things limits oppressively the consumption of the people. But then, it might be said, "Your supplies are likely to fail, and as your supply diminishes, your demand remaining the same, or the consumption at home increasing, the price will naturally rise." But the hon. Baronet has answered and removed that objection, because he has reminded you that the Treaty with China and with Japan have opened large additional markets for the supply of tea, and if that be the case, your supply increasing, it is quite clear that the tendency will be either to lower the price with the same existing duty, or to place a larger quantity at the command of the consumer without any additional cost. Although I admit, then, that if we had nothing to consider save this tax alone, it would be desirable, when it was practicable, to lower the duty upon tea as well as upon any other article of general consumption among the lower classes, yet I say that, upon the grounds which I have stated, there is no such case of urgency in regard to tea as should lead you to select that in preference to any other tax, if that tax has peculiar claims to priority of choice. It has been said that my right hon. Friend has asserted that the diminution of duty would never find its way to the consumer in a reduction of price. But my right hon. Friend never said anything of the kind. What he said was that, under the peculiar circumstances of the case, a considerable time must elapse before that benefit would be reaped by the consumer. My right hon. Friend must not be supposed to be so little conversant with principles that he is so familiar with as to imagine that a diminution of duty does not in the long run, sooner or later, produce a benefit to the consumer. That is a truism upon which I need not dwell. I come now to the reasons why we prefer the remission of the duty on paper. I will first take the merits of the case. It is admitted that an Excise duty is a bad impost from its essential nature, that it interferes with the manufacture to which it applies, that it renders the manufacture more expensive, that it prevents improvement, and prevents other inventions connected with that manufacture from coming into operation. My right hon. Friend stated tonight one example. He showed you a pipe made of paper and covered with some other material, very useful for many purposes, and which, had not the Treasury decided that it was not paper, would have been prevented from being brought into use. I know in my own experience another instance. In the valley in which I live a very ingenious man three or four years ago established a mill for making, not paper, but parchment, to be made out of animal substances. This process was calculated to supersede the ordinary parchment for binding books, for printing, and a variety of purposes; but that manufacture was stopped. It was determined in a court of law that this parchment, being made in the same manner as paper, was liable to the same duty and subject to the same regulations. There was a very ingenious and useful invention stifled in its birth by the application of the Excise duty. No doubt there are many similar instances of which we are ignorant, but these examples are a sufficient proof of the inconvenience of these Excise duties, and of the desirableness of getting rid of them if it is consistent with your financial position. Therefore, taking the intrinsic merit of the Excise duty on paper, it stands in preference for a repeal if the remission can be made without financial inconvenience. But this is not the first time a proposal to reduce the paper duty has been made in Parliament. Individuals are often reminded of the opinions they expressed at a former period, perhaps under very different circumstances. Some of those quotations, for example, which have been read from the speeches of my right hon. Friend had no application to the present state of things. But if individuals are to look back and remember what they have said or thought, this House has also a character for consistency to uphold, and ought also to look back to see what it has said and done in former times. Well, there has been a Resolution of this House, there have been Bills voted and passed by this House, decreeing the abolition of this duty as soon as circumstances admitted of its repeal. And if hon. Members are individually to regard their consistency, the consistency of the House as an aggregate body ought also to be regarded. We now, therefore, call on the House to redeem the pledges and fulfil the intentions that it has more than once deliberately expressed. Last year a great deal of irritation existed, not only in this House, but out of doors —not by a technical violation of the privileges of this House, for I ventured to submit to this House a Resolution admitting that technically the House of Lords had a right to reject the whole of any financia proposal that might be sent to them, although we disputed their right to alter or amend any of its separate parts; but it was a difference of opinion between the two Houses on a matter of great national policy. No one can deny that. It was a difference of opinion, too, in matters on which this House has always expressed the utmost jealousy of its peculiar privileges, and it was a difference of opinion that I venture to think it is very desirable to put an end to by getting rid of the matter to which it referred. We are told, and, no doubt, truly told, that the House of Lords acted on the belief and conviction that there was not a surplus sufficient to justify them in agreeing to so large a sacrifice of revenue. But we are assured that this objection does not exist this year, and that the opposition then offered to the repeal of the paper duty will not be repeated when that Bill again comes before the other House. Well, Sir, I accept with the greatest satisfaction that statement. I believe it will turn out to be true. But I say, let us take the House of Lords while it is in that mood; let us avail ourselves of this golden opportunity of getting rid by mutual consent of that which was last year a source of dissension and difference, and which in a future year may lead to further differences between the two Houses of Parliament. When the hon. Baronet says he sees no political advantage in agreeing to that which we propose, I think he takes a very shortsighted view of the matter. There is nothing I should so much deprecate as a permanent and established difference between the two Houses on a material point of this kind. I think it would be most unfortunate if that difference should arise on a matter which we in this House think is within our exclusive and peculiar jurisdiction, but which the other House as an independent and co-ordinate branch of the Legislature consider themselves entitled to have a distinct opinion upon. Therefore, on every ground—on the ground that the tea duties are not pressing seriously on the lower classes of the community—that they are lower now than they ever have been, and that the price of the commodity is coniderably less than in former years—seeing that, on the other hand, we have an opportunity of settling with goodwill, and with the assent and consent of the other House of Parliament, a question of difference which, if left unsettled, may produce at some other time the same irritation which existed last year—I say, upon every commercial, financial, and political consideration, the proposal we make is entitled to the preference; and I cannot believe that the decision of the House will be other than an approval of the course proposed by Her Majesty's Government.

Question put, "That the word 'Tea' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 299; Noes 281: Majority 18.

List of the AYES.

Acton, Sir J. D.
Adam, W. P.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Alcock, T.
Angerstein, W.
Anson, hon. Captain
Antrobus, E.
Arnott, Sir J.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, J.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Buller, Sir A. W.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Caird, J.
Calcutt, F. M‘N.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Childers, H. C. E.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunlop, A. M.
Dunne, M.
Dutton, hon. R. H.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Enfield, Visct.
Ennis, J.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Finlay, A. S.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freeland, H. W.
Gaskell, J. M.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. G.
Glyn, G. C.
Goldsmid, Sir F. H.
Gordon, C. W.
Gower, hon. F. L.
Graham, rt. hon. Sir J,
Greenwood, J.
Gregson, S.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lewis, H.
Lindsay, W. S.
Locke, J.
Lockhart, A. E.
Lowe, rt. hon. R.
M‘Cann, J.
M‘Cormick, W.
Mackie, J.
Mackinnon, W. A.
Mackinnon, W. A.
M‘Mahon, P.
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.

Martin, P. W.
Martin, J.
Matheson, Sir J.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
O'Brien, P.
O'Connell, Capt. D.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Owen, Sir H. O.
Packe, G. H.
Padmore, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Peto, Sir S. M.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hn. W. H. B.
Pritchard, J.
Proby, Lord
Puller, C. W. G.
Raynham, Visct.
Ricardo, O.
Rich, H.
Richardson, J.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sidney, T.
Slaney, R. A.
Smith, J. B.
Smith, M. T.
Smith, A.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Thompson, H. S.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Traill, G.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Waldron, L.
Walter, J.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, Col.
White, J.
Wickham, H. W.
Wilcox, B. M'Ghie
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Worsley, Lord
Wyld, J.
Wyvill, M.

TELLERS.

Brand, hon. W. B. W.
Knatchbull-Hugessen, E. H.

List of the Noes.

Adderley, rt. hon. C. B.
Adeane, H. J.
Annesley, hon. Col. H.
Archdall, Capt. M.
Astell, J. H.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Barttelot, Major
Bathurst, A. A.
Bathurst, F. H.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Bernard, T. T.
Blake, J.
Bond, J. W. M'G.
Bovill, W.
Bowyer, Sir G.
Boyd, J.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bunbury, Capt. W. B.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Cayley, E. S.
Cecil, Lord R.
Clive, hon. G. W.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R.W.B.
Codrington, Sir W.
Coke, hon. Col.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Conolly, T.
Copeland, Mr. Ald.
Corbally, M. E.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, G.
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Duncombe, hon. W. E.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elmley, Viscount
Elphinstone, Sir J. D.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
French, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
George, J.
Getty, S. G.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Gray, Capt.
Greaves, E.
Greene, J.
Grey, de W. Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, Maj.
Hamilton, Visct.
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, Sir W.
Hennessy, J. P.
Henniker, Lord
Herbert, rt. hon. H. A.
Heygate, Sir F. W.
Heygate, W. U.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, R.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Howard, Lord E.
Howes, E.
Humberston, P. S.
Hume, W. W. F.
Hunt, G. W
Ingestre, Visct.
Jermyn, Earl
Jervis, Captain
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, rt. hon. Sir W. G. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir FitzRoy
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. Maj. S.
Lacon, Sir E.
Leader, N. P.
Leeke, Sir H.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. G.
Leslie, C. P.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, hon. Gen.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lyall, G.

Lygon, hon. F.
Macaulay, K.
Macdonogh, F.
MacEvoy, E.
Malcolm, J. W.
Manners, rt. hn. Lord J.
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Mills, A.
Mitford, W. T.
Monsell, rt. hon. W.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Naas, Lord
Newdegate, C. N.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Donoghue, The
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Papillon, P. O.
Parker, Maj. W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. G.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Phillips, G. L.
Pigott, Serjeant
Potts, G.
Powell, W. T. R.
Powys, P. L.
Pugh, D.
Quinn, P.
Ramsden, Sir J. W.
Redmond, J. E.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Russell, F. W.
Salt, T.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp. Maj.
Smith, Sir F.
Smith, M.
Smith, A.
Smith, S. G.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Lieut. Col. W.
Stracey, Sir H.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Talbot, C. R. M.
Talbot, hon. W. C.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Tottenham, C.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Whiteside, rt. hon. J.
Williams, Col.
Willoughby, Sir H.
Woodd, B. T.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Col.
Wynn, Sir W. W.
Wynne, C. G.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Taylor, Col.
Whitmore, H.

Original Question put, and *agreed to.*

THE CHANCELLOR OF THE EXCHEQUER: What we propose to do with regard to the progress of business is not to take those Resolutions which there may be a disposition to discuss, but to proceed with those which are unopposed. (*Cries of* "No.") Of course, if there is a disposition to discuss them all, we will not proceed now.

MR. DISRAELI: I think it will be most inconvenient to proceed with any business at once under the circumstances. Of course, when a Minister is supported by a triumphant majority, I can conceive that it would be very vexatious to offer any opposition to the progress of business, and I should be the last man to counsel it; but, considering what has taken place—that a Resolution of this great importance has really been carried by a very small majority—as it is in its 'teens' it can hardly be called a majority at all—it would be better, both for Her Majesty's Ministers and this side also, that we should have time to reflect on what has taken place.

VISCOUNT PALMERSTON: We have not the least objection to allow hon. Gentlemen opposite time to reflect on what has taken place, and we will, therefore, proceed with the Resolutions on Monday.

Committee report Progress; to sit again *To-morrow.*

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Friday, May 3, 1861.

MINUTES.] *Took the Oath.*—The Lord Meldrum.

BANKRUPTCY AND INSOLVENCY BILL.

PETITIONS. QUESTION OF ORDER.

THE DUKE OF RUTLAND *presented* petitions from Leicester praying that the Bankruptcy and Insolvency Bill might not be referred to a Select Committee of their Lordships' House.

THE LORD CHANCELLOR expressed a doubt whether the petitioners were in order in giving expression to their views as to the particular mode in which a Bill under their Lordships' consideration should be dealt with in its passage through Parliament.

LORD CHELMSFORD concurred with the noble and learned Lord in thinking that it was not quite right that the petitioners should use language which would seem to dictate to their Lordships the course which they should take in reference to the progress of a measure under their consideration. He had himself been intrusted with a petition precisely the other way, but under the circumstances he should decline to present it.

THE DUKE OF RUTLAND expressed his regret that he should have presented the petitions in question if in doing so he had been out of order.

THE DUKE OF RICHMOND said, that he had already presented petitions to their Lordships in the same terms; but after what had been said he begged to withdraw them.

LORD OVERSTONE said, he had received for presentation to the House a great variety of petitions on the subject to which those laid on the table by the noble Duke related. Some of those petitions were from Halifax, Blackburn, Wakefield, and other places; but that to which he wished more especially to direct their Lordships' attention was from the chief bankers, merchants, and traders of every description engaged in business in the City of London; and he could confidently say, from a careful examination of the signatures, that no petition had ever been presented to their Lordships more unequivocally expressing the opinion and wishes of the whole commercial body of the City of London. The petitioners approve the several objects of the Bankruptcy and Insolvency Bill, but they intimate that there are some details of a subordinate character into which they are of opinion Amendments may with advantage be introduced, and they express a hope—he did not go so far as to say they petition the House to that effect—that the Bill might not be sent to a Select Committee, inasmuch as such a course might in their apprehension lead to its being injuriously altered, or to unadvisable delay in passing it into a law. He had also to present a petition from the Chamber of Commerce in Manchester, second in importance only to that to which he had called their Lordships' attention, but differing from it in some respects, inasmuch as it contemplated Amendments in the Bill to which he was alluding somewhat more extensive and important than those which the London petitioners suggested. The Manchester Chamber of Commerce, for instance, expressed a strong opinion in favour of maintaining undiminished the power of the official assignee, and it was gratifying to be able to quote the authority of so influential a body in corroboration of the views on this subject which he had on a former occasion advocated in that House. The petition abstained from all reference to the question whether the Bill should or should not be referred to a Select Committee, and, therefore, was open to no objection on points of form. He felt satisfied that there exists throughout this country an intense anxiety on this subject, a feeling of dissatisfaction at the present state of the law, or rather with many of the practices which arise under it, and that a desire is entertained that a new law should be passed similar in its character, purposes, and principles to the Bill now under the consideration of the House. At the same time it is the prayer of the petitioners that the Bill should be thoroughly examined, not for the purpose of delay, but with the object of introducing Amendments calculated to render it a practical and satisfactory measure.

Numerous other Petitions in favour of the Bill were presented.

MESSAGE FROM THE QUEEN—MARRIAGE OF THE PRINCESS ALICE.

MESSAGE FROM The QUEEN; *delivered* by the LORD PRESIDENT, and read by The LORD CHANCELLOR as follows:—

"VICTORIA R.

"Her Majesty having agreed to a Marriage proposed between the Princess Alice and His Grand Ducal Highness Prince Louis of Hesse, has thought fit to communicate it to the House of Lords:

"The numerous Proofs which the Queen has received of the Loyalty of this House to Her Throne and of their Attachment to Her Person and Family leave Her no room to doubt of their Willinginess to concur in making such a Provision for Her Daughter, The Princess Alice, with a view to the proposed Marriage, as may be suitable to the Dignity of the Crown.

"V.R."

EARL GRANVILLE: My Lords, I rise for the purpose of moving an Address to Her Majesty in reply to Her Majesty's gracious Message. All matters connected with the provision for her Royal Highness which Parliament may think fit to make on further consideration of the Royal Message will be brought before your Lordships in a Bill for the purpose. I will now move your Lordships to agree in an answer to the gracious Message just received. Many of your Lordships are acquainted with the Princess Alice personally, and are aware that her mental and moral qualities are such as are calculated to ensure to her Royal Highness that domestic happiness which has fallen in so eminent a degree to the lot of her illustrious Mother and to her sister. My Lords, I think your Lordships will be pleased to be reminded that among the first of those Princes who came forward to maintain the cause of the Reformation was an ancestor of Prince Louis of Hesse. I am sure that your Lordships will willingly agree to this Address, because any matter connected with the domestic happiness of Her Majesty and her family will always be a matter of peculiar interest to your Lordships; and that you will the more concur in the present Address of congratulation and concurrence on consideration of the melancholy occasion on which your Lordships last presented an Address to Her Majesty. The noble Earl then moved—

> "That an humble Address be presented to Her Majesty, to return Her Majesty the Thanks of the House for Her most gracious Communication of the intended Marriage between Her Royal Highness The Princess Alice and His Grand Ducal Highness Prince Louis of Hesse, to express their Satisfaction at the Prospect of an Alliance which they doubt not will contribute to the Happiness of Her Majesty, and of Her Royal Highness, and to assure Her Majesty that the House will immediately proceed to the Consideration of Her Majesty's gracious Message in such a Manner as shall demonstrate the Zeal, Duty, and affectionate Attachment of this House to Her Majesty, a just sense of the Virtues and Merits of Her Royal Highness, and a due Regard to the Dignity of the Royal Family."

THE EARL OF DERBY: My Lords, I am convinced from the deep interest which your Lordships feel in everything that concerns the happiness of Her Majesty and the Royal Family that your Lordships will agree to the Address now proposed with the same unanimous assent, but with a much greater degree of satisfaction than you recently gave to an Address which you have lately presented to Her Majesty on a recent melancholy occasion. My Lords, the intended marriage just announced may not be one of so brilliant a character as that contracted by the eldest sister of the Royal Princess, but it was founded, as my noble Friend has truly said on the best of all securities for wedded happiness—an intimate personal acquaintance between the parties and a mutual affection and esteem. I sincerely trust that this marriage will be productive, both to the illustrious Princess and her consort, of the same happiness which has been for so many years enjoyed by Her Majesty, and which I believe is also enjoyed by her eldest daughter. I am quite satisfied that your Lordships will cheerfully concur in making such provision for the Princess and her consort as the other House may think fit to vote; and I have no doubt that the other House would act with due and proper liberality on this occasion. I have only to express my hope (which I am sure will gratify my noble Friend), that the provision made by the other House will not in the slightest degree disarrange the Budget of the Chancellor of the Exchequer or add to the financial difficulties of the country. Your Lordships will, I am certain, cordially concur in any proposal that may come from the House of Commons, and I beg heartily to second the Motion.

Address *agreed to; Nemine Dissentiente.*

Ordered, That the said Address be *presented* to Her Majesty by the Lords with White Staves.

BANKRUPTCY AND INSOLVENCY BILL.

ORDER FOR COMMITMENT DISCHARGED—BILL REFERRED TO SELECT COMMITTEE.

Order of the Day for the House to go into Committee read.

THE LORD CHANCELLOR moved that the House go into Committee on the said Bill.

THE EARL OF DERBY: My Lords, I was in hopes, after the intimation that has been conveyed to me—

THE LORD CHANCELLOR: I quite understand that the Bill is to be referred to a Select Committee. I moved that we go into Committee in point of form, and with the impression that the noble Earl would himself move the reference to a Select Committee.

THE EARL OF DERBY: I was about to say that I was in hopes, after the intimations we have received, that the noble and learned Lord would himself have moved that this Bill be referred to a Select Committee, and thus have spared your Lordships the necessity of hearing a single word from me in support of my Amendment. Indeed, the announcement which the noble and learned Lord has now made renders it unnecessary for me to trespass on your Lordships' attention for more than a single moment. In the first place, I have to express my entire concurrence and satisfaction that the noble and learned Lord has taken notice of the language of some petitions which have been presented to your Lordships to-night. A petition has been presented to-night by the noble Baron opposite (Lord Overstone) and other petitions, couched in nearly similar terms, coming from persons of the greatest eminence and of the highest authority on mercantile law, and are on that account entitled to our most careful consideration. I have no doubt that the general expression of opinion coming from numerous bodies interested in the subject will materially facilitate the passing of any Bill that, in its main features, obtains the approbation of the mercantile community. But the point on which I think we are most indebted to the noble and learned Lord for expressing his opinion is that which refers to the impropriety of these petitioners suggesting that this Bill should not be referred by your Lordships to a Select Committee. Now, my Lords, I venture to think that, although those mercantile persons who have petitioned your Lordships may be admirable judges as to the alterations that ought to be made in the law of bankruptcy, yet, as to the mode of dealing with the Bill, or the course of proceeding to be taken on it, your Lordships do not require suggestions from any quarter. But the petition which the noble Baron has presented was sent to me this morning, accompanied by a letter from the secretary of the Mercantile Law Amendment Society, in which I am informed that that body regret to learn that Her Majesty's Government, being unable to resist my powerful influence, have consented to send this Bill to a Select Committee. Now, my Lords, while I disclaim for myself the honour and compliment which is thus paid me, of being supposed to possess an influence capable of overbearing the determination of Her Majesty's Government, I must be permitted also to repudiate, on the part of Her Majesty's Government, an insinuation so injurious and offensive to them, as that they, from fear of a political defeat on a question which really involves no political difference, should have given way and taken a course opposed to their own judgment and views. Far be it from me to taunt the Government for a single moment by supposing the possibility of there being differences of opinion between them, this way or that, on this subject. We know that on this, as on all other questions, they are united in the strictest harmony. From what quarter the Mercantile Law Amendment Society has received the notion that the Government has been compelled by my influence very reluctantly to give up their own course, I am sure I cannot say. I am sure that Her Majesty's Government have acted on the conviction that the course they have adopted commends itself most to their own judgment, and for the public interest, as the best means of dealing with a measure which contains so many complicated details. The petitioners to whom I have referred made two statements—one is that a reference of this Bill to a Select Committee would cause so much delay that it would be impossible to pass the Bill in the present Session. This anticipation shows great ignorance of the proceedings of your Lordships in Select Committees, and holds out, if it were true, a very melancholy prospect to those noble Lords who may be placed on that Committee of attending it for the three months that the Session may be expected to last. Again, they apprehend that if the Bill is referred to a Select Committee it will receive so many and such important alterations that it would not be adopted by the Government, or be acceptable to the profession at large. Now, my Lords, I must say that the anticipation is not very complimentary to the distinguished lawyer who is the author of the Bill, that its being examined by eighteen or twenty of your Lordships who are most competent, from their acquaintance with the law and practice of commerce, to consider the question, must necessarily lead to such alterations as will change the character of the Bill. My sole object in moving that the Bill be sent to a Select Committee is that a Bill containing 246 clauses, and dealing with a vast variety of the most complicated details, should be more satisfactorily, effectually, and speedily dealt with, as it would be by a Committee of eighteen or twenty members, all of them interested and familiar with these questions, and who would give their undivided attention to them, than it could be in a Committee of the Whole House, where the greater portion of the Members would be comparatively indifferent to the question, and who would probably give their votes on other considerations than the strict merits of the arguments. My Lords, it would be idle and impertinent in me to enter upon a critical examination of the various points of the Bill. The noble and learned Lord, in referring to the question of a Select Committee, said that if it were referred on mere questions of detail he would not object to sending the Bill up stairs; but that if opposition was to be made to matters of principle it would be better that they should be discussed in Committee of the Whole House. Now, my Lords, the difficulty in this Bill is to know what is principle and what is detail. There are, however, four or five leading points of this Bill on which it is necessary that your Lordships should be especially careful. In the first place, there is the great power that is given by this Bill to the county courts — the indefinite multiplication of their functions. In the next place, there is the relative position between the creditors' assignees and the official assignees—complications between them so great as I believe will render the Bill unworkable—I mean the clause which provides that the official assignee should collect one portion and the creditors' assignee another portion of the debts on the same bankrupt's estate. Again, there is the provision with regard to non-traders, which will require the most careful consideration, both with regard to its details and its principle. Even if your Lordships sanction the principle, as I think you ought, of bringing the non-trader under the operation of the bankruptcy law, it must be made subject to such modifications as will provide for the different circumstances of the two parties. But over and above all others, there is a point which, whether in Committee or in this House, I am satisfied your Lordships will feel it necessary to make some change—I mean that provision of the Bill which makes non-traders subject to its retrospective operation. I am satisfied that your Lordships will never consent to expose parties who have contracted liabilities under a different system, by the *ex post facto* operation of this Bill, to penal consequences of the severest character. But beyond these questions I am satisfied that even on points of detail your Lordships will give them the most careful consideration, so that we may produce an efficient and well-considered measure. There is one other objection to which I may here refer. When my noble and learned Friend (Lord Chelmsford) produced a measure on the same subject the noble and learned Lord now on the Woolsack proposed that it should be sent to a Select Committee, and gave as a reason for doing so that the measure had not passed the House of Commons. Now, my Lords, the strongest possible argument for sending this Bill to a Select Committee is that it has passed the House of Commons. Because we might have agreed to pass the Bill with the less consideration if it had afterwards to undergo the scrutiny and examination of the House of Commons. But, as it has passed through the ordeal of that House, it is now the more necessary that in this its last stage and before it becomes law it should receive the closest scrutiny and the most anxious deliberation. And, my Lords, though it is true that this Bill did undergo a lengthy and protracted discussion in the House of Commons, yet there are considerations that induce me to believe it was in the end somewhat hurried through the House. The Bill as it stands at present—as it was brought up to your Lordships—was never seen by the House of Commons. It was never reprinted after it passed through Committee. As might be expected, in such circumstances, several inaccuracies of an unintentional kind have crept in. I will mention one instance to show the incorrect state in which it has come up to us. I see that in the Amendments talked of by the noble and learned Lord on the Woolsack that he has observed the inaccuracy to which I am about to refer. It was intended to make some distinction between the acts which constitute the bankruptcy of a trader and the bankruptcy of a non-trader. There are eight acts which are taken to constitute bankruptcy on the part of a trader; and it was intended to specify three or four acts which were to be held as constituting bankruptcy on the part of a non-trader; but, as the Bill now stands worded, the non-trader will be subject to bankruptcy not only on any of the three or four acts which apply to his case, but also on all the other eight which are intended to apply only to the traders. This is one of the points on which your Lordships' care will be required. I am sure it is of the highest importance that in an Act of this kind we should use our best endeavours to send it out so perfect that we shall not be called upon perpetually for Acts to amend the Act, but that we shall send forth a measure containing all that is necessary in a bankruptcy law, and which will form a fitting preparation for that consolidation of the whole bankruptcy law which I think the Attorney General has acted wisely in postponing for the present. I hope we shall be able to send back the Bill to the other House not only relieved of its inaccuracies, but greatly improved in many of its provisions. Because I consider that the Bill will be best considered in a Select Committee up stairs, therefore, I move this Amendment, and I am glad to find there is to be no opposition.

Earl GRANVILLE, who was imperfectly heard, was understood to say that there would be a unanimous agreement on the part of their Lordships to send this Bill to a Select Committee; and he was glad that the noble Earl (the Earl of Derby) had given him an opportunity of explaining the reasons which had induced the Government to acquiesce in that step. He must say at the outset that he certainly thought it would have been a more desirable course to allow the Bill to considered in a Committee of the Whole House. He saw nothing in the constitution of their Lordships' House that made it less fitted for the consideration in Committee of a Bill of this kind than the House of Commons. Their Lordships were not more numerous than the House of Commons; he was not aware that they were less orderly in their proceedings; and while they had not so many lawyers among them, those they had were men who had arrived at the top of their profession, and were in consequence more likely to bring to the consideration of the measure a large amount of ability, experience, and judgment. Another reason why this Bill should be openly discussed in a Committee of the Whole House was that the Bill affected classes of the community who were not specially represented in that House, and he thought it desirable that clauses affecting their interests should be discussed in the House itself. The noble Earl spoke with apparent surprise of a letter which he had received that morning from a gentleman connected with the Society instituted for the Amendment of the Law, in which the writer stated his belief that the Government had been compelled to consent to the appointment of a Select Committee from a fear of the great power and influence possessed by the noble Earl. The noble Earl said he could not conceive what had put such a notion into the writer's mind. Well, he (Earl Granville) was not in the writer's confidence, but he thought it just possible that it might have come into his head and into the heads of many other persons after a perusal of a brilliant postprandial speech reported in the morning papers of yesterday. The real reason, however, why the Government agreed to send the Bill to a Select Committee was that several of his noble Friends on that (the Ministerial) side of the House—and among others his noble and learned Friend (Lord Cranworth) were of of opinion that that was the wisest course to pursue. He must add, that nothing more strongly induced him to consent to such a course than the statement of the noble Earl himself, that he was not actuated by any feelings of hostility to the Bill, that he did not wish to attack its principles, and that all he desired was to improve its details and facilitate its working. As the noble Earl stated, there might be an occasional difficulty in knowing what was principle and what was detail. No doubt matters of detail might be matters of great importance, and the noble Earl referred specially to four or five points which he thought called for serious consideration. Among those four or five points to which the noble Earl alluded there were at least two which he (Earl Granville) hoped the Committee would not alter. He would not object to the appointment of the Select Committee, on the understanding that if there was any point on which the Government did not agree with the decision at which it arrived they should have an opportunity of bringing the subject under the consideration of the Whole House.

Order for Commitment *discharged*; and Bill *referred* to a Select Committee. The Lords following were named of the Committee:—

Ld. Chancellor.
Ld. President.
D. Devonshire.
D. Marlborough.
E. Derby.
E. Spencer.
E. Powis.
E. De Grey.
V. Hutchinson.
L. Lyndhurst.
L. Wynford.
L. Brougham and Vaux.
L. Stanley of Alderley.
L. Overstone.
L. Cranworth.
L. St. Leonards.
L. Wensleydale.
L. Chelmsford.
L. Kingsdown.
L. Lyveden.
L. Taunton.

STREET TRAMWAYS.

QUESTION.

The Earl of HARRINGTON rose to ask Her Majesty's Government the following Questions:—Are the Railways on the High Roads sanctioned by Her Majesty's Government, and made under the Control of Government Engineers? If so, are they intended to improve the Roads, to facilitate the Traffic, and to cheapen the Fares in Public Conveyances? According to present Experience, have these Railways answered? The noble Earl said he protests against a third portion of the road from the Marble Arch for a mile westward, being taken up by Mr. Train's two railway carriages, while the thousands of other vehicles that were constantly passing were obliged to content themselves with the remaining portion. If they could have some broad tramway, something similar to those of granite at Milan, they would probably be of considerable advantage.

Earl GRANVILLE said, with regard to the first question, the Commissioners of Roads had given permission to lay down these rails, and he thought rightly. With regard to the second question—namely, were they intended to improve the roads and facilitate traffic? he presumed that was precisely for which they were made. On the third question, as to the fares, her Majesty's Government could not give any opinion whatever. And as to the fourth, whether these railways have been found to answer? he might say they had been found to work well in New York and in Paris, and he did not see why they should not do so here.

RUMOURED DISTURBANCES IN THE IONIAN ISLANDS.—QUESTION.

The Earl of CARNARVON rose to call the attention of the Lord President to a recent telegram contained in the *Patrie* newspaper, to the effect that circumstances of a serious nature had taken place in the Seven Islands, that the Lord High Commissioner had been compelled to proclaim martial law, and that the troops were quartered in the market-place and streets of Corfu on the 30th. On the next day the *Moniteur* had a telegram to the effect that a collision had taken place between the military and the inhabitants at Zante, in which twelve soldiers and eight civilians were killed. He thought it highly improbable that these accounts could be correct; but he desired to know if Her Majesty's Government had received any information on the subject, and if so what steps had they or did they intend to take to remedy a state of things which was certainly, if true, very serious?

Earl GRANVILLE said, no information had been received by Her Majesty's Government as to what the noble Lord had referred to as being contained in the *Moniteur*. There was a telegraph to Corfu, and the Lord High Commissioners had instructions from the Government to communicate immediately by telegraph with the home Government, in the event of anything of an important character transpiring, and as they had received no telegram, he thought it highly improbable that there was any substantial foundation for the rumour. He might observe that the only colourable foundation for this rumour was probably to be found in the fact that some insignificant row had been occasioned by three soldiers at one of the islands.

House adjourned at a quarter past
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 3, 1861.

Minutes.]—New Member Sworn.—For Banffshire, Robert William Duff Abercromby, esquire.

The House being met, the Clerk, at the Table, informed the House of the unavoidable absence of Mr. Speaker, and read the following Letter which he had this day received:—

> "Speaker's House, May 3, 1861.
>
> "Sir,—I regret to say, that it will not be possible for me to attend the service of the House to-day, but I am assured, and I have myself a confident hope, that I shall be able to resume my duties on Monday next.
>
> "I have the honour to be, Sir,
> "Your obedient Servant,
> "John Evelyn Denison.
> "Speaker.
>
> "Sir Denis Le Marchant, Bart."

Whereupon Mr. Massey, the Chairman of the Committee of Ways and Means, proceeded to the Table, as Deputy Speaker; and after prayers, counted the House, and Forty Members being present, took the Chair, pursuant to the Standing Order of the 20th day of July, 1855.

GLOUCESTER AND WAKEFIELD.

QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary of State for the Home Department, If, in the event of the Election Law Amendment Bill passing, he intends to apply the 29th section to the City of Gloucester and the Borough of Wakefield?

Sir GEORGE LEWIS: Sir, in answer to the hon. Gentleman, I have to state that the clause to which he refers is simply prospective in its operation. If passed in its present form it would not be retrospective in its effect. When the Bill comes into Committee it will be open to the hon. Gentleman to move an Amendment to make it retrospective; or, if the House should consider the question ought to be further considered, it would be open to any hon. Member to move for leave to bring in a Bill to apply the substance of that section to those two places.

CHINA.—THE TAEPINGS.—QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for Foreign Affairs, Whether there is any foundation for a statement in recent newspapers from China that a British ship of war has been stationed off the City of Nankin, notwithstanding the opposition of the Taeping Emperor, or whether, as is stated by the last mail from China, amicable relations have been established with the Taepings, and if so, on what footing; and whether the Secretary of State for Foreign Affairs has received further Papers on Chinese affairs, which he can lay before the House?

LORD JOHN RUSSELL was understood to say that a despatch had been received from Admiral Hope to the effect that a ship of war had been sent up the Yang-tze-kiang to be in communication with Nankin, and that the relations then subsisting were of an amicable nature. The papers would shortly be laid on the Table of the House.

DESIGNS FOR THE FOREIGN OFFICE.
QUESTION.

MR. DUDLEY FORTESCUE said, he wished to ask the First Commissioner of Works, Whether, in consequence of the late period of the Session at which the designs for the Foreign and Indian Offices were exhibited last year having prevented many Members from seeing them, he will allow Mr. Scott's original designs for these Offices, both Gothic and Italian, to be exhibited at the same time with those approved of by the Government, in order that Members may be enabled to form a fair opinion on their respective merits?

MR. COWPER said, these designs would be exhibited in a Committee Room of the House, to enable hon. Members to judge of the character of the building for which a Vote was to be proposed. That object, he thought, would not be promoted by placing with the drawings which were intended to be executed other drawings which were not so intended. That, he considered, would rather tend to confuse and divert the attention of hon. Members from the points to be brought before them. The latter set of drawings had, however, been made known far and wide, and if any hon. Member wished to see them he had abundant facilities for doing so.

MARRIAGE OF HER ROYAL HIGHNESS PRINCESS ALICE.

MESSAGE FROM HER MAJESTY *brought up*, and read by Mr. DEPUTY SPEAKER (all the Members being uncovered), as follows:—

"VICTORIA R.

Her Majesty, having agreed to a Marriage proposed between the Princess Alice and His Grand Ducal Highness Prince Louis of Hesse, has thought fit to communicate it to the House of Commons.

The numerous proofs which the Queen has received of the loyalty of this House to Her Throne, and of their attachment to Her Person and Family, leave Her no room to doubt of their willingness to concur in making such a provision for Her daughter the Princess Alice, with a view to the proposed Marriage, as may be suitable to the dignity of the Crown.

"V. R."

VISCOUNT PALMERSTON: That Message having been received from Her Majesty, announcing to the House an event calculated to contribute to the happiness of Her Family, I am persuaded that this House will concur with me in thinking that it is becoming us, and in accordance with the feeling of the House, to take the earliest opportunity of thanking Her Majesty for the communication She has made, of congratulating Her Majesty upon the event which the communication announces, and of assuring Her Majesty that we shall take an early opportunity of taking into consideration the recommendation with which that Message concludes. Sir, it is needless to say that the Address which I propose now to submit to the House pledges no one as to any of the details of the arrangement which it will be my duty on a future day to submit in order to carry into effect the recommendation of Her Majesty's Message. But, Sir, it must, I am sure, be agreeable to the House to take the earliest opportunity of expressing to Her Majesty the pleasure and satisfaction we derive from the announcement of this intended marriage. Those who have had the good fortune to be allowed to approach Her Royal Highness the Princess Alice know, by their personal observation, that she inherits all those eminent qualities of head and heart which so greatly distinguish her illustrious parents; and the testimony which I may say those favoured persons have borne as to the result of their observation has, I am persuaded, spread wide over the land a conviction that this is a faithful representation of the case. Her Royal Highness has the good fortune of having made choice of a Prince who, I am persuaded, will prove in every respect worthy of her choice; and the strength of their mutual attachment affords the strongest expectation that in their future life they will enjoy that same domestic happiness of which Her Royal Highness has seen such a model under her maternal roof which has soothed and mitigated the cares and anxieties of Sovereign power, and served as an example and an object of admiration to the whole British nation. There is another topic which, under the circumstances, may recommend this Address to the House. This House and the nation take a deep interest in everything which concerns the feelings and the comfort of Her Majesty; and they cannot, I think, but view with great satisfaction the announcement of an event which tends to direct Her Majesty's thoughts to anticipations of joy and happiness in the future, and which may gently withdraw her mind from dwelling with too great an intensity on the more melancholy recollections of the past. Sir, I beg leave to move that an humble Address be presented to Her Majesty.

MR. DISRAELI: Sir, the announcement which has just been made in the Royal Message is one which I am sure has given great gratification to the House. Any event which so deeply concerns the domestic happiness of Her Majesty must be to us always a source of great satisfaction; and I am quite sure that when the occasion arrives this House will be prepared in a becoming spirit properly to consider the subject which has been recommended to our attention by Her Majesty. Sir, I am quite sure that on this occasion, especially, the interest which this House takes in the domestic happiness of Her Majesty must be increased when we remember that it relates to the accomplished Princess whose good fortune it will be in another land to represent in a manner gratifying to all Englishmen the character of her country. That lady, as is well known to public opinion and by her private conduct to many—to the country generally, and to this House—has already shown a disposition so eminent for its good qualities, and an intelligence so bright and winning, that I am sure it will not be a mere formal ceremony on the part of the House of Commons when they express in the most cordial and unanimous manner the satisfaction they feel, and their readiness to consider in a manner becoming the occasion the recommendation brought to our notice in the Message from the Crown.

Resolved, *Nemine Contradicente,*

"That an humble Address be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her most gracious communication of the intended Marriage between Her Royal Highness the Princess Alice and His Grand Ducal Highness Prince Louis of Hesse; to express their satisfaction at the proposal of an Alliance which they doubt not will contribute to the happiness of Her Majesty and of Her Royal Highness, and to assure Her Majesty that this House will immediately proceed to the consideration of Her Majesty's gracious Message in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to Her Majesty, a just sense of the virtues and merits of Her Royal Highness, and a due regard to the dignity of the Royal Family.

VISCOUNT PALMERSTON: I rise to give notice that I propose on Monday next to ask the House to go into Committee to consider the Message from Her Majesty.

Committee thereupon on Monday next.

BUSINESS OF THE HOUSE.

RESOLUTIONS.

Standing Order of the House of the 25th day of June, 1852,

"That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday, and Friday, and may also be appointed for any other day on which Orders of the Day shall have precedence of Notices of Motions," read.

VISCOUNT PALMERSTON: I rise, Sir, in pursuance of the notice which I have given, to move certain Resolutions arising out of the Report of the Select Committee appointed to consider the question of facilitating public business in this House. I ought, perhaps, in the first instance, to apologize for appearing to take out of the hands of my right hon. Friend the Member for Carlisle (Sir James Graham), the Chairman of the Committee, a duty which, under ordinary circumstances, would more properly devolve upon him. But I have only to say that the arrangement by which it falls to my lot to propose these Resolutions is one come to between my right hon. Friend and myself, that in the course I am now taking I have his full concurrence, and that I am also acting, I believe, entirely in accordance with the recommendations of the Committee. In considering the question which was referred to the Committee, it must naturally strike everybody, who has at all turned his mind to the course of business in this House, that the great variety of Standing Orders and established usages which govern our proceedings are almost all founded upon some good and substantial ground. From time to time the condition of things varies, and those regulations which, under certain circumstances, may have been, not only contributory to good order, but also in no way obstructive to the easy despatch of public affairs, may, under a different set of circumstances, be no longer required for the protection of order, and may likewise be useless impediments to the progress of business. Relaxations and changes in our rules have, therefore, been occasionally made; none of them, however, without the most careful deliberation, and so judiciously, indeed, have those changes been adapted to the exigencies to which they were applied, that I believe, although they have been numerous, they have greatly tended to the furtherance of public affairs, and I am not aware that any one of them has upon experience worked ill or had to be retracted. That, I think, is a reason why we should not proceed too hastily to alter regulations of long standing and based on ancient usage. On the other hand, it is an encouragement for us carefully to weigh any changes that may be proposed, and if they are found such as may be made without any violent disturbance of existing arrangements, and with the hope of expediting the business of the House, then to adopt them. A great number of proposals were more or less submitted to the Committee, which acted on the principle I have just stated. They were unwilling to recommend anything which should effect a violent change in our established code of rules, or which should tend to narrow that ample scope for discussion and debate which is so essentially necessary for the proper discharge of the functions of the House of Commons. The Committee thought that many of the proposals laid before them would, no doubt, in their simple effect accelerate the despatch of business, while others, again, would have that result which is admitted to be a *desideratum*—namely, the attainment of certainty as to what business would come on on a given day or at a given hour. But many of these proposals were supposed on further consideration likely to trench inconveniently and injuriously on that latitude of discussion which it is so important to preserve unimpaired. The functions of the House of Commons are various. We meet here to pass laws, a duty which requires for its due discharge great time, great deliberation, and certainty as to when business will be brought on in order that Members may be prepared to debate a given subject. That is a point which should not be overlooked. Another function of this House, not less important, is that of examining the Estimates, voting the Supplies for the year, and regulating the finances of the country. If these were the only duties of Parliament, many arrangements might be proposed and adopted which would tend to accelerate their performance. But this House has another function to discharge, and one highly conducive to the public interests — namely, that of being the mouthpiece of the nation; the organ by which all opinions, all complaints, all notions of grievances, all hopes and expectations, all wishes and suggestions which may arise among the people at large, may be brought to an expression here, may be discussed, examined, answered, rejected, or redressed. That I hold to be as important a function as either of the other two. There are many arrangements which might greatly facilitate the discharge of the first two duties, but which would interfere essentially with the full and complete performance of the third. Therefore, in making proposals for expediting public business, we have felt it incumbent on us to abstain carefully from anything which would tend, I may say, to gag the House of Commons, to prevent it from being the free and unfettered organ for the expression of all the feelings and opinions which on any subject, great or small, any part of the nation might wish to have laid before it. This last consideration, therefore, very much restricts the range of alteration which might otherwise have been suggested in our rules; and I think the House will see, on perusing the recommendations of the Committee—who, I must say in passing, have shown admirable ability and fairness in the drawing up of their Report—the House will see, on reading the Committee's recommendations, on which the Resolutions I have to move are based, that while, on the one hand, the Committee have proposed those alterations in our mode of proceeding which will tend materially to facilitate the fair and proper transaction of business, they have, on the other, studiously eschewed anything that would inconveniently restrain the freedom of discussion or deprive hon. Members of the opportunity they ought to possess for making the sentiments of any of their constituents known. Well, the first proposal that I have to make relates to the time for holding Committees of Supply. At present the House resolves itself into Committee of Supply on Monday, Wednesday, and Friday, or on Thursday in substitution for Friday. Now, the Select Committee thought there might be an opening on other days which are properly notice days for a Committee of Supply if the notice business should not occupy the whole of the evening, and that there might be many occasions on which, the notices being concluded and the House free, the time thus obtained might be used for going into Committee of Supply on Tuesday, and also on Friday, should Friday remain a notice day. There would be this advantage in that arrangement, that in the first place an additional day, or fraction of a day, might be gained under many circumstances for Committees of Supply, or of Ways and Means, and that, too, without any encroachment on the time allotted to hon. Members for bringing on their Motions in accordance with these notices. It will, in fact, be an advantage to them, for we know that Tuesdays being devoted to notices of Motions, the Government and their supporters have sometimes no great inducement to remain in the House, and there are other attractions which call hon. Members away at certain periods of the evening, so that an hon. Member who had a Motion to make which is interesting to himself, and perhaps to other persons, is rendered liable to the arithmetical test, and before he has finished his speech or the question has been fully discussed the matter is brought to a close by its being discovered that there are not present the magical number of Members without whom the Speaker cannot remain in the chair. It will be a security for private Members when Committee of Supply is fixed that those who are interested in carrying on the business of the Government will be in their places, and there will be less chance of private Members being defeated by the scantiness and thinness of the House. We do not propose to take from private Members anything which they now have, but simply to give the Government a reversion to any unexpended portion of time which may remain after the notices of Motions have been disposed of. We propose to add to the number of days upon which orders shall take precedence of notices, and upon which Government orders shall have a priority. We propose that Mondays, Wednesdays, Thursdays, and Fridays shall be order days. At present Friday is not an order day, and it has been frequently suggested that Friday should be added as such. In fact, at a certain period of the Session Friday is made an order day, but not until the Session has gone through a part of its course. Now, the period when an additional order day would be most useful is at the commencement of the Session, when the Estimates and Supplies and other urgent measures are brought in, and which it is desirable to get through as speedily as possible, in order that in the latter part of the Session we may not be inconveniently encumbered by an accumulation of Bills and measures which must be disposed of, and which we have not time properly to consider. In proposing that these four days shall be order days we do not wish to trench upon Wednesdays, as a day upon which the Bills introduced by private Members can be considered, but we propose that on Mondays, Thursdays, and Fridays orders shall have precedence of notices, and that Government orders should have priority over other orders. Much has been said about the practice which has prevailed, and of late has rapidly extended, of raising desultory discussions on Friday upon the Motion of adjournment. Many persons have wished that the adjournment until Monday should take place as a matter of course, in order to prevent these desultory and miscellaneous discussions, but I have not shared in that desire. I have always thought that, although we were sometimes kept until a comparatively late hour discussing the greatest variety of subjects mingled helter-skelter together, yet, nevertheless, that opportunity afforded hon. Members of raising questions and obtaining answers upon matters of interest to them and persons out of doors is one which it is desirable to retain for Members of this House. But there is no denying that the Motion upon which all these discussions arise does not justify them according to the orders of the House, and if the right hon. Gentleman in the chair was strictly to enforce those orders when the adjournment till Monday is moved no hon. Member could speak to anything but for or against the adjournment. The practice of the House, however, has been so different, and that practice has been so long sanctioned by acquiescence, that it would be vain to attempt to bring the House back strictly to the original order. But it occurred to the Committee that a middle course might be taken, and without depriving hon. Members on Fridays of the opportunity of raising these desultory discussions, yet might cause those discussions to be conducted upon principles in accordance with the Constitution, and also with the strict rules and orders of that House. The Committee recommended that there should be no Motion for the adjournment to Monday, but that the adjournment shall take place as a matter of course, by standing order, unless otherwise ordered, not precluding any Member, if so minded, from moving that the House do not adjourn until Monday. The Committee, however, thought that that alone would not afford private Members all the opportunities they now enjoy of raising discussions upon various questions to which they may think it right to call the attention of the House, and that those opportunities might be provided for in a manner more in accordance with the constitution and the orders of the House. They propose that a Committee of Supply or of Ways and Means should stand as the first order on every Friday, and upon the Motion "that the Speaker do leave the chair," when every hon. Member will have the same opportunity of doing what he now does upon the question of adjournment. That arrangement, without trenching upon the opportunities which Members have for free and ample discussion, would bring these discussions more within the regular proceeding of the House, and more in unison with the fundamental principles of the Constitution, that when Supply is proposed it shall be open to every Member to discuss any subject. The suggestion was thrown out that there should be a limitation to those discussions upon going into Committee of Supply, but the Committee did not think it was expedient, and they propose to leave unrestricted in its amplest extent the opportunities which Members now enjoy. Then it is proposed to make a change in the mode of dealing with public Bills referred to a Select Committee. When a private Bill is referred to a Select Committee and comes down here, it does not go to a Committee of the Whole House, but the Report of the Select Committee is accepted. In a great number of cases where public Bills have been referred to a Select Committee this House might well adopt the recommendation and result of the labours of the Select Committee, and it will not be necessary for those Bills to be considered by a Committee of the Whole House. It is quite clear that considerable time would in many cases be saved by that alteration, and, therefore, the Committee recommend that all public Bills which have been referred to a Select Committee when they come down to this House shall not, as a matter of course, be referred to a Committee of the Whole House, unless it be moved that the Bill or any particular part of it shall be so referred. That is, if a Bill should come back here containing some new clauses upon which a difference of opinion still remains, if it is thought necessary that those particular clauses shall be considered in Committee of the Whole House, it shall not be necessary for the Committee of the Whole House to go through all the other clauses of the Bill to which no objection is made, but it shall be competent for any hon. Member to move that those portions of the Bill upon which a difference of opinion prevails shall be referred to a Committee of the Whole House. There are cases now under consideration to which that recommendation could be usefully applied. There are the Bills for the consolidation of the law. They consist, in great measure, of consolidation and re-enactment of existing laws. When a Bill of this sort has been referred to a Committee upstairs, it is obvious that it would be a waste of time for the House to go through all the clauses, numerous as they may be, simply re-enacting the law as it stands. And all the purposes of discussion will have been sufficiently accomplished before the Committee as to all the clauses containing alterations, more or less important, of the law. These are the recommendations which it is my duty, on behalf of the Committee, to propose. At first sight those who thought that still larger alterations might have been made may be disappointed by the scantiness of the recommendations. But if hon. Gentlemen will only consider how important it is to go only step by step, and to try the ground by one foot, before taking any fresh step in advance, they will see that these recommendations will save to the House a great deal of valuable time; they will not consider that they go too far; and will think that what they do recommend are changes that may be of advantage in the transaction of business, without in any degree trenching on the perfect freedom of the House in the performance of its important functions.

Motion made, and Question proposed, "That the said Standing Order be repealed."

MR. BENTINCK said, it appeared to him that the Committee and the noble Lord had treated the House with somewhat scanty courtesy in allowing them so short a time for the consideration of these proposals. He did not for a moment suppose it was the intention of the Committee or of the noble Lord to be wanting in courtesy, but he thought the Resolutions would be viewed very differently by the occupants of the Treasury bench and the front Opposition bench, and by Members who occupied an independent position. The noble Lord had chiefly dwelt on the convenience the proposed change would be to the Government. He had been much struck with the ingenuity of the concluding part of the noble Lord's speech. He had apologized to the House for the smallness of the change proposed, while, as far as he could ascertain, Members of the House were horror-struck by its magnitude. Instead of falling short of the expectations of the House, the Committee had gone far beyond them. Simple as the recommendations appeared, it was extremely difficult to foresee their effect. Now, there was this difference between the House and the Committee, that the House had not had any opportunity of considering the question. The noble Lord did not wish the House to proceed hastily in the matter, and that was just what he (Mr. Bentinck) wished them not to do. The noble Lord said he did not wish to narrow the field of discussion; but, virtually, the proposal would almost shut up that field altogether. The noble Lord said the House would be enabled to judge with more certainty what business would come on; he should like to hear from some member of the Committee how this greater certainty would be arrived at. If Supply stood on the Orders every night, the Government would be able to pass important Estimates when the House was comparatively empty, as had recently happened with respect to some Navy Estimates. Hon. Members would go to dinner—it was a habit, and nothing would break them of it. But if they would leave the House at an early hour, and not return till nine or ten o'clock, it would be in the power of the Government, if it could take Votes of Supply every night, to pass the Estimates at any time in almost empty Houses. That was a point on which the House ought to be extremely jealous. The noble Lord said the adoption of these Resolutions would enable them to calculate more closely when particular business would come on, while he (Mr. Bentinck) thought the uncertainty would be greater than ever. If the House allowed Supply to stand for every night, it would be in the power of the Government to do that which occurred on a very recent occasion with respect to the Navy Estimates—to sweep through the Estimates at a time from about seven to half-past nine, when a great number of Members were absent from the House. He would ask hon. Members who like himself did not owe political allegiance to any man, except to those who sent them to that House, whether they did not remember occasions innumerable when they had been prevented from addressing the House on important questions of policy through arrangements which had been come to between the two front benches as to when a debate was to terminate? That question had been raised on more than one occasion, and he had taken exception to that arrangement as most irregular and unconstitutional. The noble Lord's Resolutions were little more than an attempt to carry that system still further. It was difficult for a private Member to bring a question forward at present under these recommendations it would be almost impossible. They would thus place him in a very inconvenient position with his constituents, for they might wish him to bring a particular question before the House, and he might be willing to do so, and yet have no opportunity. Then the noble Lord proposed to take another day for Government during the week, that day being taken from private Members. On the third Resolution he was not inclined to agree with the noble Lord. The fourth Resolution was similar to the second, upon which he had already remarked. As to the fifth, the noble Lord said it would facilitate public business, but he (Mr. Bentinck) thought it a merit of the forms of the House that they prevented legislation from being hurried through it. Good legislation would find its way through; if objectionable it would be dangerous to facilitate it. It was said that facilities would be afforded by the Resolutions for the despatch of public business. But the delay which now occurred was owing to the neglect of Governments themselves, who did not introduce their measures sufficiently early, so that, generally speaking, a whole month was wasted every Session. In submitting his Amendment to the House he wished them to understand that he was by no means opposed to all changes that might be suggested with the view to improve the present arrangements regarding the conduct of public business. He was only desirous of expressing his decided objection to the Resolutions now proposed. He had two great reasons for resisting the Motion of the noble Lord. In the first place, he thought the proposal dangerous as regarded the rights and privileges of private Members, and in the second place, he thought that more time ought to be given to the House for the consideration of this question. It was his intention to take the sense of the House upon his Amendment in the spirit in which he made it. He did not, however, mean to bind any hon. Gentleman any more than himself to any declaration in respect to any change that might hereafter be deemed advisable to be submitted to them. He simply asked them not to sanction a proposal which he believed to be destructive of their rights, and to seriously affect the independence of the House of Commons.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House, having considered the Proceedings and the Report of the Select Committee on Business of the House, does not deem it expedient to sanction the proposed alterations in the Standing Orders, and in the practice of the House,'" instead thereof.

Mr. KNIGHTLEY, in seconding the Amendment, said, when he saw that out of twenty-one members of the Committee fourteen or fifteen were Ministers or ex-Ministers, he felt sure that the rights of independent Members would not be taken much care of. The simple question was—should the whole legislation of the country be practically concentrated on the Ministerial bench? At present private Members had great difficulties with which to contend Take, for instance, the Church Rate Abolition Bill. The hon. Member for Tavistock (Sir John Trelawny) could not be accused of want of activity, and his Bill was brought in on the first day of the Session. Early in March it was read a second time; and then all the Wednesdays were so completely taken up that the hon. Baronet found it impossible to fix the third reading before some time in June. With such a case in point, was it desirable to place additional impediments in the way of private Members? True, it was not proposed to interfere with the order days, but hon. Gentlemen would be stopped at the very threshold—they would not be able even to introduce measures. The real impediment to public business was the interminably long speeches made by hon. and right hon. Gentlemen in the immediate neighbourhood of the table. No doubt these speeches might be extremely eloquent and very able, but still, in his humble opinion, they might be condensed with advantage. Hon. Members on the Opposition side of the House were rarely in the habit of interrupting Ministers of the Crown by any of those euphonious noises which conveyed the belief of the House that the speaker was slightly tedious, and hon. Gentlemen opposite generally extended the same consideration to the leaders of Opposition. When, however, right hon. Gentlemen on either side of the table found that they were not interrupted they seemed to imagine that the House was listening to them with rapt and breathless attention. Speaking for himself, he could only say that this was very far, indeed, from being the case. In his opinion these Resolutions would trench very much on the rights of independent Members, and he should, therefore, second the Amendment.

Mr. W. WILLIAMS was understood to say that he merely wished to ask the noble Lord at the head of the Government whether he intended by the Resolutions to continue the practice which now existed of allowing Motions on going into Committee of Supply to be brought forward on Mondays and Thursdays as well as on Fridays, which was the present practice? At present great inconvenience was occasioned by that practice.

Viscount PALMERSTON: The proposals which I have made do not interfere with or restrict in the slightest degree the privilege now possessed of making any Motion, or calling the attention of the House to any subject on any day for which Committee of Supply is fixed.

MR. PAULL was understood to express his strong objections to the recommendations of the Committee, and his determination to support the Amendment of the hon. Member for Norfolk. The proposition of the Government was, in effect, to restrict the Motions of private Members to one day in the week. Sent there, as they were, to represent the wants and wishes of their constituencies, he deprecated any attempt to interfere with their constitutional rights. He had never heard any objections made, on the part of independent Members, to giving every facility to the Government for bringing on their measures on any day they applied for, and, therefore, thought it was exceedingly unreasonable for the noble Viscount to ask them to adopt the Resolution. He ventured to think that the proposition, if adopted, would have the effect of occasioning surprises and great uncertainty as to when the business in Committee of Supply would be brought forward. Certain arrangements had been proposed by the late Speaker which he thought might be judiciously adopted. He hoped that his hon. Friend would divide the House on his Amendment.

MR. HENLEY: Sir, I for one should have been disposed to place the greatest reliance in the Committee composed as it was, but the last recommendation, illustrated as it was by the noble Lord at the head of the Government, has completely concluded my mind against these Resolutions. With regard to the former Resolutions, we are, in point of fact, only asked to give up to the Government one day for the whole Session, which we were in the habit of giving them for half the Session. But when we come to the last, that a Bill which has gone through a Select Committee should not necessarily be discussed in Committee of the Whole House, I felt at the time great difficulty with regard to it, but the illustration of the noble Lord convinced me of the great danger of the proposition. He told us that a Bill for consolidating the criminal law had recently been sent to the Select Committee, and that it would be idle for us in Committee of the Whole House to consider those parts which are merely re-enactments, and that we must confine ourselves to those parts which are Amendments and alterations. But, surely, some Members may think that parts of Bills which are merely re-enactments, and which have been passed by the Select Committee in that form, may contain such grave and important principles that they ought very properly to be considered in Committee of the Whole House. Yet, according to the noble Lord, under this Resolution they will be completely shut out. It is true that they will have the opportunity of making a Motion, but what chance will any Member have of carrying a Motion of that sort against the Government which has brought in the Bill, and the head of which has declared that the Bill ought not to be considered in Committee of the Whole House? For instance, in many cases the punishment of death is re-enacted, but do you suppose that there are not hon. Members in this House who may not wish to raise a discussion whether it ought to be re-enacted at all or in particular points? It might be very convenient for a Government, by the power of its majority, to prevent that question being discussed. Within the last few years a stop had been put to all dealing with clauses upon the third reading. I did not object to that; I think it has worked well; but I do object altogether to putting public Bills on the footing of private Bills, because, in practice, it will come entirely to that. You send a Bill to a Select Committee, but it is a chapter of accidents how that Committee is constituted, and a still greater chapter of accidents how many Members attend it. The public are not there; nothing is known of what is done; it may be put down for the Report next day; and, if it is a Bill of 100 or 150 clauses, who is to read it in that short time? It may have been wholly changed in Select Committee, and many details run so much into principles that you can hardly tell at first sight how much the alterations of details may affect great principles. Upon this ground alone I have the strongest possible objection to the Resolution, and I should have been glad to take the opinion of the House upon it by itself, but as my hon. Friend below has made his Motion I shall vote with him. In regard to the other part of the Resolutions, I do not believe that it will effect the object which the Committee intend. You may cry out, "Stop discussion," but if you stop up one hole it will gnaw through another. What is the real history of these discussions on Fridays? They spring from this reason—the Government took away a day from private Members. Those Members found their chances lessened, and they immediately availed themselves of this other opportunity to have desultory conversations. I believe the effect of the alteration will be what has been stated by my hon. Friend behind me—there will be so many discussions on going into Committee of Supply, that nobody will know when we shall get into it. The Government cannot complain of any hon. Member on any night raising any question. The noble Lord says he does not want to gag the House. Though he may not want to, he is taking a very good chance of doing it. I do not think that after we have adopted the Resolutions the discussions will be any more definite than at present. On the contrary, I believe they will be more desultory, and, therefore, will not facilitate public business.

SIR JAMES GRAHAM: It would not perhaps be respectful on my part, having had the honour to preside over the Committee, to remain altogether silent in this discussion. But I must beg to relieve the apprehensions of the hon. Member for Northamptonshire (Mr. Knightley), as, however I may have transgressed heretofore, I am now no longer able to address the House at an unreasonable length. This discussion has assumed the shape of seeking to give a general negative to the whole Resolutions by a preliminary Motion, and I think it necessary shortly to address the House in reference to some of the observations which have been made. My hon. Friend the Member for Norfolk (Mr. Bentinck) says that the Government and the members of the Committee generally have been wanting in courtesy to the independent Members. At the request of my noble Friend at the head of the Government I took the chair of this Committee unwillingly, but upon the ground that I was fitted for it because I had ceased to desire any official position, and had resumed the station whence long ago I first departed—the station of a private Member of this House. I am now *rude donatus*—no longer a combatant for office on the floor of the House—and all my sympathies, therefore, are with the independent Members, and I am the very last person who would be wanting in courtesy or consideration to them. The course which I took in the Committee was quite in accordance with the views stated by the noble Lord at the head of the Government —namely, that no course should be taken which would interfere with the fair opportunity of independent Members for making Motions or expressing their opinions upon public questions. The hon. Member for Norfolk went on to say that the House was taken by surprise when it consented to the appointment of this Committee. The matter referred to us was that we were to consider whether any measures could be taken to expedite the transaction of public business; and, so far from the House being taken by surprise, if I mistake not, my right hon. Friend the Secretary of State for the Home Department did on that occasion give a distinct outline of the propositions which he thought should be brought before the Committee, with a view of so expediting public business. In the main the recommendations which this Committee have adopted, though modified to a considerable extent, are the propositions which were stated by my right hon. Friend as the subject matter for us to consider.

MR. BENTINCK: My right hon. Friend has misunderstood me. I said the House was taken by surprise in being called upon so soon to decide on the course which they would adopt upon the Report of the Committee.

SIR JAMES GRAHAM: I thought my hon. Friend said the propositions were larger than those the Committee were to inquire into, and to that extent the House was taken by surprise. If I am accurate in what I have stated they are not larger, because in the main they are the identical propositions which were made when the Committee was appointed. As to surprise now, I think this Report has been in the hands of the House for some time—more than a week. It is not very voluminous, and the evidence is very short. The right hon. Member for Oxfordshire says the language is verbose. I alone am responsible for the language employed, subject to the corrections of the Committee, and, although it is said to be verbose, I hope that the propositions are stated so clearly and so intelligibly that there can be no mistake. My hon. Friend the Member for Norfolk says—and the hon. Member for St. Ives (Mr. Paull) makes the same observation—that greater certainty with respect to the time of going into Committee of Supply was the primary object. I admit that most distinctly. The Committee so regarded it, and in the first instance directed their inquiry with the hope of obtaining more certainty with respect to the time of going into Committee of Supply, but what deterred us from giving greater effect to that object was that we found it could only be obtained by proposing greater changes than we thought desirable. And with those greater changes we must have introduced the novel principle that, with respect to debates on going into Committee of Supply, there must be a limit of time at the expiration of which the question is to be put from the chair, or we must have recommended to extended "progress" with regard to Supply as with regard to Committees on public Bills. The hon. Member for Norfolk says that if this Report be adopted no opportunity for making Motions will be given except on Tuesdays. My hon. Friend has misconceived the effect of the Resolution. As it now stands, when the question on Friday is that the House at its rising adjourn till Monday, no Motion can be made. There may be desultory discussions. The attention of the House may be called to different subjects, but no Motion can be made. If this recommendation of the Committee be adopted, and it be the invariable rule to move on Fridays that the Speaker leave the chair to go into Committee of Supply or Committee of Ways and Means, whereas now no Amendment on Friday can be put, on the substituted Motion an Amendment may be moved, and the sense of the House taken upon it, in addition to retaining every facility for calling attention to any special subject. These discussions, which are now irregular on the Motion for Adjournment, will then be conducted in a perfectly regular manner, and consistent with the rules and existing practice of the House of Commons. The next observation of my hon. Friend is that there is a great waste of time at the commencement of the Session. I entirely agree with my noble Friend at the head of the Government, that the great object at the commencement of the Session is that the business to be brought forward should be laid on the table at an early period; but at the natural apprehension of the Government is that in bringing forward Bills before Easter and putting down a number of Orders of the Day they may be driven into a strait, and not have sufficient time to take the Votes in the Army and Navy Estimates, which are necessarily preliminary to passing the Mutiny Bills. The Government very naturally press on Supply before Easter, and exclude the consideration of other business. I, therefore, entirely differ from the hon. Member for Pontefract (Mr. M. Milnes) who has given Notice of a Motion that whatever enlargement of order days be granted should be order days after Easter, and I contend that the enlargement should be before much rather than after Easter. My right hon. Friend the Member for Oxfordshire has taken an objection to the fifth Resolution. If I could hope that my hon. Friend the Member for Norfolk will not press his Motion to a division, or, if he does press it, that the House will decide to enter upon a consideration of these Resolutions, then I think it would save time to discuss them *seriatim*. I think it is also more convenient to discuss these Resolutions *seriatim*, because, although my right hon. Friend the Member for Oxfordshire takes objection to the fifth Resolution, he may not have made up his mind to reject the whole, and not to give an opportunity of discussing the other four. If the House should not absolutely refuse to consider the Report from a Committee passed with singular unanimity I hope they will give a fair consideration to the recommendations of that Committee *seriatim*, but if they should decide that the consideration even of the Resolutions be not entertained it is a waste of time to discuss them.

Mr. SOTHERON ESTCOURT said, he could assure the House that the noble Lord at the head of the Government had expressed the views of himself and the rest of the Committee. He never acted on a Committee in which there was more unanimity of opinion. The Committee took into consideration all the points which had been touched upon, and many others besides. There were times when he doubted whether they would be able to arrive at a unanimous concurrence of opinion; but he was bound to say that the Resolutions might be taken by the House to express truly and fairly the general sense of the Committee to whom the House was pleased to refer this matter. As he trusted that the House would deal with the matter in the businesslike matter suggested by the right hon. Member for Carlisle (Sir James Graham), he would now trouble the House by referring to the particular points which had been urged against the Resolutions; but there was, he believed, a general impression on which he might take the liberty of saying a few words. That impression was that the Resolutions tended to deprive the independent Members of the House of certain facilities which they at present possessed. He, on the other hand, held that, if the House adopted the Resolutions, independent Members would be in a better condition than at present. Objection had been taken to the proposal to give the Government power to set down Supply on Tuesdays, but the effect of that would be that the Government would have an interest in keeping a House on those days, and he need hardly say that the greatest misfortune in a Parliamentary sense to which private Members were now exposed was that on the only day open to them for bringing forward Motions they ran the risk of finding their audience disappear from before their eyes. Under those circumstances, and seeing that Supply was to be placed at the end of the business on Tuesdays, he thought the proposal now made would tend to the advantage of private Members. Another objection was that the substitution of debates on the Motion for going into Committee of Supply on Fridays for the desultory discussions which now took place on the Motion for the adjournment of the House would, in some way or other, encroach upon the privileges of private Members. The Resolutions would have no such effect, and after they were adopted it would be just as competent for private Members to make remarks, ask for explanations, and call the attention of the House to subjects on the Motion for going into Committee of Supply as it now was on the Motion for the adjournment of the House until Monday. As far as he was able to form a judgment the adoption of the Resolutions would lead to good order and facilitate the business of the Session, and at the same time it would in no way diminish the existing privileges of private Members.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided;* Ayes, 253; Noes 98: Majority, 155.

Main Question put and *agreed to.*

Ordered, That the said Standing Order be repealed.

On the First Resolution.

Sir HENRY WILLOUGHBY said, that the question before the House was, whether a certain Standing Order should be repealed; and he desired to submit to the House whether it was wise or prudent to take Committees of Supply and Ways and Means upon those days on which Notices of Motions have precedence of Orders of the Day. Tuesday, to which he wished to confine his remarks, was a day reserved for Members' notices, and as he understood the object of the first Resolution, it was to take Committees of Supply and Ways and Means on Tuesday after the notices, with the view to prevent uncertainty as to when Supply and Ways and Means would be taken. But he believed that for that purpose the alteration proposed would fail entirely, because there were generally ten or twelve Motions on the Tuesday's paper, and if the Committees of Ways and Means appeared upon the Orders, there could be no certainty of their being taken. It was only the other week that a debate on the New Zealand question, which had arisen on the Motion to go into Committee of Supply, was adjourned to Friday. On that evening the usual desultory debate on the adjournment was concluded earlier than usual, several important Motions went off, and the New Zealand debate was resumed. An attempt, however, was made to count out the House, and he went away, thinking it impossible that they would go into Supply that night. They did so, however, and in the absence of most of those Gentlemen who took an interest in the matter the Estimates were disposed of in three-quarters of an hour. That was very annoying, and it was desirable that Members should be enabled to ascertain with greater certainty when the House was going into Supply; but that object would not be effected by the proposed change. He hoped that the noble Viscount would at least leave the Tuesday Motion day alone.

Sir GEORGE LEWIS observed that the Resolutions before the House were very unequal in importance. The really material propositions were the second, third, and fourth. There were two others which had been proposed by the Committee because they thought these changes would, upon the whole, be beneficial, but which they did not consider would have any great practical effect, and these were the first and the fifth. With regard to the first, it appeared to him that the hon. Baronet altogether misunderstood the object with which it was proposed. At present the rule of the House was that the Committee of Supply should be fixed for Monday, Wednesday, Thursday, and Friday, but it might not be fixed for Tuesday. Now, the object of the Resolution was to remove that single exception; and if that single exception were not removed the Resolution might as well be withdrawn, for the modification suggested would entirely destroy its effect. The rule with regard to Committee of Supply was this: that unless notice was given that particular business would be taken on the night for which it was fixed, it stood as a mere formal order on the paper, and no Votes were taken. There would be a few cases in the course of the Session when, for the sake of expediting business, it might be convenient to fix the Committee of Supply for Tuesday, and in such cases due notice would be given, that Members might not be taken by surprise. To enable the Government to do this was the whole scope of the Resolution, and he thought the House might agree to it without any alarm as to the consequences that might ensue from it. Nor would this change act as a limitation of the time at the disposal of independent Members, because, as Motions would still take precedence of Orders of the Day, Supply could not come on until all the Motions of which Notices had been given had been disposed of. It did not, however, appear that hon. Members prized very highly the night which was set apart for their Motions, for what had taken place on the three last Tuesday evenings? Last Tuesday evening there was no House, on the previous Tuesday the House was counted out at a quarter before eight, and on the Tuesday evening before that at a quarter past eight o'clock. A large portion of both Tuesday and Friday evenings was lost on account of the disinclination of Members to listen to the Motions which were brought forward upon those occasions. He trusted, therefore, that the first, which was in the nature of a mere formal Resolution, would not be debated at any length, but that the House would be inclined to proceed to the more important propositions comprised in the second, third, and fourth Resolutions.

MR. AYRTON said, hon. Gentlemen who sometimes called themselves "independent Members," but whose proper designation was "unofficial Members," frequently appealed in vain to Ministers to say which part of the business on the paper they intended to proceed with. A noble Viscount, who had attended the House forty years, when appealed to on one occasion told hon. Members that, if they sat in the House throughout the whole of the night, they would discover what the Government would do in the course of the evening. But all Members did not sit in the same exalted position as the noble Viscount, and they did not experience exactly the same pleasure which he did in sitting in the House throughout the whole of the night. Now, if the Government would undertake that if this Motion was agreed to they would on Tuesday evenings state before seven o'clock whether or not they intended to take Supply that night, he saw no objection to the Resolution; but if such an undertaking was withheld every hon. Member ought to vote against the change which was now proposed.

VISCOUNT PALMERSTON: The hon. Member has asked me whether, if this order is passed, we shall be prepared to state distinctly on Tuesday evenings, before seven o'clock, whether it is the intention of the Government to go into Committee of Supply? I have no hesitation whatever in entering into that engagement; but the intentions of the Government will, of course, be subject to the permission of the House, and to the fact that Motions occupying an intermediate position on the paper may last too long to admit of our going into Committee of Supply as intended.

SIR HENRY WILLOUGHBY said, there was no safety in the Minister saying at seven o'clock what he intended to do, because that would simply keep every one waiting the whole night, and if they absented themselves, expecting intermediate business would occupy the House, but it failed to do so, Supply would be brought on in their absence, and important financial questions would be disposed of with the undue haste exhibited last year.

Resolved,

"That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday, and Friday, and may also be appointed for any other day on which the House shall meet for despatch of business."

Standing Orders of the House of the 2nd day of August, 1860,

"That, unless the House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, and Thursdays, shall be disposed of before the House will proceed upon any Motions of which Notices shall have been given," read.

Ordered, That the said Standing Order be repealed.

Motion made, and Question proposed,

"That, unless the House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, Thursdays, and

Fridays, shall be disposed of before the House will proceed upon any Motions of which Notices shall have been given, the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the list, on every Order Day, except Wednesday."

MR. MONCKTON MILNES said, he would move to insert, with regard to Thursdays, the words "after Easter." When he first entered that House Thursdays belonged to non-official Members; some time ago every alternate Thursday was taken by the Government; latterly they had lost Thursday evenings altogether, Friday being given up to them instead; and the object contemplated by these Resolutions was to take from private Members Friday as well as Thursday. It was highly convenient that in the early part of the year non-official Members should have possession of these evenings, because, in the ordinary course of business, no important Government measure received a second reading before Easter, while with notices of Motion the case was very different. During the recess private Members took up some subject which they believed ought to engage the attention of the House, and familiarized themselves with it; but it often happened that the House, when the subject was brought before them, did not feel equally interested, and either bestowed little attention upon it, or got rid of it altogether. A great deal of business, consequently, was got rid of before Easter, and after that period Tuesdays and Thursdays were no longer in equal demand. He could not agree with hon. Members that, because the time of the House had not been fully occupied on two or three Tuesday evenings, a general rule ought to be adopted, the effect of which would be to confine non-official Members to a single day during the week. That was a process of induction which he felt sorry that his right hon. and historical Friend the Secretary of State for the Home Department should have adopted. The only effect of depriving Members of the opportunities which they at present enjoyed would be to throw more notices of Motion on the paper for Supply nights, and to create difficulties in the way of discharging the business of the country. He also believed that, by doing away with what he regarded as a very useful debate on the Motion of adjournment, they would spread over all the other days the notices which were now given for Friday evenings.

Amendment proposed, after the word "Thursdays," to insert the words "after Easter."

LORD STANLEY said, the second Resolution should be read in connection with the third and fourth Resolutions, with which it was intimately associated. At first sight the rule by which the miscellaneous debate on the Motion of adjournment was done away with appeared to have the effect of taking Friday nights from private Members, and giving them to the Government; but in practice a more regular and constitutional form of debate on going into Committee of Supply, or of Ways and Means, was substituted for that now prevailing; and, as it was intended that one or other of these notices should always be put first upon the orders, two or three hours would be given to private Members for discussion under the system proposed. A Member giving a notice for Tuesday evening ran a great risk of being unable to bring it on. Under the proposed plan it was much more likely that he would have an opportunity of doing so, as the Government would have an interest in keeping the House.

MR. PAULL suggested that the words "after Easter" should be inserted after Friday, which would have the effect of not disturbing the arrangement made last Session, and which had been found to work so satisfactorily.

SIR GEORGE LEWIS: This is, in fact, the most material of the propositions submitted to the consideration of the House; and, in order to arrive at a conclusion on the subject, let us look at the relative amount of time assigned to the Government and to independent Members from the beginning to the end of the Session. It would be a great mistake to suppose that this is any personal question between Members of the Government and independent Members of the House. The Government cannot make bricks without straw; they cannot pass Bills if time for their discussion be not allowed them. It is no selfish desire that prompts us to propose this Resolution; in fact, it is a much less laborious task to watch the Motions of unofficial Members than to defend our own bills, and so far, therefore, as the self-regarding interests of the Government are concerned, I am not sure that it would not be advantageous to them if, instead of increasing the time at their disposal, the time allotted to them were diminished. It is solely a public question how much of the time of the House it is advantageous to devote to measures initiated by Members of the Government, and how much to those initiated by unofficial Members. The ordinary state of things is this—the Government have two nights in the week which are order nights, and on which Government orders have precedence of other orders. Those nights are Mondays and Thursdays. There are two nights upon which notices of Motions have precedence of orders. Those two nights are Tuesday and Friday, which may be considered as exclusively at the command of unofficial Members. Then there is Wednesday, which is exclusively assigned to Bills of unofficial Members. Three out of five nights are, therefore, according to the ordinary course of business, allotted to independent Members. I should think that that simple statement would be sufficient to answer the complaint made by the hon. Member for Norfolk that there exists any disposition on the part of the Government to gag independent Members. In addition to these two nights and one day of which unofficial Members have the control, they have, likewise, a very considerable share of the two nights belonging to the Government on the question of going into Committee of Supply. According to the present arrangement, a large portion of the time allotted to the Government before Easter is devoted to Committee of Supply. On every one of those nights it is competent to Members to bring on Motions on going into Committee of Supply. It sometimes occurred that these Motions occupied the whole night, and I should scarcely exaggerate were I to say that I do not think the Government before Easter had the exclusive use of more than one night in the week. The hon. Member for Norfolk said he thought the real cause of delay was that the Government did not bring forward their Bills early in the Session. A more unfounded complaint it is impossible to make. I myself brought in several Bills early in the Session in the vain hope that they might receive discussion; but, although certainly I have lost no opportunity of discussing them, I have only been able to postpone them from day to day. It was utterly impossible to find any time on which Government Bills, not of first-rate importance, could receive the attention of the House. One Government Bill of great importance—the Bankruptcy Bill—certainly occupied some time, but that was the only legislative business of the Government which it was possible to bring forward before Easter. The result of the present arrangement of the business of the House is that, with regard to legislation, the initiative is wholly taken from the Government for the first half of the Session;—practically they initiate nothing, and the entire initiative of legislative measures is vested in private Members, who are able to bring forward on successive Wednesdays questions which might with advantage be postponed to measures of more general interest which the Government were prepared to bring forward. What is proposed is—and after the explanation of the noble Lord it does not appear a very far-reaching or dangerous innovation—to give the Government for the disposal of their orders the remnant of Friday. It is not proposed practically to abolish the miscellaneous discussions which now take place on the adjournment of the House. Friday being an order night, the Government will put the Committee of Supply as the first order, and that will give hon. Gentlemen an opportunity of making Motions and speeches, as now, on the question of adjournment till Monday. There were, in last Session, a good many days on which the debate upon these Motions did not terminate till past nine or ten o'clock, and I think on one or two occasions not till past eleven. I ask the House, then, to consider whether giving the Government the remnant of Friday for their orders would in practice amount to any great increase of the time at their command? That would enable us on some few Fridays in the early part of the Session to bring forward those Bills which it is now necessary to postpone, and so add to the general convenience of the House. The present system does not work conveniently to private Members, who complain of those frequent postponements of measures which are its inevitable consequence. I trust the proportion between the time assigned to the Government and that allotted to private members will not be thought to be unreasonably disturbed by the proposition, which, as far as it goes, will tend to the general convenience of the House; and, therefore, I shall be prepared to give my vote against the Motion of the hon. Member for Pontefract, and in favour of the Resolution as it stands.

SIR JOHN PAKINGTON: This Resolution and the two following Resolutions all relate to the arrangements for business on Fridays, and they ought, therefore, to be dealt with together. I am astonished would be only in the same position as at present.

Main Question put, and *agreed to.*

Resolved,

"That, unless the House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, Thursdays, and Fridays, shall be disposed of before the House will proceed upon any Motions of which Notices shall have been given, the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the list on every Order Day, except Wednesday.

Motion made, and Question proposed,

"That the House, when it meets on Friday, shall, at its rising, stand adjourned until the following Monday, without any Question being put, unless the House shall otherwise resolve."

MR. W. EWART observed, that they ought to hesitate before they adopted the Resolution. At present the Motion for adjournment on Friday was made the occasion for putting questions accompanied by short explanations upon which no regular debate arose; but he feared that the change proposed would lead to regular debates on Friday, as experience taught them that a whole night was frequently occupied in a discussion which arose upon the Motion for going into Committee of Supply.

LORD STANLEY observed, that the discussions upon various topics upon the Motion for adjournment were not always so brief as the hon. Member appeared to suppose, and he could not see what harm could be done by the change proposed.

MR. AYRTON pointed out that when no Committee of Ways and Means or of Supply was open hon. Members would have no opportunity of putting questions accompanied by explanations. He would suggest as an Amendment that the words "when any Committee of Ways and Means or of Supply be open" be added at the commencement of the Resolution. He hoped also that it would be understood that upon a Committee of Ways and Means it would be competent to discuss the same questions as upon going into Committee of Supply.

Amendment proposed, after the word "That" to insert the words "while the Committees of Supply and Ways and Means are open.

MR. NEWDEGATE said, he must admit that there had been an abuse of the opportunity afforded by the Motion for Adjournment, but he did not believe that the House wished entirely to get rid of that opportunity. There was a difficulty which might arise under the proposed Resolution which he hoped the noble Viscount would consider. If upon the Motion for going into Committee of Supply on Thursday a Member introduced a subject which led to a protracted and adjourned debate, that adjourned discussion must be renewed on the Friday, and must be brought to a termination before any Member could make another Motion or suggest any other. He thought, therefore, that some step ought to be taken to prevent any adjourned debate having that priority on Friday. He also wished to call attention to the reference by the Committee to the subject of proceeding with opposed business after one o'clock. A few nights since a Resolution agreeing to the income tax was passed at two o'clock, which was not an hour at which so important a subject should be brought on. He hoped the noble Viscount would agree that no opposed business should be commenced after one o'clock if objection was made.

VISCOUNT PALMERSTON said, the hon. Member's objection referred to the case of a debate arising on the Thursday on the question that Mr. Speaker leave the Chair, which was adjourned over until the Friday. No doubt, practically, such debate would take precedence on the Friday, and, therefore, in that single instance the proposal now made would curtail the latitude at present enjoyed. But when it was considered how very seldom that particular case arose, he thought it would be hardly worth while to make any exception to the Resolution on that account.

MR. SOTHERON ESTCOURT said, he believed that under the new rule an adjourned debate would not have precedence of a Motion for a Committee of Supply or Ways and Means.

SIR GEORGE LEWIS said, that when a debate was being adjourned to the Friday some special arrangement might be made for the purpose of meeting the case to which the hon. Member for North Warwickshire had referred.

SIR GEORGE GREY said, that the Committee of Supply was open on nearly every Friday throughout the Session. Therefore, he had no objection to the Amendment of the hon. Member for the Tower Hamlets.

MR. DANBY SEYMOUR said, he regretted the loss of the Friday, though the right of putting questions on the Motion of adjournment had been somewhat abused. He thought the Government had been to a great degree responsible for the delays caused by the abuses the Resolutions already passed had remedied. If a House were not made on Tuesdays, Motions accumulated on the nights of Supply.

Question, "That those words be there inserted,"

Put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Resolved,

"That, while the Committees of Supply and Ways and Means are open, the House, when it meets on Friday, shall, at its rising, stand adjourned until the following Monday, without any Question being put, unless the House shall otherwise resolve."

Motion made, and Question proposed,

"That while the Committees of Supply and Ways and Means are open, the first Order of the Day on Friday shall be either Supply, or Ways and Means, and that on that Order being read, the Question shall be proposed, 'That Mr. Speaker do now leave the Chair.'"

MR. DARBY GRIFFITH said, he would now move, as an Amendment, to add to the Resolution the words of which he had given notice—

Amendment proposed, at the end of the Question, to add the words,

"And, in order to regulate the order of Questions put to Ministers, or of Motions on going into Committee of Supply and Ways and Means, such Questions and Motions shall be placed consecutively on the Paper, in reference to the particular Minister to whom they may be addressed."

Question proposed, "That those words be there added."

SIR GEORGE LEWIS said, that the Resolution applied only to Friday nights, whereas the Amendment referred to all notices on going into Committee of Supply, and, therefore, the proper mode of proceeding would be for the hon. Member to submit his proposition as a substantive Motion. If the House thought that the proposition would tend to the convenient despatch of business, he would, so far as he was concerned, offer no objection to it.

SIR JAMES GRAHAM said, he was sure that the House would sympathize deeply in his feeling of regret that the Speaker was not present during the present important discussion, but he could state from communications with the right hon. Gentleman that the Speaker deprecated that the responsibility should be thrown on him of giving precedence to any hon. Member. The Speaker's power depended on his strict impartiality and the general goodwill thereby created, but a regulation such as that proposed would place him in a most invidious position.

LORD JOHN RUSSELL said, it was quite impossible, after what has been just stated, that the House could agree to the Amendment, which, in its present state, would give to the Speaker the tremendous power of deciding whether a Motion on finance, or one on foreign policy, should first come on.

MR. AYRTON observed that under the present practice hon. Members could give positive notice of a Motion or question for the Friday on the Motion of Adjournment; but with respect to notices on the Motion of Supply, such notices were not given for any particular day, but for the first Supply night. He wished, therefore, to know whether the same practice which now prevailed in reference to the Motion of Adjournment on Friday would be made applicable to the Motion for the Committee of Supply on Friday.

SIR GEORGE LEWIS said, he apprehended that, as the first order on Friday must be, under the Resolution, either "Supply" or "Ways and Means," it would be quite competent for gentlemen to give positive notice of bringing forward a question on going into Committee of Supply, or of Ways and Means on Friday.

Amendment by leave *withdrawn.*

Main Question, put, and *agreed to.*

Resolved,

"That while the Committees of Supply and Ways and Means are open, the first Order of the Day on Friday shall be either Supply or Ways and Means, and that on that Order being read, the Question shall be proposed 'That Mr. Speaker do now leave the Chair.'"

Motion made, and Question proposed,

"That when a Public Bill has been committed to a Select Committee, and reported to the House, the Bill, as amended, shall be appointed for Consideration on a future day; when, unless the House shall order the Bill generally, or specially in respect of any particular Clause or Clauses thereof, to be re-committed to a Committee of the whole House, the Bill, after the consideration of the Report, may be ordered to be read a Third Time."

MR. HENLEY said, that a great principle was involved in this Resolution, to which he should be sorry to see the House give its consent. The House was now asked to hand over to a Committee of fifteen Gentlemen any Bill that the majority of the House might think it good so to hand over to them, and allow them to determine the character of the legislation with respect to it. Take, for example, the

Parochial Assessments Bill. It had passed a second reading on the understanding that it was to go to a Select Committee. That Bill was likely to go undergo very important alterations in Committee, and was the House to have no opportunity of considering the, perhaps, altogether changed machinery of the measure? Take, again, the Wine Licensing Bill of last Session. With the majority at his back, the Chancellor of the Exchequer might have selected fifteen Gentlemen to consider that Bill. The Committee might have sent it back without the alteration of a line, and then the Chancellor of the Exchequer, with the aid of his majority, might have prevented its recommitment. They might be told that public opinion would prevent such things, but he thought the forms of the House ought to prevent them, and that they ought not for the sake of saving a little time to make such an alteration in their practice. He would recommend the Government to postpone this Resolution, in order that it might be seen whether some safeguard could not be introduced against inconsiderate legislation on the part of the majority, which would very often end in public inconvenience. There was another Bill before the House—the Highways Bill, and he hardly ever remembered a Session without one. If the Resolution had been in existence fourteen or fifteen years ago, and if a Highways Bill had been sent to a Committee upstairs, it would have been law long ago, although whether the public would have benefited was a more doubtful matter. Such measures ought not to be decided without full discussion in that House. If the Resolution were carried the Government would nominate eight Members on a Committee, and the Opposition seven; there would be no security for their attendance; any five might settle the clauses; and then the Bill would come down to the House and be adopted without further discussion.

Sir JAMES GRAHAM said, he distrusted his own judgment when he differed with his right hon. Friend (Mr. Henley), and certainly the objections he had stated to the Resolution were serious. The matter, however, specially referred to the Select Committee was how the despatch of public business could best be promoted; and he did not believe that all the recommendations of the Committee put together would be half so conducive to that end as the adoption of the Resolution now before the House. That was not his opinion only,

Mr. Henley

but the opinion of the two highest authorities—one in that House and the other of the Speaker who had lately left it, they both had delivered a joint opinion in favour of this change. His right hon. Friend had referred to Consolidation Bills, and said a great principle was often involved in them. He agreed in that opinion, and he was sorry not to see in their places the law officers of the Crown, especially his hon. and learned Friend the Attorney General, with whom he had been in communication on this subject. He should say that a pure Consolidation Bill might safely be intrusted to a Committee under the Resolution, when introduced upon the responsibility of the Government. The Consolidation Bill now upstairs, for example, had been introduced by the Solicitor General, who was presiding in a Committee which was considering the measure. He could not agree with his right hon. Friend that in a pure Consolidation Bill there would be any danger in continuing existing legal punishments. They had already received the sanction of the Legislature. Where an alteration was made in the punishment there was amendment, and without amendment consolidation was valueless. The Report from the Committee would specify all alterations of that description, and if they appeared to be so important that they ought to be considered in Committee of the whole House, a facility was given by the Resolution for recommitting these special clauses to a Committee of the whole House. A Bill had come down from the Upper House consisting of 800 pages. It was a most excellent measure of law reform, absolutely repealing all the statutes that had fallen into desuetude. A Committee of the whole House was not well suited for considering such a measure. But it should be sent upstairs, with an able lawyer connected with the Government responsible for its examination. Let him call before the Committee those who had framed the Bill, and let the Committee, after examining the statutes said to have fallen into desuetude, send the Bill down for a third reading. The course to be taken by the House was then easy. Nothing would be referred to a Committee of the whole House but doubtful points. It might be said that a principle was involved; but he could conceive no better safeguard than the discretion of the House as to the question whether a Bill should be referred partly or entirely to a Committee of the whole House. In cases where the principle was so interlaced with the details that you could not separate them—as, for example, in the Parochial Assessment Bill and the Highways Bill—the application of the rule was never contemplated. In all such doubtful cases the measure would be considered as at present in a Committee of the whole House. If it were thought desirable words might be introduced into the recommendation narrowing its application in the way he had pointed out, or the Resolution might be adjourned until the hon. and learned Attorney General could take part in the discussion.

LORD JOHN RUSSELL said, he confessed that he partook a good deal of the jealousy expressed by the right hon. Gentleman (Mr. Henley) with regard to the proposition, which, in fact, substituted first the decision of a Select Committee, and then that a majority of the House for the consent of Parliament. Hon. Members might consent to refer a Bill to a Select Committee, in the hope that certain objectionable clauses might be expunged, and yet when it came out of the Committee it might still contain those objectionable provisions. In such a case were Members who voted for the second reading, being a minority, to be precluded from discussing the question in Committee of the whole House? His right hon. Friend (Sir James Graham) said there was no danger in admitting the principle as regarded Consolidation Bills. But suppose a Bill for the consolidation of the criminal law, in which a penalty of death was inflicted for many offences, and an hon. Member wished to restrict the death penalty to one such offence, he would not be able to do so unless the Bill were considered in Committee of the whole House. Now, in the Select Committee very few Members might have attended, and then there might be a division of 105 votes to 100, by which small majority it would be decided that the Bill should not come before the Committee of the whole House. To the proposal as it stood he saw in principle great objections, and, for his own part, he should be inclined to allow even one Member, as in the case of the withdrawal of a Motion, the right of objecting to the exclusive consideration of any Bill by a Select Committee. If the measure had undergone the examination of a Select Committee and Members were convinced that it would be better to proceed at once to discuss the third reading, he did not think any single Member would be so vexatious as to oppose himself to the general feeling of the House. But he would give any single Member the power of objecting, because, it being the established mode of legislation to consider a Bill in Committee of the whole House no Member ought to be deprived of the right to require that that system should be adhered to. His right hon. Friend said that if the House wished for expedition they would agree to the proposal. Expedition, no doubt, was one of the chief qualities required in the Executive, but although desirable, it was not the most important feature of legislation. Above all, it was necessary to legislate well and cautiously, and, compared with that expedition was of subordinate importance.

LORD STANLEY said, he did not doubt that the change now proposed would be greater and more important than that effected by any of the other Resolutions; and he fully concurred therefore in the opinion that the House should have more time to consider it. But if they were not prepared to adopt, at any rate to a certain extent, some such means for expediting Parliamentary business, they might just as well put aside altogether and for ever all those plans so often talked of for consolidating the statute law. Consolidation meant the dealing with thirty or forty volumes of statutes, and reducing them to three or four. As the new consolidated laws would equal in bulk the legislation of three or four Sessions, it must be obvious that if each of these Bills was to go through the ordinary ordeal of a Committee of the whole House, the House would never have the time to take the work really in hand; particular subjects might be dealt with, but anything like consolidation of the law, as a whole, would be quite out of the question. As to the suggestion of the noble Lord, that one Member should have the power of compelling the reference of a Bill to a Committee of the whole House, he apprehended that it would render the Resolution wholly ineffectual. He could not help thinking, too, that, while there was some weight in his objections, the right hon. Gentleman (Mr. Henley) had overstated the case in declaring that it was proposed to assimilate the public to the private business of the House. There was, in fact, nothing analogous between the two cases. A private Bill was not generally considered, even upon the second reading. The Committee to which it was sent decided both upon its principle and its details, and as to both it was the general rule of the House to abide by the decision of the Committee. Nothing of that kind was proposed in this case, and if the Resolution passed as it stood it would be in the power of any considerable number of Members to require that any part of a Bill should go to a Committee of the whole House; it would be utterly impossible for any majority, however strong their feelings might be, to refuse compliance with such a demand. For the last century the tendency of their practice had been to take out of the hands of the House the details of legislation and to confide them to Select Committees. There was a time when election petitions were tried by the whole House, and when private Bills were decided by larger Committees than at present, but as the pressure of business increased, the House had in practice delegated to certain of its Members powers which it had before exercised collectively. With regard to the present Resolution, there might be difficulties connected with it, but he believed that some such rule would be found requisite.

MR. DEEDES said, that he had already expressed his doubts as to the wisdom of the Resolution when it was before the Committee, as he believed its adoption might lead to great injustice. Subsequent reflection had only confirmed him in that opinion. For instance, when a Bill came down to the House from a Select Committee a hostile majority might object to a reconsideration before a Committee of the Whole House, and many essential parts of the Bill which the Member who introduced it desired to retain might be rejected. There was also another point that it was desirable to attain, to prevent the waste of time that occurred in certain cases in discussing the clauses of the Bills which had come down from Select Committees; in cases where no objection was raised by any one it was advisable that the progress of a Bill should be facilitated. He did not wish to submit the precise words for the adoption of the House, but it had occurred to him that if the course were not adopted of postponing the Resolution the following Amendment would be desirable:—"That when a public Bill shall have been referred to a Select Committee and reported upon, and the Bill as amended has been appointed for consideration at a future day, then, unless any Member should require the Bill generally or especially with respect to any particular clause or clauses to be sent to a Committee of the Whole House, the House should at once proceed to the third reading," and so forth, following the words of the Resolution.

SIR GEORGE LEWIS said, he thought that some such proposition as that made by his noble Friend (Lord John Russell), and supported by the hon. Member opposite (Mr. Deedes), would give sufficient security to the House against the evils apprehended from the Resolution as it now stood. Or, Bills that were not consolidating might be stated as not included in the clause. But perhaps the best course would be to withdraw the clause and postpone, in the meantime, the further consideration of the subject.

Motion, by leave, *withdrawn. Ordered,* That the said Resolutions be Standing Orders of this House.

On the Motion that the House at its rising adjourn till Monday,

POST OFFICE SAVINGS BANKS BILL.

QUESTION.

MR. VANCE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of Government, in carrying out the provisions of the Post Office Savings Banks Bill, to keep the accounts of the Irish and Scotch depositors in the principal offices of Dublin and Edinburgh respectively, or to transfer them to London. He would remind the House that we had once a separate legislature sitting in Dublin, and that establishments formerly existing there, such as the Board of Customs, the Treasury Board, and many others, had, since the Union gradually been transferred to London; and from communications which he had received from his constituents he had been led to believe that it had even been in contemplation that the Accountant General's office would also be transferred to London. While the Bill was passing through the House he asked the right hon. Gentleman the Chancellor of the Exchequer whether the savings banks accounts in Ireland and Scotland would be kept in Dublin and Edinburgh, in the same manner as the Money Order Office. The right hon. Gentleman said they would, but it appeared that he was about to "keep the word of promise to the ear and break it to the hope," for it had been stated in "another place" that the accounts of the depositors were to be kept in London. But for that understanding he should have moved Amendments in the Bill while it was before the House, and he was very sorry to hear that the right hon. Gentleman did not intend to abide by it. He hoped that he would reconsider the matter, for the proposed concentration would create the greatest dissatisfaction both in Dublin and Edinburgh.

MR. PEEL said, that the Savings Banks Bill provided that the Postmaster General, with the consent of the Treasury, should make all the necessary arrangements, and as the Bill had not yet passed into law the hon. Gentleman's question was rather premature. But, so far as he understood the proposition of the hon. Member, it would be one which, if adopted, would be attended with considerable inconvenience, and would prevent the efficient and economical carrying out of the proposed scheme. One of the principal objects of the Bill was to enable a depositor to receive back his deposit wherever he might happen to be. Suppose a person in Ireland wished to receive back a deposit he had made in Manchester, he had only to write to the Postmaster General, and he would receive it back. But if separate accounts were kept in Ireland, England, and Scotland, this main object of the scheme would be defeated, because, before the Postmaster General could sanction the return of a deposit, he would have to carry on a correspondence with the authorities in the different countries, which would cause considerable delay, and it would complicate the accounts of the deposits if separate accounts had to be kept for each of the three countries. He did not see in what way the Bill affected the position of the Post Office in Dublin. That office, indeed, would have important duties to perform in connection with the Bill, as the channel of communication for the depositors between the Postmaster General and his officers in the country.

COLONEL DUNNE said his hon. Friend (Mr. Vance) had brought forward the subject on the ground that Dublin would be more convenient to the Irish people than London for their transactions under this Bill. He differed from the right hon. Gentleman, as he was of opinion that that was just the proper time to press the matter upon the attention of the Government, for when the Bill passed into law it would be too late. It was quite clear from the right hon. Gentleman's remarks that the Chancellor of the Exchequer did not intend to abide by his implied promise in this matter. The more they attempted to denationalize Ireland the more they would increase the desire in Ireland to be separated from this country.

AFFAIRS OF POLAND.

OBSERVATIONS.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the affairs of Poland said, that though the noble Lord had already declined to produce papers on the subject for motives which he could appreciate, he would probably not object to an opportunity of expressing his opinion on matters of such extreme European importance, and the more so as he could not entirely separate himself from these melancholy events. It was after the publication of the noble Lord's famous despatch to Sir James Hudson in October last, in which he laid it down that a people might at any time judge for themselves by whom they would be governed, and might throw off their allegiance whenever the majority thought fit, that these events took place. That appeal to nationalities and to the revolutionary instincts of Europe had led to most lamentable results on the Continent. It had led to the movement in Hungary, and would lead to movements in Greece. The last accounts he had received from that kingdom stated that it was not expected the King would be on his throne for two months. It had led to these melancholy events at Warsaw; and if there was a movement in the Ionian Islands, the noble Lord would only have himself to thank for it as it would be owing to his unfortunate despatch. He wished to refer to the conflict between the troops and the people at Warsaw, the result of which was the destruction of several persons. He believed that Prince Gortschakoff the viceroy had expressed his deep regret that such events should have broken out, and that those distressing circumstances should have occurred which for some filled the columns of the journals on the Continent. There were, however, great discrepancies in the accounts which had appeared in the public journals, and it was for that reason that he wished to ask the noble Lord for some explanation. Some of the accounts represented that 400 persons had lost their lives, and others stated the number to be 40 or 50. He should wish to hear these discrepancies cleared up; but, whatever might have been the number of those who fell, this, at least, was certain that a most distressing state of things had occurred, and that the city was in a state of mourning. At the present moment there was a lull, and, as the noble Lord the Foreign Secretary was so fond of interfering in the affairs of other countries, and giving the opinion of the English Government upon all the recent events on the Continent, he thought that lull was an occasion when he might fairly endeavour to bring the disputing parties to terms. On the part of the Poles there did not seem to be any demand for a separate kingdom. All they asked was that the Treaty of Vienna should be distinctly recognized and practically fulfilled. That treaty gave them a constitutional Government, and almost all the advantages of an independent existence. The noble Lord must have seen it stated that those disturbances had been brought about at the instigation of the French Government; and, undoubtedly, knowing as we did that every newspaper in France was under Ministerial control, it was difficult to resist the conclusion that the French Government had been cognizant of the events at Warsaw, and to some extent had incited them. He found in one of the French papers—the *Journal des Débats*—these comments—

> "Those Treaties of 1815, which are invoked every day against the people, why should not the people invoke them also? As Austria invokes them, why should we not ask Austria what she has done with Cracow? As Russia invokes them, why should we not call Russia to account for the violation of rights guaranteed to Poland by those treaties. Is it, or is it not true that by the Treaties of 1815 Poland ought to form a separate kingdom, with a separate Constitution; a separate Government, a national representation and institutions, forming a distinct kingdom, although under the sceptre of the Emperor of Russia? Is it or is it not true that those engagements were guaranteed by all Europe? When, in 1831, the Emperor Alexander suppressed the Polish nationality, France and England were occupied, the one with her revolution, the other with her Reform Bill, and only protested. Well, then (it continued), she shall not die. She lives, she hopes, she believes; her generous blood shall follow; its incense shall mount to Heaven, while it fertilizes that land of soldiers of poets, of heroes, of martyrs."

When they found remarks such as those in the *Débats*, they might fairly suppose that the French Government, had to a certain extent, excited these occurrences in Poland. There were persons on the other hand who attributed these movements to the instigations of Russia, alleging that the object of that Power was to place an iron hand upon Poland, but he saw nothing in the correspondence on the subject that could lead him to such a conclusion; on the contrary, it appeared to him that the Poles who took part in those occurrences were acting upon what they considered to be a moral principle. Many of them took the sacrament on the morning of the day on which those disturbances took place, and they seemed to have been perfectly aware of what would occur. What would be the result of what had taken place? If they were to judge by some documents that had appeared, Poland would be thrown more than ever upon Russia. The Marquis Wieloysolski who was gone to St. Petersburg to negotiate, and who was sent to London on a special mission from the National party in 1831, published a letter from a Polish gentleman to Prince Metternich after the sad events in Galicia in 1846. In that letter he strongly counselled a union with Russia. Would such a union be desirable for the interests of Europe? In a debate which took place in the Russian Chamber of Representatives, on the 22nd instant, M. Niegolewski, a Pole, in the name of the Polish members, brought forward a motion to the following effect:—

> "Considering that the contracting Powers at the Congress of Vienna could not come to an agreement respecting the re-establishment of Poland, which they had at first projected, but were nevertheless agreed upon this point, that the peace and tranquillity of Europe imperiously demanded that Poland should at least retain her existence as a separate member in the family of the peoples of Europe, and that the different parts of ancient Poland, despite their partition under three sceptres, should be recognised as forming one homogeneous whole, with the guarantee of their nationality, the author of the Motion proposes that it may please the Chamber of Representatives to decide that finally the territorial unity of the ancient Polish State of 1772, guaranteed by the formal right of peoples, as well as the national and political rights appertaining to the Poles within those limits, may at least hold good and be carried out, and that those rights may not henceforth be arbitrarily restricted by the signing Powers to whom, in virtue of the Treaties of Vienna, parts of Poland have been conceded under conditions previously stipulated."

The *Débats* contained the following observations:—

> "In the midst of all these troubles we still hear of negotiations. The Government has made proposals to the men who possess the confidence of the country, and who were members of the Agricultural Society, so unfortunately dissolved. These gentlemen demand the independence of the country; the creation of a Council of State, the members of which should be chosen by the Government from a list of twice their number; the organization of the National Guard; and, lastly, the return of the Russian troops to the fortresses. Thi state of things would still be far inferior to

that promised us in the Treaties of Vienna, which even guaranteed a Polish army and Parliamentary institutions; and those Treaties are, after all, the legal bases of our connection with Russia."

The present moment seemed a favourable opportunity for Her Majesty's Government to make use of their influence to bring those miseries to an end, for the *Journal de St. Petersbourg*, in a note published by way of answer to the accusations brought forward against the Russian authorities on the occasion of the events at Warsaw, contained this statement—

> "We may mention that the painful impression produced by the first events of Warsaw have not in any way arrested the kind intentions of the Sovereign towards the kingdom of Poland. The Imperial Government will carefully watch that the institutions which have been granted are conscientiously carried out. All regular progress accomplished in that manner will be anxiously encouraged and aided. But, at the same time, any attempt at disturbance, under whatever pretext it may be concealed, will be repressed with inflexible firmness. If the kind intentions of the Sovereign are paralyzed, the responsibility of that circumstance can only fall on those who shall have rendered their realization impossible by resorting to violence when the Imperial Government only appealed to conciliation and to the intelligence and serious interests of the country."

The noble Lord the Secretary for Foreign Affairs had admitted the right of one country to invade another in alliance with it for the purpose of imposing on the people a Foreign Sovereign, upon the ground of nationality; and therefore the people of Poland had a fair right to demand the noble Lord's opinion and advice. He was quite aware that it was one thing to deal with the King of Naples and another thing to deal with the Emperor of Russia, and he had observed that the noble Lord was inclined to reverse the maxim, and to make it read *Parcere superbis, et debellare subjectos.* Still he would ask the noble Lord whether he could give them certain despatches which he presumed must have been received from that able and excellent man our Consul General at Warsaw?

MR. MACEVOY said, he rose to ask the Secretary of State for Foreign Affairs, whether he had made any representations, and if any, what representations, to the Russian Government, relative to the recent destruction by the Imperial troops of unarmed people in Warsaw and other parts of Poland? It appeared to him that the hon. Gentleman who had just spoken entirely misconceived the subject, for there were hardly any two things between which the divergence was more complete than between the Italian and Polish question. He (Mr. MacEvoy) deemed it the duty of this country and France to support the treaties upon which the nationality of Poland rested, and he believed that a combined protest by these two Powers against the existing state of things in Poland would be attended with beneficial results. There was no country in the world which deserved so much sympathy, admiration, and respect as the noble country of Poland. Since its first partition, now eighty-nine years ago, its history had been one long martyrdom, and the sufferings and patience of the people must have endeared them to all who were capable of generous feelings. The noble Lord at the head of the Government had expressed his strong disapprobation of those criminal Governments — Austria, Russia, and Prussia — who confederated together to destroy Poland, and he hoped to hear from the noble Lord a condemnation of the present proceedings of Russia in language as plain and as forcible. Poland had been much in the same state as that of a place in a state of siege ever since the repression of the insurrection in 1831 by the late Emperor of Russia. The people were ground down and oppressed. Neither life nor property was secure, and the inhabitants were subjected to a detestable system of espionage. The Russian Government wielded an unlimited power of taxation, and thought they had stamped out of the minds of the Poles all hopes of independence and nationality. An agricultural society was formed; but the Government, seeing the direction which the influence which it had obtained was taking, soon determined on its suppression. A number of the people collected together after the dissolution of the society to celebrate the anniversary of the insurrection of 1830, but the affair passed off quietly. On the 25th of February another celebration was determined on, and there was a collision with the authorities. On the 27th the Cossacks attacked a funeral procession, and trampled on the cross which was being carried in procession. This naturally caused great indignation; but Count Samoiski offered to calm the people if the Government would make some concessions. The Government pretended to listen to this advice, but they secretly collected a large body of troops in Warsaw. They tried also to divide the people by offering to coerce the nobles into giving up to the peasants the homesteads which they occupied;

but he believed that that insidious attempt had failed; and that the Minister of the Interior had been everywhere received with marks of disgust on account of his proposal. But from information published in *The Times*, it appeared that on the 8th of April the troops, without any provocation, fired upon the unarmed people, and that all subsequent testimony went to show that the massacre was prearranged. Some of the military officers, however, raised their voices against such a fell deed of blood. A correspondent of *The Times* wrote—

> "It is said that General Liprandi, General-in-Chief of the *corps d'armée* at present stationed in Poland, was strongly opposed to it, as also the military governor of the town, General Paniutine. The colonel of a regiment stationed in the Castle, when informed by the Prince on the Monday morning what would be required of him in the evening, refused to obey, and on retiring to his own quarters within the precincts of the Castle shot himself."

Whatever credit the Emperor of Russia had gained for his emancipation of the serfs had been forfeited by the countenance and approval which he had given to the massacre at Warsaw. The evidence which they possessed on this subject was ample and trustworthy, and he hoped that the noble Lord the Foreign Secretary would not fail to express the strongest condemnation of the conduct of the Russian Government.

DENMARK AND HOLSTEIN.

QUESTION.

Sir HARRY VERNEY said, he rose to address a question to the noble Lord on another subject; but he could not help saying that the question on which the hon. Gentleman had just addressed them was one in which Members of all parties fully sympathized, and that in any representations which the noble Lord the Foreign Secretary might make on the subject he would be supported by the unanimous feeling of the House and the country. He, therefore, trusted that Her Majesty's Government would unite with the Government of France in an endeavour to obtain protection and relief for a people who had displayed such moderation and fortitude under their heavy sufferings. The question he had to ask the Secretary of State for Foreign Affairs was, Whether, together with the Correspondence on the affairs of Schleswig and Holstein which he is about to lay upon the Table of the House, he has any objection to submit the Report made by John Ward, Esq., C.B., Her Majesty's Consul General at Hamburg, on the affairs of those Duchies, after a visit which he made there about five years ago? The subject to which his question related was one of very considerable importance, for unless some steps were taken to allay the excited feelings of the inhabitants of the Duchies of Schleswig and Holstein, the probability was that the present state of things would end in war. There was no one that was likely to interfere with more effect than the noble Lord the Secretary for Foreign Affairs; and if the French Government could be persuaded to adopt the same view as the noble Lord, he believed that the present agitation in these provinces might be subdued, and that, instead of being a source of weakness and vexation to Denmark, they might be converted into a means of strength. It had been alleged on high authority in "another place" that the Schleswig Holstein dispute originated in the desire of the German inhabitants of the Duchies—misled by the revolutionary feeling in Germany—to engage in a revolutionary crusade against the Danish Government. Now, the very reverse was the fact. The real truth was that there had always been a party in Copenhagen who wished to get rid of the German element in Schleswig, and to incorporate that province with Denmark. As far back as 1846 Christian III., the then reigning King of Denmark, issued letters patent decreeing the separation of Schleswig from Holstein, and its incorporation with Denmark. That decree excited the greatest indignation and ill-feeling in the provinces, and the inhabitants resisted it by every means short of war. In consequence the letters patent were revoked two months after they were issued. When Christian died in 1848 the new King Frederick VII. issued a Proclamation confirming the rights of the Duchies, but excited by the revolutionary feeling that spread over Europe in that year, the Eider-Dane party, as they were called, from the war-cry of "Denmark to the Eider," soon after made a great demonstration at Copenhagen, and compelled the King to issue a Proclamation incorporating Schleswig with Denmark, changing the laws of succession, and in fact repealing all the ancient privileges which the Duchies had enjoyed for four centuries. That was the cause of the war which then broke out, and in which the Schleswigers fought with a gallantry and determination that excited the admiration of all who witnessed it. The German Bund interfered, as they had a right to interfere, for Holstein was a member of the German Confederation. It was said that the war was carried on to make the Duchies subservient to Prussia. But that was never said in Germany, and never by the authorities of Schleswig Holstein. He believed it was an entire fabrication. Nor was it true that the inhabitants of either Schleswig or Holstein had manifested the slightest desire to be separated from Denmark and united to Germany. All that they demanded was their ancient constitutional rights, and he was sorry to say that from a letter which he had received a few days ago he learnt that the Danish Government was even now interfering with those rights, and persecuting those who sought to establish them. Schleswig had no representative in this country; all the information they obtained was from the Danish minister; and, therefore, the Ministry some few years ago sent out Mr. Ward, a meritorious public servant, whose opinion was entitled to great weight, to inquire into the real facts of the case. He thought the House ought to have the Report of that gentleman before them. As to the causes of the dispute, he was willing to admit that the conduct of the Danish Government was good in the main, but it was harsh and unconciliatory towards the Duchies. He hoped the noble Lord would use his influence to reconcile the parties, and make the Duchies a source of strength, instead of, as they now were, a source of weakness to Denmark.

SIR MORTON PETO said, he had a good deal of connection with Denmark, and if the hon. Member (Sir Harry Verney) had known as much of the conduct of Denmark towards the inhabitants of the Duchies as he did, he would certainly never have stated that the conduct of the Government was unconciliatory or unkind. He, unhesitatingly, stated that in no part of Germany was there as much liberty as there was in Schleswig and Holstein. If Prussia and the German professors would only leave the King of Denmark, as Duke of Holstein, to administer the affairs of the Duchies as he was inclined to do, there would be none of those interminable complaints with which Europe was troubled. Nothing could exceed the anxiety of the Government of Denmark to meet the question in a fair and liberal spirit. He was there during the past year, and took pains to make himself acquainted with the state of the case and the feelings of the inhabitants. The people of the Duchies were perfectly satisfied; but there was a party called the professorial or professor party which was continually intermeddling, and with which it was perfectly impossible for any Government which had a practical aim to agree. Although he differed so much from the hon. Baronet who had asked the question upon this subject on so many other points, he agreed with him in hoping that the noble Lord would do his best to settle the differences between Denmark and the Duchies, and he was satisfied that he would find the Government of Denmark prepared to meet him in a conciliatory spirit. All that was required there was that affairs in Denmark should be properly administered.

AFFAIRS OF NAPLES.—QUESTION.

MR. HENNESSY said, that before the noble Lord replied he would beg to repeat a question which he had put the last week, but to which he had received no answer, Whether he has received any Despatches from Mr. Elliot about the so-called reactionary movement in Naples, and whether he will produce any Papers or give any account which will explain the telegrams which have appeared morning after morning to the effect that tranquillity was now restored?

LORD JOHN RUSSELL: It is a somewhat anxious task to have to give any opinion with regard to various countries of Europe and the merits of different parties upon imperfect information, and without going into the history of troubles which generally date from long years back. The hon. Member for Bridport (Mr. Cochrane) began by saying that I had made an appeal to nationalities, and that that appeal, which was contained in a despatch of mine of October last had produced the occurrences at Warsaw, and those which are now taking place in Hungary. The hon. Member is mistaken in supposing that I made any appeal to nationalities. I stated what were then the views of the Government with regard to Italy, and especially with regard to Naples and Sicily; and I was induced to do so because Russia and Prussia had already pronounced their opinions, and because there must sooner or later arise a question, which has arisen, whether the Government which superseded that of the late King of Naples was such a Government that we could acknowledge it as a regular Government in Europe. It was on that account necessary to give some opinion with reference to what was taking place in Italy. I gave that opinion. I stated that, since the year 1821, the people in both the Roman and Neapolitan States had suffered misgovernment, which I believed was worse than that which existed in any other country in Europe—a good deal worse than that existing in Turkey—and that after suffering so long I could not wonder that they had joined the invaders who had overthrown the authorities who had misgoverned them. I think I should be attributing more to that despatch than it really deserves if I were to suppose that either Poland or Hungary had become discontented and disturbed in consequence of its contents.

With regard to Poland every one in this country must feel great sympathy with a nation so distinguished in arms, with such a brilliant past history, and which has preserved its feelinga of nationality to this day. We cannot help feeling that she deserves a better fate, or regretting the partition of which she was made the victim eighty or ninety years ago. But I should be reluctant to say anything which could induce the Poles to suppose that their nationality would be restored by any efforts of this country in their favour. If I were to write a despatch on that subject to the Court of St. Petersburg, I entertain no doubt whatever as to the answer I should receive from that Court. I should be told that the Emperor of Russia had made most liberal concessions to his Polish subjects, and that all he required was that tranquillity should prevail in that country. On the one hand, he would not withdraw those concessions; and on the other, he would not go beyond the line which he considered necessary to the maintenance of his authority over that country. There would be the despatch and there would be the answer. But is any party in this country prepared—could any Government be formed to take up arms and to endeavour by force to restore the nationality of Poland? If not, although she may possess our sympathies, it is not a case in which diplomatic exertions can be effectual. What has happened lately is, no doubt, very lamentable; and I cannot, for my own part, understand why it was that the people of Warsaw had not the notice given to them to which they were entitled—that force would be used to disperse the crowds in the streets. It was quite competent for the Governor of Warsaw, if those crowds were such as to disturb the public peace, to give public notice that those crowds would not be permitted, and would, if they assembled, be dispersed by force; and although notice, three times repeated, was actually given to the persons assembled before they were driven away, it seems to me that a wise, humane, and just Governor would have given notice at least a day or two previously that force would be used to scatter any assemblage of character likely to disturb the public peace. I do not feel justified in given the Reports for which I have been asked. It is obvious that by their production one party or the other would be very much offended, and the position of the person making them injured to a corresponding extent. Reports in themselves may be perfectly fair, but it would not be fair to endanger men in responsible positions by publishing everything which they may report.

An hon. Gentleman (Mr. Hennessy) asked me a question with regard to what has taken place at Naples. The accounts which we have received are of this general complexion—tranquillity prevails at Naples, but the provinces are very much disturbed by the disbanbed soldiers belonging to the army of the late King of Naples. On almost every occasion, at the end of a contest, when a large army is disbanded, men who have no profession but that of arms take to marauding practices, especially when they can easily find a safe refuge in the mountains. One may read in the last volume of Lord Macaulay's *History*, how after the Peace of Ryswick, when our troops were disbanded, the country was in a very disturbed state, and the road to Newmarket, and even the streets, were not safe. And Naples itself is peculiarly circumstanced, for, while the late King has been driven out of Gaeta and every stronghold in his former Kingdom of Naples, he has been allowed to remain at Rome, and from that city messages, arms, and money are despatched, and conspiracies are set on foot. These conspiracies have been discovered, and it is said that the object of one of them was to assassinate many of the leading Liberals in Naples. Several persons have been arrested, and are to be brought for trial for that offence. It is extremely natural that the ex-King of Naples should find a refuge at Rome, but it is greatly to be regretted that there should exist in that capital a focus of conspiracy against the existing authorities which tends to propagate disorder, and which leads to the very worst results.

MR. HENNESSY: Will the noble Lord lay on the table the papers and despatches from Mr. Elliot?

LORD JOHN RUSSELL: Mr. Elliot left Naples about six months ago, and has been some time in this country; therefore there can be no despatches from him on the subject There is an *attaché* of the mission to Turin, and likewise a Consul at Naples, from whom we receive accounts from time to time; but there are no despatches that I can produce. If I understood the hon. Gentleman, he wished to ask for Mr. Elliot's despatches, and the commercial papers. These were laid on the table this evening.

MR. HENNESSY: I did not ask for the commercial reports, but for any report which might have been received with regard to the reactionary movements in Naples.

LORD JOHN RUSSLLL: Exactly. There are no despatches relating to reactionary movements in Naples, except that persons were conspiring and arrested. There have been trifling riots from time to time, but they were of very small account, and there have been no reactionary movements of any consequence.

My hon. Friend the Member for Buckingham (Sir Harry Verney) asked me a question with respect to Schleswig-Holstein. I shall decline to go into that very complicated subject, but I can assure my hon. Friend that Her Majesty's Government are engaged with several of the European Powers in the endeavour to make propositions which will be effectual in arranging the difficulty between Denmark and the German States. I own it appears to me that the differences which have arisen are owing far more to the passions excited by the very large pretensions put forward at both sides than to any real difficulty regarding the merits of the question. It is quite true, as my hon. Friend behind me (Sir Morton Peto) has said, that the people of Holstein and Schleswig do not wish to change their Sovereign; but questions of much gravity have arisen with regard to constitutional usage and to the political connections of those States. I trust that by the communications in which we are now engaged with the different European Powers we may be enabled to propose terms which will put an end to the dispute; for nothing could be more dangerous than a contest arising between Germany and Denmark. Nobody could say how far it might spread. Standing, therefore, as we do in an attitude totally impartial, we trust that the representations of Her Majesty's Government may be attended with good effect. The report of Mr. Ward, to which allusion has been made, was written five years ago; and as things have very much changed since then it would be calculated rather to mislead the House were we now to present it. In a few days, however, I hope to lay on the table papers which will explain the present position of the Holstein question, and what is now passing with regard to it.

COMMISSIONS OF THE PEACE IN IRELAND.—OBSERVATIONS.

MR. BUTT said, he rose to call attention to a departure from the established precedent in the Commission of the Peace recently issued for the county of Dublin, in which only one magistrate is named of the quorum, and to ask the Chief Secretary for Ireland whether this is the form now usually adopted in the Commissions of the Peace for Irish counties; and, if so, whether the opinions of the Law Officers of the Crown have been taken as to the effect which the issuing of the Commission in this form may have upon the validity of acts done at Quarter Sessions at which the magistrate so named may not be present? For a long period the names of all the magistrates of the quorum were mentioned in Commissions of the peace in Ireland. In December, 1858, however, a change was introduced into the form of Commissions. In November, 1860, Mr. M. Flanigan was placed in the Commission of the Peace for the County of Dublin, and in the quorum clause, instead of the names of all the justices being duly set forth, the name of that gentleman was alone given. The effect, beyond all doubt, was that Mr. Flanigan was the only justice of the quorum, and the acts of all Quarter Sessions at which he did not happen to be present were invalid. By Act of Parliament the assistant-barrister was empowered to sit alone, but even his name was not included in the Commission. It might probably be held that prisoners convicted since the Commission was issued were entitled to their discharge.

MR. CARDWELL said, he must admit that the hon. and learned Member had pointed out a real error. It was the custom in Ireland to insert the names of all the justices in the quorum clause. In 1858, however, a Commission was issued to inquire into the Chancery Offices, and the Commissioners reported that a great deal of time was uselessly occupied in copying the names of justices. Lord Chancellor Napier, in pursuance of their recommendation, issued an order to the effect that a more compendious form of filling up the quorum clause should be adopted. No particular mode was prescribed, and the mode adopted was that to which the hon. and learned Member had called attention—a very faulty mode, no doubt, and one which ought to be remedied. The present Lord Chancellor, in fact, had already given directions for its alteration. With regard to its legal consequences, however, he had already conferred with his hon. and learned Friend the Attorney General, who was of opinion that as justices both in Petty and Quarter Sessions were acting under the statute the mischief which the hon. and learned Member apprehended would not arise.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

COMMON LAW COURTS (IRELAND.)

RETURNS MOVED FOR.

Mr. WHITESIDE said, he rose to move for Returns connected with the Common Law Courts in Ireland. His attention had been called to the subject by a Motion made in "another place" by a noble Marquess, who was reported to have stated that nothing had been done for the improvement of the administration of justice in Ireland, and that the law was much cheaper in England—which, unfortunately for England, it was not—than in Ireland. The Returns for which he now proposed to move would show that the administration of the law was cheap and prompt in Ireland. In a number of instances, however, offices which had been consolidated, their occupants having being largely compensated, were revived on the Report of the Judges that there was not a sufficient number of officers to do the work, so that the public first lost efficient officers, who were superannuated, and then had to pay new officers who could not so well do the work. One officer thanked his Liberal friends for having given him £800 a year for reading his newspaper in his office, and thanked his Tory friends for giving it to enable him to read his newspaper at home. There was a great want of economy in the administration of the law in Ireland. It had cost the country something like £500,000 for compensations to cover a difference in the annual charge of offices of £364. The right hon. and learned Gentleman concluded by moving for the Returns.

Mr. CARDWELL said, he had not the least objection to the production of these Returns, and he entirely agreed with his right hon. Friend that the House ought to be extremely careful how it entered into the costly process of legal reforms. His own experience since he had sat in Parliament of the compensation incident to such reforms was quite sufficient to make him cautious. It had been communicated to the Government that, from the decrease of business in the Irish law courts, some reduction in the number of their officers might reasonably be expected to be made; but, in conjunction with the Secretary to the Treasury, he had adopted a course which could by no possibility lead to expense. The Treasury had the power by statute to determine, on any vacancy occurring in those courts, whether it should be filled up, and that power it was intended to exercise. He hoped that reasonable retrenchment might thus be effected, and an expenditure as wasteful as it was little creditable avoided in this case.

Mr. BUTT said, that the process of law reform in Ireland had been accompanied by an extravagant waste of public money. If there had been the same judicial statistics furnished in Ireland as in England much mischief would have been avoided.

Motion *agreed to.*

Returns *ordered,*

"Of amount paid for Salaries and Allowances to the Officers and Clerks in the three Courts of Common Law in Ireland in the years 1822, 1826, and 1843 respectively:

"Of amount of Annual Compensations granted to Officers and Clerks of said Courts for loss of Office or Emoluments in pursuance of the Act 1 and 2 *Geo.* 4, c. 53:

"Of amount paid for Salaries and Emoluments to Officers and Clerks in said Courts in the years 1845, 1851, and 1860 respectively:

"Of amount of Annual Compensation granted to Officers and Clerks of the said Courts for loss of Office or Emoluments in pursuance of the Act 7 and 8 *Vict.* c. 107:

"Of amount of Annual Compensation still payable to said Officers and Clerks in pursuance of said Acts 1 and 2 *Geo.* 4, c. 53, and 7 and 8 *Vict.* c. 107:

"Of the number of Plaints issued and of Declarations filed in each of the said Courts in the year 1851, and of Summonses and Plaints in the year 1860:

"Of the number of Sidebar Rules entered in each of said Courts in the years 1851 and 1860 respectively:

"Of the number of Posteas lodged in each of said Courts in the years 1851 and 1860 respectively:

"Of the number of References made to each of the Masters of said Courts in the years 1855, 1856, and 1860 respectively:

"And, of the particular items of the Incidental Expenses allowed in respect of each of the said Courts in the years 1822, 1826, 1845, 1851, and 1860 respectively."

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, That Mr. Deputy Speaker do now leave the Chair.

Mr. AUGUSTUS SMITH said, he felt bound to oppose the Motion, which, he said, took the House quite by surprise. The Estimates had not yet been circulated; and, moreover, after what had fallen from the Home Secretary that evening, many hon. Members had left the House in the full belief that Supply would not come on.

Mr. PEEL said, he yesterday distinctly announced that the Government would take that opportunity of asking for this Vote, which was merely a Vote on account, the money being absolutely necessary to carry on services that had been repeatedly sanctioned by the House. The remark of the Home Secretary as to Supply being one of the formal orders for that night with which it was not intended to proceed was obviously made through inadvertence. Copies of these Estimates were obtainable that day in the Vote Office, and he trusted there would be no objection to their now going into Committee.

Mr. HENNESSY said, that as these Estimates included the Educational Vote for the United Kingdom, in which he intended to move a reduction of £500,000, he must oppose the taking of Supply at that hour (a quarter to twelve o'clock).

Mr. O'BRIEN said, he thought that perhaps the House would not object to go into Committee, upon an understanding that no Vote should be taken which was opposed.

Mr. KINNAIRD said, the Votes were Votes on account merely; they were really for the advantage of the public service, and he hoped the House would not object to allow them to be taken.

Mr. LONGFIELD said, as the Government could propose the Votes on Monday night he hoped they would not press them at so late an hour.

Question put,

The House *divided:*—Ayes 52; Noes 27: Majority 25.

House in Committee, Sir William Dunbar in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £500,000, be granted to Her Majesty, on account, for or towards defraying the Charge of the following Civil Services, to the 31st day of March 1862:—namely,

Printing and Stationery, £100,000.

County Courts (Salaries and Expenses), £40,000.

Constabulary (Ireland), £100,000.

Public Education (Great Britain), £100,000.

Public Education (Ireland), £30,000.

Census of the Population, £80,000.

Civil Contingencies, £50,000."

Mr. HENNESSY said, he objected to proceeding with the Vote, so far as the item of £100,000 for the purposes of public education in Great Britain was concerned on the ground which he had stated, as well as because it had been announced from the Treasury bench early in the evening that the Vote would not be taken.

Mr. AUGUSTUS SMITH said, he hoped there would be some explanation why the money was required, with the amounts lately granted and the balance there must be in hand. He regretted that the right hon. Gentleman the Secretary for the Treasury had resorted to the practice of asking the House to Vote large sums on account. That practice had been objected to year after year, because they knew when the Government got money on account they could keep the Estimates back till so late in the Session that they could not receive due consideration. He did not object to the one item of £80,000 for the expenses of the census, but he saw no pressing necessity for passing the other items, and proposed, therefore, the reduction of the amount of the Vote by £420,000.

Mr. PEEL said, there existed this difference between the Miscellaneous and the Naval and Military Estimates, that the Government had not the power in the case of the former which they possessed in reference to the latter, of applying a surplus in any particular vote to making good the deficiency in another. He might add, that while in dealing with the Votes for the Army and the Navy, the money must be applied within the year, no such rule was applicable to the Miscellaneous Estimates; so that there was in general a balance remaining under that head which enabled the Government to carry on the civil service of the country until the usual time for asking Parliament to pass those Estimates arrived. The hon. Gentleman had referred to the balance on the 31st of December, but he (Mr. Peel) had an account showing the state of the balances at the present time, from which it appeared that upon the printing and stationery the balance was *nil*, and, in fact, £20,000 had been advanced for the Civil Contingencies. Upon the County Court Vote there was no balance, upon the Constabulary Vote there was a debt of £5,000, upon the Education Votes for England and Ireland there were no balances; and, of course, upon the Census Vote there was none. It was clear, therefore, that if the public service was to be performed the House must make some provision.

MR. SOTHERON ESTCOURT said, he thought that the House ought to have been furnished with the information just given by the hon. Gentleman. He would not object to granting the Vote on account under the circumstances, but he hoped in future that no such demand would be made without previous information being given.

VISCOUNT PALMERSTON observed, that the Estimates on account of which the Vote was asked had been upon the table for a considerable time, and the paper to which his hon. Friend had referred was not one which was usually furnished to Members. In fact, the Secretary to the Treasury had done more than was the custom in giving the information he had just given, and he might have asked for the Vote on account relying upon the Estimates before the House. After what had been stated with regard to the necessities of the service, he trusted that the Committee would agree to the Vote. There would be so large a margin left on each as to leave sufficient room to move for any reduction. If they refused the Vote, the *employés* of the Government would be left without the means of subsistence, and he trusted that those who were in the service of the English Government would not be left without their pay, like those in the employ of the Turkish Government, where the army was eighteen months in arrear and the civil servants were not paid.

MR. SEYMOUR FITZGERALD said, he thought the noble Lord was in error in saying that it was not usual to furnish information before asking for Votes on account. The noble Lord was also wrong in principle in assuming that the House ought to Vote money on account without having an opportunity of investigating the Estimate. If this Vote was agreed to he hoped it would not be drawn into a precedent.

COLONEL DUNNE said, if the public servants were starving it was owing to the improvidence of the Government. He asserted that it was most unusual to ask a Vote in Supply without notice being given upon the paper to that effect. It was still more extraordinary that this demand should be made as the right hon. Gentleman the Home Secretary that evening had expressly stated that no Vote in Supply would be taken.

MR. CARDWELL said, that the usual course was to ask for Votes on account, and what his right hon. Friend proposed to do was in accordance with the usual course. The paper which had just been printed was one which had never been given at all until last year; and there was due notice upon the paper that the Votes would be asked for.

MR. THOMSON HANKEY contended that there was nothing contrary to the practice of the House in asking for Votes for the Estimates on account.

COLONEL DICKSON asked, whether a Cabinet Minister had not stated early in the evening that Supply would not be brought on to-night? A majority of the Members had left the House, in the belief that no Vote would be asked for. Was it consistent with the dignity of the Government to ask for the Vote after that declaration?

MR. O'BRIEN said, he thought the objection purely technical; the right hon. Gentleman, no doubt, meant that no particular estimate would be taken in Committee.

COLONEL DICKSON denied that the error was technical merely. Most of the Members had left the House believing that no money would be asked for.

VISCOUNT PALMERSTON said, he thought that all his right hon. Friend the Secretary for the Home Department could have said was that the House would not go into Committee to discuss the Estimates. It was impossible he could have said that no Vote would be taken on account, when formal notice had been given. He was sorry so many hon. Members had left the

House, because if a greater number had staid less countenance would have been given to the Motion that stopped the necessary Supplies for the public service. The House was as full as it generally was at that hour of the night; if it had been quite full a strong expression of feeling against the Motion would have prevented hon. Gentlemen from supporting it.

Mr. AYRTON complained that the proposed course was an innovation which should not be countenanced; and, with every disposition to assist the Government to pay the public servants, he thought the Government were going too far in asking for so large a sum. Moreover, some of the items of the Civil Contingencies had not yet been laid before the House at all.

Mr. PEEL said, the whole of the Civil Contingency account had not been made out. Last year this portion of the Estimates was £125,000; this year it was only £75,000. It would only be a single line.

Mr. AYRTON contended that no money ought to be applied to Votes that were not before the House.

The CHANCELLOR of the EXCHEQUER said, that a Vote so asked for and given was for the purpose of carrying on the public service and did not commit any hon. Member to the details of the Vote. The course proposed was not the usual course, because there had been a reduction in the balances on former years which was a part of a great financial reform. The Votes for Civil Contingencies being just as necessary as for other services, he hoped the Committee would not persist in refusing to pass the vote.

Mr. HENNESSY said, he wished to call attention to the fact that the right hon. Gentleman the Chief Secretary for Ireland had informed them that it was intended to take the Civil Services late in the Session, and he would also remind the Committee of a certain letter which had been written to the Premier, asking him to bring those Votes on early in the Session; if, therefore, they voted for the payment of this money on account, they would be stultifying themselves.

Mr. WHITESIDE said, that an appeal having been made to them to pass the Resolution on the ground of urgent expediency, he advised his hon. Friend to consent.

Whereupon Motion made, and Question,

"That a sum, not exceeding £80,000, be granted to Her Majesty, on account, for or towards defraying the Charge of Civil Services, to the 31st day of March, 1862,"

Put, and *negatived*.

Original Question put, and *agreed to*.

House *resumed*.

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

CORK INFIRMARY BILL.

SECOND READING.

Order for Second Reading read,

Motion made, and Question proposed "That the Bill be now read a second time."

Mr. LONGFIELD objected that the Bill ought to have been brought in as a private and not as a public Bill.

Mr. DEPUTY SPEAKER expressed his opinion that the Bill had been introduced in the proper form, as it dealt with public property for public purposes.

Mr. LONGFIELD then moved that the Bill be read a second time that day six months.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at One o'clock till Monday next.

* * *

HOUSE OF LORDS,

Monday, May 6, 1861.

SUEZ CANAL.

CORRESPONDENCE MOVED FOR.

The Earl of CARNARVON moved for Copies of Correspondence between Her Majesty's Government and the Consul General of Egypt, and of any other Communications that have passed between Her Majesty's Government and the Governments of Turkey and France, relative to the proposed Construction of the Suez Canal. The noble Earl said, that there appeared to be a prevailing opinion that the scheme had been practically abandoned, and it was because this was not the case, however justly it might be looked upon as a failure for commercial purposes, that he had ventured to draw their Lordships' attention and the attention of Her Majesty's Ministers to it. He would not trouble the House with any history of the canal, which would be perfectly in the recollection of every one who had paid any attention to the subject. It would be enough to say that it had been for centuries past an object of ambition to various great sovereigns and princes; and no wonder, for there, perhaps, never was a scheme which more enlisted the sympathy or appealed to the imagination than the construction of this great work. The union of the Mediterranean and the Red Sea, the connecting of the east and the west, the realization of hopes which the Pharoahs dreamt of, and which Alexander half-accomplished, the possible stimulus to commerce, to civilization, and even to Christianity, were enough to invest the scheme in glowing colours. But between the projection and the realization of such a scheme there was a very wide distance, and very serious objections, both commercial and political, could be raised against it. With regard to the engineering difficulties which lay in the way of the successful execution of the undertaking, he must speak with very great diffidence, and from an unprofessional point it was impossible to do more than just glance at it. But the scheme in its outline was no new one, and the difficulties that existed in former years existed in spite of the advance of science in the present day. But assuming for the moment that it would be possible to construct the canal, and carry out a scheme which every engineer in England of established reputation had declared to be impracticable, or at all events one that could not be carried out except at such an enormous expense that there would be no satisfactory return for the capital expended —assuming the possibility of constructing such a canal, the real difficulties would only commence at that point, for the drifting sands and mud of the Mediterranean and Red Sea would be constantly choking up the mouth of the works, and the sands of the desert, drifting in heavy masses, would threaten a similar fate to the bed of the canal itself, and thus there would be a perpetual undoing of all that had been accomplished at the expenditure of great labour and great capital. But the mode in which this mercantile scheme must necessarily be accomplished was a matter worthy of their Lordships' attention. All these works in the East must be accomplished, not by voluntary labour, not by the system of labour which was in practice in this country and in Europe, but by a system of forced labour. They had already had ample evidence of the system and results of forced labour in the east, and the construction of the Mahmoudieh Canal by Mehemet Ali where 10,000 workmen perished, was a yet recent illustration of the certain sacrifice of life in such a work; nor could it be argued that this was a consideration which Parliament should exclude in estimating the purposes of a great commercial undertaking. There was another circumstance that must always be borne in mind. It used to be believed that there was a difference of level between the Mediterranean and the Red Sea; but this had long since been disproved, such a passage would be, in fact, only a wet ditch without such a force of water as would be sufficient to keep it clear and open. Again, the canal, which was to be nearly 100 miles long and not 300 feet across, therefore, could not be expected to afford navigation for sailing vessels. This might be obviated to some extent by the employment of steamers, but that would impose additional expense. But if the objections to the scheme were simply of a mercantile character, however much he might regret to see English money embarked in a mere bubble, he should still think it hardly a question which he could venture to bring before their Lordships. But if he could show that the question was one of very considerable importance in a political point of view—a question affecting the interests of Turkey, Egypt, and Europe generally, and this country in especial—he thought he was justified in asking of the Government explanations of the policy they had hitherto pursued. Turning to the political considerations involved, he would first of all ask of his noble Friend opposite under what sanction it was that the construction of this great work had been proceeded with? He knew that the Viceroy of Egypt had granted permission to M. Lesseps and his company to construct this canal; but he need not tell the House that the Viceroy of Egypt was not an independent Prince in any sense, but was a vassal and tributary of the Porte. Now, the permission given by the Viceroy had never received the ratification of the Porte, but, on the contrary, though the scheme had been distinctly brought under the notice of the Porte, the Porte had distinctly refused its consent, on the ground that it would be prejudicial to the interests of Turkey, and tend to the dismemberment of the empire. But, moreover, it should be remembered that by the terms of the concession M. Lesseps was not merely authorized to construct the canal, but was allowed to take the territory on either side to the extent, as it was understood, of a mile or a mile and a half; and thus a foreign company, and, through the company, a foreign Government might one day become the owner of very considerable property in the very heart of Egypt. There was no doubt that this canal might be converted into works of a purely military character. M. Lesseps would of course contend that it was a purely commercial undertaking; but unfortunately the last act he had undertaken was entirely contradictory to that assertion. For what had he done? He had persuaded the Viceroy of Egypt to subscribe a sum of 90,000,000 of francs, equal to about £3,500,000 of our money, to this undertaking. But the revenues of Egypt were not at this moment £5,000,000 a year; it was, therefore, impossible such a liability could be defrayed out of them, and thus a lien would be imposed by way of public debt on the whole of Egypt. It might, indeed, be said that if the liability were personal the mischief would be confined to the life of the present Pacha; but if the liability were to be held to be binding on his successors, from that moment the Government of Egypt would no longer be free agents. These were no light objections, but they were all objections of a political nature. Everything forbade the assumption that this was an ordinary company, in any sense of the word. He did not wish to say anything in disparagement of the French Government; but it was obvious that in the course of time the action of this company might become the action of the French Government; and if so, it was highly objectionable, in point of policy, that any European Power should occupy such a position in the Egyptian state. He had no wish to obstruct the development of French commerce and French trade in these parts of the world. It had been said that we had an advantage in the existing state of things; that it was advantageous to us that foreign nations should be excluded from the Red Sea; but such an advantage, he thought, if it existed, would be dearly purchased by the odium which such an exclusion deliberately maintained, would entail upon us. He denied, however, that any such advantage existed. In the natural course of things he believed that the growth of commerce in one country, reacted upon and stimulated the commerce of all others; and, therefore, if this canal were thrown open, we, as being the largest traders in the world, must, in the long run, reap the greatest benefits. He could not, therefore, entertain any great apprehension as to the results which were likely to follow in any part of the world from the opening of the canal. In a commercial point of view, he had no wish to obstruct French trade, nor did he wish to obstruct French action in a political point of view provided always that it was not such as to undermine or prejudice English interests, and was not undue and illegitimate. He regretted very much—as much for the sake of France as for our own—the system of foreign policy pursued by French authorities in the east. It was a bad and expensive system using subordinate agents, men often reckless as to the ends they had in view, and as to the means they employed for the attainment of their ends, who frequently placed the French Government in a false and humiliating position, and falsified the acts of that Government in the eyes of Europe. This was a system not only bad and costly, but dangerous. Such, however, as it was we had no right to quarrel with it. It was most prejudicial to France, and it was for the French to look to that themselves. He thought, nevertheless, that we were bound to see that no steps were taken, no measures adopted, no influence created, which could in any way prejudice the neutrality of Egypt. It was a vital question with us so long as we held the empire of India. The French in other parts of the world were in situations in many respects similar to our own, and he might confidently appeal to the good sense and magnanimity of the French nation not to allow men who, for their own interests and speculations represented themselves as the exponents of their policy to create dissensions at points where we, of necessity, must be jealous and sensitive. Therefore, he had no wish whatever to draw a bill of indictment against French policy, or the French Government in this case; nor did he wish to complain of that large number of Frenchmen—much larger than in former years—who were at this moment in Egypt. What he did complain of was the tone and conduct which had been assumed on behalf of M. Lesseps' company by those who professed themselves to be the agents of the French nation, the representatives of her Government, and the exponents of her policy. The object of this company manifestly was to identify every act of theirs with the

French Government, to involve the French Government in all their proceedings, to creep under its shelter, and to gain every advantage they could from the use of the French name. He would point only to a single illustration. He knew himself that English travellers had been turned back by the French officials of this company, not only from an inspection of the works then in the course of construction, but from the line of country through which the canal was proposed to traverse. So that this company was not merely occupying the ground, it was rapidly claiming an exclusive right of territorial power and jurisdiction. Regular reports of the progress of this company were from time to time laid before the French public, from which they were led to suppose that by the month of October next the canal would be so far open as to admit of the passage of small vessels from one end to the other. It was perfectly obvious what all that meant—it was to create a prestige which had no real foundation. His hope was that the good sense of the French Government would not allow them to be drawn into partnership with a bankrupt company in order to vamp up a commercial speculation which was as gross and delusive a bubble as was ever launched on the sea of commerce. It was difficult to gather from the past what would be the future policy of her Majesty's Government on this question. When the subject was last under discussion in the House of Commons four Members of the present Cabinet took part in the debate. Lord Palmerston maintained that the project went to the dismemberment of the Ottoman Empire, and was adverse to all the interests and the traditional policy of this country. He (the Earl of Carnarvon) was not prepared to go entirely along with the grounds on which the noble Lord rested such a conclusion even if he affirmed the conclusion itself. But the noble Lord's opinion was clear, unqualified, and unmistakeable. He was followed by the present Chancellor of the Exchequer. The right hon. Gentleman took a line directly opposite. He denied the existence of the danger which the noble Lord had pointed out, and—to use his own words—condemned the absurd and vicious policy of which the noble Lord was the originator. In this view he was supported by the President of the Board of Trade, Mr. Milner Gibson. The noble Lord the Foreign Secretary, without entirely agreeing with either Lord Palmerston or Mr. Gladstone seemed to say that in time of peace there could be no danger from the opening of the canal, and that the apprehensions of danger in time of war which had been expressed were chimerical. Without disparaging the harmony that so notoriously prevailed in her Majesty's Government, there was in this a certain difference of opinion; and such widely differing statements having appeared on the authority of Members of Her Majesty's Government, he (the Earl of Carnarvon) thought that he might not unreasonably inquire the policy which at this moment being pursued. The noble Earl concluded by moving for the correspondence.

Lord WODEHOUSE said, he was not at all surprised that the noble Earl who, he, understood, had recently been travelling in the East, should wish to call attention to a question of so much importance as the Suez Canal. He trusted, however, that the noble Earl would not, after the explanation he should endeavour to give, press for the papers, since it would be injurious to the public service that the correspondence should be produced for which the noble Earl had moved. He was glad to assure the noble Earl that no discord prevailed in Her Majesty's Government on this subject, and that their policy in respect to the Suez Canal had been in no respect changed. They continued to think that the scheme, for the reasons which his noble Friend had pointed out, was impracticable in itself, and that other considerations existed which rendered it necessary to watch the project with great care. He quite agreed with his noble Friend that this country could never for a moment think of opposing itself to a mere commercial scheme, by whomsoever originated; but at the same time we had to look to the relation in which we stood towards the Turkish empire, and to the engagements we had come under by the Treaty of 1856, to maintain the integrity and independence of that empire, as well as the engagements which in 1841 we entered into with regard to the position of the Pasha of Egypt. His noble Friend had alluded to the actual construction of certain works, and to the condition in which the Canal Company stood at the present moment. He believed the state of the facts to be as follows:—M. Lesseps, as the House knew, had in 1854 obtained a concession from the Pasha of Egypt, under which he was entitled to carry out his scheme for the construction of a canal and to acquire a large amount of land.

After some time M. Lesseps found that it would be necessary to obtain a concession from the Sultan. That concession, however, as his noble Friend had truly stated, the Sultan had never given. Without positively stating that in no circumstances would it consent to the formation of a canal to connect the Mediterranean with the Red Sea, the Porte said that before consenting to such a scheme it ought to receive certain guarantees which would secure the integrity of the empire and the due observance of its laws. His noble Friend had alluded to one law which existed in the Turkish empire, and which would be probably violated if the scheme were carried out. He meant the law by which forced labour was not permitted. The scheme for the construction of a canal could only be carried out by a large amount of labour, and in such a country as Egypt it would probably be by forced labour. The Sultan might also naturally object to the acquirement of a large amount of land by a company connected with a foreign country. It must also be admitted that a considerable amount of danger might accrue to the position of Egypt as a por- of the Ottoman empire by the establishment of so important an undertaking in Egypt, dividing a section of the country from the Turkish empire, and establishing in it a compact body of foreigners with special privileges, entitled not only to the protection of the consuls, but to exemption from the jurisdiction of the country. These were obviously great dangers, and Her Majesty's Government had not concealed their opinions on the subject. They had stated, as the Government of the noble Earl opposite (the Earl of Derby) had done, and as the former Government of Lord Palmerston had also done, that they objected to the scheme on the grounds which he had now explained to the House. The position of another great and friendly Government—that of France—with regard to the scheme had naturally made it necessary for Her Majesty's Government to proceed with great circumspection; but they had not concealed from that Government the objections which they entertained to the undertaking. As the matter at present stood the Sultan had signified to the Pasha of Egypt that the concession not having been granted by him the scheme ought not to be proceeded with. M. Lesseps had, however, in the meantime obtained leave from the Pasha to make some preliminary arrangements for the carrying out of the undertaking, and he had actually commenced his works. He (Lord Wodehouse) did not think, however, they need be under very much alarm as to the progress made in the scheme. As far as Her Majesty's Government were informed, the silting up of the harbour, the drifting of the sand, the scarcity of water, the want of labour, and other causes had had their full effect. In point of fact the most difficult part of the scheme seemed to be the establishment of a port or harbour. As soon as a jetty was constructed with the view of making a harbour the excavation was choked up by the drifting of the sand round the coast. The operation, indeed, reminded him of the fabled labour of Sisyphus in rolling the stone up the hill. He felt great commiseration for the unfortunate shareholders engaged in this speculation. It would be a fortunate thing if the expenditure of money was confined to the shareholders; but M. Lesseps had succeeded in the most ingenious manner in persuading the Pasha of Egypt to take upon himself the liability of one-half of the shares of the company. The Pasha was thus placed in an unfortunate dilemma. If the scheme went on he would probably lose all the money for which he had made himself liable; and if it were abandoned it was not impossible that claims might be made upon him for compensation. Her Majesty's Government considered that the question was one properly for the consideration of the Porte. The Porte was still in communication with the Pasha of Egypt on the subject, and he (Lord Wodehouse) trusted that the scheme, which he believed to be impracticable, would either be abandoned, or, at least, that such guarantees would be insisted on as would give security to the Porte, and to all the European Powers who had interests in that part of the world, that the proposed line of communication would not be used in a manner injurious to those interests, and, especially, that in the event of hostilities no exclusive advantages should be enjoyed by any Power.

Lord STRATFORD DE REDCLIFFE said, their Lordships were indebted to the noble Earl who had brought forward this subject for giving them an opportunity of expressing their opinions regarding it, and stating their views in such a way as would animate Her Majesty's Government in pursuing a right course of policy, and in preventing what might be a very serious mischief to the interests of the Turkish empire as well as to the Pasha of Egypt. He must say, from all the information he had received from persons engaged in engineering, and from officers who had been employed in surveying the coast, that the opinions of those most to be relied upon were unfavourable to the practicability of this speculation. If we could be certain that the scheme were one merely of a commercial character, and one that might be made advantageous to the commerce of the world, he could not conceive that, from any feeling of jealousy, it would be opposed by this country, which would be sure in such a case to derive the greatest share of benefit from it when carried out. When he was resident at Constantinople his opinion as to the real state of the case was referred to; and, knowing what the general views of Her Majesty's Government were, he felt bound to express himself in a manner to induce the Turkish Government to weigh with great attention all those circumstances which ought to be considered in connection with the scheme. Upon the whole, he believed that the matter might be safely left in the hands of Her Majesty's Government; and as no dissent had been expressed to the policy which they were pursuing, he hoped it would go forth to the world that Her Majesty's Government would be supported by their Lordships in any measures which they might adopt to give more complete effect to the objections which they had already expressed.

The Earl of ELLENBOROUGH said, that his opinions on the subject might be expressed in a very few words. We had already had trouble enough with one Bosphorus; he believed that the scheme now under consideration was an attempt to create another Bosphorus and place it in the hands of the French. At the outset he might state his conviction that the attempt would fail—for he quite agreed with the noble Earl that the scheme was perfectly impracticable; but what would be its effect if it succeeded? Why, by means of this canal, the French would be able to place a squadron on the eastern seas in five weeks, while we could not do so in less than twelve. In the event of a war with France—and may God forbid that any such occurrence should take place—those workmen, as they were called, could come down on Suez and cut off the communication, *via* Egypt, between England and India; so that Egypt would cease to be neutral. As matters now stood, there were two things which ought to be done by the Government. How many other things ought to be done he did not know, but there were two which ought to be done at once—first, the Government ought to establish, and establish in perfect security, a telegraphic communication between India, Aden, and the Island of Perim. Every point at which attack on this communication might be apprehended ought to be protected by works capable of resisting satisfactorily any ordinary attack. That was a work within our own means, and no Power in the world could prevent us from accomplishing it. The other measure to which he referred was that we should have in Egypt, what certainly we had not when he passed through that country, a very numerous and able body of consular agents. These gentlemen would give the Government the fullest information on all points, and afford them the means of acting on the feelings and opinions of the people of Egypt.

Motion, by leave of the House, *withdrawn.*

MARRIAGE LAW AMENDMENT BILL.

REPORT OF AMENDMENTS.

Order of the Day for receiving the Report of the Amendments read,

Lord REDESDALE suggested, that there ought to be a provision for the registration of mixed marriages performed by Roman Catholic priests. As an indulgence was conferred upon the Roman Catholics by this Bill, he did not think that there ought to be any objection on their part to such a safeguard.

The LORD CHANCELLOR said, the Bill had been drawn up after consultation with the law officers of England and Ireland, and he had given it his most careful consideration. He thought their Lordships might safely pass it. The main thing to be provided against was clandestine marriages, and he believed that the Bill was well calculated in its present form to effect that object. He could not concur with the noble Lord that this Bill conferred an indulgence on Roman Catholics—it merely did an act of justice towards them.

Lord CHELMSFORD thought that the Bill did not provide sufficiently for the registration of these marriages, and he also believed that it would fail in its object of preventing clandestine marriages if there was not a limit to the time within which they were solemnised after the parties had obtained the necessary certificate. They should take care to guard against the possibility of abuse, and he was surprised to find that there was no provision made for the registration of these marriages.

THE LORD CHANCELLOR said, he hoped that before the present Session of Parliament came to a close a Bill which had been introduced by Government into the House of Commons, for the purpose of establishing a system of registration of births, marriages, and deaths in Ireland would pass into a law. With regard to the other objection raised by the noble Lord, he would undertake that, unless his noble Friend were satisfied, he should have the opportunity of moving his Amendment on the third reading.

THE MARQUESS OF CLANRICARDE believed that the great object of this Bill was to prevent the question of the validity of a marriage being made to depend upon the religious belief of the parties contracting marriage; and, therefore, he thought it might not be desirable to provide any special registration for such marriages.

THE BISHOP OF DOWN could not see, as the Government had introduced a general registration Bill into the other House, what objection there could be to inserting in the measure before them a clause providing for registration of the marriages now in question; especially as they must, undoubtedly, be registered if the general measure passed. He hoped, therefore, that the Government would introduce a registration clause in this Bill, similar to that in the general measure which was before the other House.

THE LORD CHANCELLOR said, that at present there was no machinery for registration in Ireland, and, therefore, registration formed no part of this measure; but still, in anticipation of the general measure, he had no objection to introduce any words which were necessary in order to ensure these marriages being registered.

THE EARL OF DERBY said, that the question of registration of these marriages was one wholly apart from the object of the present Bill. The measure for the first time gave power to celebrate certain marriages between Catholics and Protestants; and already for every Protestant marriage celebrated in Ireland a registration was requisite as evidence of the marriage. They were now going to provide for the celebration of marriages in which one of the parties was a Protestant, without taking any precautions for registering such marriages. He agreed, therefore, that it would be desirable that the further stages of the Bill should be postponed in order that they might see what chance there was of the general measure passing; and if there was no such chance then that a clause providing for registration should be inserted in this Bill.

LORD REDESDALE suggested that the Bill should be re-committed.

THE LORD CHANCELLOR said, he should offer no opposition to the course suggested by the noble Lord, but thought some intimation ought to have been given of the course which it was proposed to take.

LORD REDESDALE stated that he had been very closely engaged on business of the House, and the matter had unintentionally escaped his memory.

THE MARQUESS OF CLANRICARDE thought his noble Friend was quite right in adopting as many precautions before marriage as possible; but in case he inserted any clauses with regard to registration, which would enable a professing Protestant to fall back on his religion at the time of marriage, exactly the same difficulty would arise to which attention had been called by a very celebrated trial in Dublin, which had, in fact, given rise to the introduction of this Bill.

Order *discharged;* and Bill *recommitted* to a Committee of the Whole House on *Friday* next.

House adjourned at a quarter before
Seven o'clock, till To-morrow,
quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, May 6, 1861.

MINUTES.]—NEW MEMBER SWORN.—For Montgomery Borough, Captain John Samuel Willes Johnson.

PUBLIC BILLS.—1° Landed Property Improvement, &c. (Ireland); Bills of Exchange and Promissory Notes (Ireland).

2° Copyright (Works of Art).

ILLNESS OF MR. SPEAKER.

MR. SPEAKER expressed to the House his sincere regret that he had been prevented from attending the service of the House during the last three Sittings, and his acknowledgment for their kind consideration during his indisposition.

MAILS TO CHINA—QUESTION.

QUESTION.

Mr. LONGFIELD said, he wished to ask the Secretary to the Treasury, Whether, having regard to the Estimate for the Post Office Packet Service for the year 1861-2, it is the intention of Her Majesty's Government to Discontinue the additional Mail monthly to and from China, and whether any notice has been given to Her Majesty's Postmaster General to that effect; and, if so, to state what has been the expense to the Public of this fortnightly Mail, giving credit for the sums received for Postage of Letters thereby?

Mr. PEEL said, that the second monthly mail to China was a service that had been voluntarily performed by the company since 1857. At the close of last year and also in the year preceding the company applied to the Government for remuneration for that additional mail service, and rather than submit to the inconvenience of its sudden discontinuance the Treasury consented to pay a subsidy of £2,000 for the double voyage for a period of six months from the commencement of the present year. Notice had been given to the Postmaster General that at the expiration of that six months the subsidy would cease. The cost of the subsidy for that fortnightly mail would be at the rate of £24,000 per annum. The sea postage for the whole way from this country upon letters conveyed by the second mail to China was about £12,000 a year.

OFFICE OF ENGRAVER TO THE MINT.

QUESTION.

Mr. POTTS said, he would beg to ask Mr. Chancellor of the Exchequer, If it is intended to adopt the principle of competitive examination for the office of Engraver to the Royal Mint now vacant by the superannuation of Mr. James Wyon, with a view to the combination of mechanical knowledge with the Engraver's art in the appointment, and to the general improvement of the British Coinage?

The CHANCELLOR of the EXCHEQUER said, that vacancy was a very recent one, and he was not yet in a condition to form any conclusion as to the measures to be taken for filling it up. He not been able to call on the Master of the Mint to make a Report conveying his advice on the subject; but when that had been done the information which the hon. Member sought would be given.

THE TWENTY-NINTH CANON OF THE CHURCH.—QUESTION.

Mr. DANBY SEYMOUR said, he wished to ask the Secretary of State for the Home Department, If that portion of Canon 29, which forbids a parent from being admitted to answer as Godfather for his own child will be altered or repealed by the Convocation of Canterbury, according to the Royal Licence granted to them under the advice of Her Majesty's Government, whether such alteration or repeal will have the effect of relieving the Members of the Church in the province of Canterbury from the obligation now lying upon them in reference to Sponsors?

Sir GEORGE LEWIS said, the Convocation of the province of Canterbury had received a Licence from Her Majesty to alter or repeal the 29th Canon; but since then they had not submitted to the Crown any Legislative Act in consequence of the permission thus given to them. Therefore no practical question had arisen for the determination of the Government or upon which they could form any opinion. As to the hypothetical legal question involved in the interrogatory of the hon. Member he believed that an opinion had been expressed by high legal authorities that, even if this Canon were repealed there would still be the ancient law of the Church in force which would have the same corresponding effect. That, however, was a point on which it was impossible for him to give any opinion of his own.

BLOCKADE OF THE PORTS OF THE SOUTHERN CONFEDERACY.

QUESTION.

Mr. GREGORY said, that in consequence of the news which had arrived from America since he had given notice of his question on this subject he had been obliged to alter its wording. Mr. Lincoln had proclaimed a blockade of the ports of the seven Confederated States, and, therefore, it was necessary to ask a question with regard to other two States which were in an attitude of hostility to the United States, although they did not belong to the South. He had to ask the noble Lord the Foreign Secretary—1st. Whether any attempt of the Government of the United States to levy Federal Dues off Foreign Vessels outside the ports of North Carolina and Virginia before such vessels break bulk will not be an infringement of International Law, and, if so, whether our Minister at Washington has received instructions to that effect? 2nd. Whether the Government of the United States has been informed that a blockade of any port of the Southern Confederated States, unless effective, will not be recognized? 3rd. The Government of the United States having refused to relinquish the belligerent right of issuing Letters of Marque, the seven Southern Confederated and Sovereign States having become to the United States a separate and independent and foreign Power, whether Her Majesty's Government recognize the right of the President of the Southern Confederacy to issue Letters of Marque, and, if so, whether our Minister at Washington has been notified to that effect?

LORD JOHN RUSSELL: Sir, in regard to the hon. Gentleman's first question, I have to say that, having consulted the Queen's Advocate with respect to Federal dues to be levied outside the ports of North Carolina and Virginia, he stated to me that the answer to such a question must depend entirely upon the circumstances of the case, and that it could not at all be declared beforehand whether such an attempt to levy dues would be according or contrary to international law. Of course no instructions on that subject have been sent to Her Majesty's Minister at Washington; but I am in a position to state that Lord Lyons is of opinion that such an intention would be found impracticable, and would not be likely to be effective. With respect to the hon. Gentleman's second question, whether the Government of the United States have been informed that a blockade of any port of the Southern Confederacy unless it were effective would not be recognized, I certainly have not felt it necessary to give any instructions to our Minister on that subject. It is well known to Lord Lyons, and it certainly has been declared law by the United States, that no blockade could be recognized or deemed valid unless it were an effective blockade; and I have no doubt that there would be no difference between Her Majesty's Government and the Government of the United States on that point. With regard to the hon. Member's next question as to the belligerent right of issuing letters of marque, I must, in the first place, wait for more explanation, and, in the second place, reserve part of the answer which I have to give. With respect to belligerent rights in the case of certain portions of a State being in insurrection, there was a precedent which seems applicable to this purpose in the year 1825. The British Government at that time allowed the belligerent rights of the Provisional Government of Greece, and in consequence of that allowance the Turkish Government made a remonstrance. I may state the nature of that remonstrance, and the reply of Mr. Canning. "The Turkish Government complained that the British Government allowed to the Greeks a belligerent character, and observed that it appeared to forget that to subjects in rebellion no national character could properly belong." But the British Government informed Mr. Stratford Canning that "the character of belligerency was not so much a principle as a fact; that a certain degree of force and consistency, acquired by any mass of population engaged in war entitled that population to be treated as a belligerent, and, even if their title were questionable, rendered it the interest well understood of all civilized nations so to treat them; for what was the alternative? A Power or a community (call it which you will) which was at war with another, and which covered the sea with its cruisers, must either be acknowledged as a belligerent, or dealt with as a pirate;" which latter character, as applied to the Greeks, was loudly disclaimed. In a separate despatch of the same date (12th of October, 1825), Sir Stratford Canning was reminded that when the British Government acknowledged the right of either belligerent to visit and detain British merchant vessels having enemy's property on board, and to confiscate such property it was necessarily implied as a condition of such acknowledgment that the detention was for the purpose of bringing the vessels detained before an established Court of Prize, and that confiscation did not take place until after condemnation by such competent tribunal. The question has been under the consideration of the Government. They have consulted the law officers of the Crown. The Attorney and Solicitor General, and the Queen's Advocate and the Government have come to the opinion that the Southern Confederacy of America, according to those principles, which seem to them to be just principles, must be treated as a belligerent. But further questions arise out of that question, with respect to which we are still in doubt—as what are the alterations which are to be made in the law of nations in consequence of the declaration of Paris; and those questions being of a difficult and intricate nature have not yet been determined upon. They are still under the consideration of the Government, and will be still further considered before any declaration is made to other Powers.

MARRIAGE OF THE PRINCESS ALICE—(QUEEN'S MESSAGE).—COMMITTEE.

VISCOUNT PALMERSTON: Sir, before the Orders of the Day are read I wish to submit a few remarks to the indulgent consideration of the House. It is usual when the Crown recommends to this House certain measures connected especially with the Royal Family that the earliest business day after the receipt of such a Message should be taken for its consideration, and that course was pursued in 1857, upon the marriage of Her Royal Highness the Princess Royal. The Message, I recollect, came down on Monday, and it was considered on the Friday, the next business day. It was our intention to have placed the consideration of the Message which Her Majesty recently sent as the First Order of the Day, but the House will recollect that its sitting was interrupted rather suddenly and unexpectedly on Friday night, and we had not the opportunity. I should hope, considering the nature of the matter and the respect due to the Crown, the House will not object to a Motion which I would submit, namely, that the First and Second Orders of the Day—the Committee of Ways and Means and Report of Supply—be postponed until after the Third and Fourth Orders, which relate to the Queen's Message relative to Her Royal Highness the Princess Alice, and the Committee of Supply thereupon; that being the order in which we think it better that the proposals we have to make should be considered. I therefore propose that the First and Second Orders of the Day be postponed until after the Third and Fourth Orders.

Motion *agreed to.*

House in Committee.

QUEEN'S Message read.

VISCOUNT PALMERSTON: Sir, the people of this country are proud, and justly proud, of the Royal Family which they have the happiness of seeing at their head, and we consider that not only the feelings of respect which the country bears towards that family, but that a due regard to the dignity of the country itself require that adequate provision should be made for maintaining the Royal Family in such a position as is necessary and consistent with the station it occupies. The Committee are aware of the arrangements which are made with the Crown at the beginning of a reign, when the domains of the Crown are made over to the public, and that in return a Civil List is voted for the Sovereign during the continuance of that reign. The Committee know also—at least those know who look back to what took place in 1837—that the provision which was made for the Sovereign in the present reign is less considerable than that which was made in the case of George III., which is the most analogous instance, inasmuch as in neither of the intervening reigns was there any large family to be provided for; and the Committee are further aware that during the present reign the Sovereign has kept strictly and entirely within the limits of the provision which has been made by Parliament, and that none of those large demands have been submitted to Parliament which in former reigns were, I am sorry to say, too frequent for the purpose of defraying extraordinary expenses or of making good debts incurred over and above the allowance. But, on the other hand, it was not understood nor intended that the provision which has been made for the ordinary current expenses of the Crown, and by means of which Her Majesty has been enabled to maintain her dignity in a manner consistent with the honour of the country, and with that generous hospitality which becomes the station she fills—that allowance was not intended also to provide for members of the family who might by marriage or by attaining a certain age require a certain separate and distinct provision. It was upon that principle that when the Princess Royal was married this House voted an annuity during her life and a dower as a sort of outfit in connection with the marriage, and it is my wish to propose to the Committee a proceeding precisely similar upon the present occasion. In the case of the Princess Royal, the House voted a dower of £40,000 and an annuity of £8,000; but, considering that the Princess Royal stood in a somewhat different position as first-born of the Royal Family from that of any of the junior members of the family, we are not going to propose now precisely the same provision as was made then.

The provision, which, I think, on the one hand, is adequate to the circumstances; and, on the other, is not too great for the liberality of the House to grant, is a dower of £30,000 instead of £40,000, and an annuity of £6,000 instead of £8,000. I hope the House will concur in that arrangement, which I think will adequately provide for the suitable dignity of our Princess abroad, and is not too great a demand upon the liberality of the House. It is essential and in accordance with our laws, and, I may say, in accordance with our principles, that Princesses of the Royal Family should not contract marriages with subjects at home. It is essential that their marriages should be with Princes abroad, but it is also essential to the honour and dignity of this country that our Princesses should not go forth as paupers, and that wherever the blood Royal of England is found it should be accompanied by a sufficient provision, furnished by the people of England, to enable our Princesses to maintain a position consistent with the due respect which should always be entertained not only towards the Royal Family of Great Britain but towards the British nation itself. I do not know that it is necessary for me to trouble the Committee at greater length. The question is a simple one. We have followed the precedent established in the case of the Princess Royal—we have diminished the amounts in proportion to the difference between the first-born and a junior Princess of the Royal Family, and I hope the Committee will be disposed to agree at once to the Resolution which I shall submit. I should say that if the Committee shall agree to this Resolution a Bill will be founded upon it granting an annuity of £6,000. The dower can be voted only by a Committee of Supply, and if the Committee should acquiesce in the proposal which it has been my duty to submit, the course which I will take will be precisely similar to that pursued in the year 1857—it is that when this Committee has voted the Resolution I shall then propose that the House go into Committee of Supply merely for the purpose of voting a Resolution on the dower.

Resolved,

"That the annual sum of Six Thousand Pounds be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to be settled on Her Royal Highness the Princess Alice Maud Mary for her life, in such manner as Her Majesty shall think proper, and to commence from the date of the Marriage of Her Royal Highness with His Grand Ducal Highness Prince Frederic William Louis of Hesse."

House *resumed.*

Resolution to be reported *To-morrow.*

SUPPLY—PRINCESS ALICE'S DOWER.

Order for Committee read.

House in Committee.

(In the Committee.)

VISCOUNT PALMERSTON moved that the sum of £30,000 be granted to Her Majesty as the dower of her Royal Highness the Princess Alice.

Resolved,

"That the sum of £30,000 be granted to Her Majesty, for the Marriage Portion of Her Royal Highness the Princes Alice Maud Mary."

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

Motion made and Question proposed that Mr. Speaker do now leave the Chair,

THE PAPER DUTY—THE AMERICAN WAR.—QUESTION.

MR. CRAWFORD said, before the House went into Committee he wished to put a question to the noble Lord the Secretary for Foreign Affairs on the subject referred to by the hon. Member for Galway (Mr. Gregory). It had been stated in the city that day that several vessels had arrived from the Southern ports of the States of America with letters of marque, and inasmuch as a considerable amount of the property of British subjects was carried in American vessels, and inasmuch as the Government of the United States had not acknowledged the principle in the Treaty agreed to by the European Powers at Paris, that neutral goods should not be liable to confiscation by the belligerents, he wished to ask the noble Lord, Whether any representations had been addressed to the American Government upon the subject, and whether the noble Lord had taken any steps to protect the property of unoffending British subjects which might be embarked on board the vessels of the United States, and subject to seizure by those vessels of the Southern States which carried letters of marque?

THE STADE DUES.

MR. SEYMOUR FITZGERALD said, he did not intend to raise any discussion in putting the question to the noble Lord of which he had given notice. The subject, however, was one not altogether unconnected with financial considerations. The noble Lord the Secretary for Foreign Affairs at the commencement of the Session told the House that, acting under the advice of the law officers of the Crown, her Majesty's Government considered the question could only be met by a redemption of the Stade Dues—that was their extinction by the payment of a sum of money to the Government of Hanover. He was sure the noble Lord would be the last person to keep back information from the House; if any convention had been entered into he would have informed the House of it. He (Mr. FitzGerald) had been given to understand by information from Hamburg that by an exchange of notes an arrangement had been arrived at between the Government of this country and that of Hanover, and that a sum of money had been fixed upon to be paid by this country to Hanover for the extinction of those tolls. The sum which had been mentioned to him was 1,000,000 thalers, and though it was not very large, yet it was important that the House, when considering the financial arrangements of the year, should be in possession of every information as to every item of expense, great or small, which was likely to be incurred by the country. He wished to ask, therefore, Whether any arrangement had been come to by her Majesty's Government with the Government of Hanover for the redemption of the Stade tolls, and probably the noble Lord would inform the House whether any Estimate had been made of the sum necessary for the purpose of extinguishing these tolls? He believed the sum was about £200,000.

Lord JOHN RUSSELL: With regard to the question of my hon. Friend and colleague, I have to state that the subject is one of deep interest to the British public, and one which has engaged the serious attention of her Majesty's Government. But, as I have already stated to the House, the question is so important and intricate that her Majesty's Government have not as yet arrived at any decision regarding it. But I can assure my hon. Friend that whenever that decision is arrived at I will inform my hon. Friend and the House.

With regard to the question put to me by the hon. Gentleman opposite, I have to inform him that such a sum as he has mentioned has been proposed by her Majesty's Government as a fair sum to be given as an indemnity for the tolls to be abolished. But there is another proposal attached to the agreement—namely, that another sum should be paid, to be divided between other States except Great Britain. But the Government of Hanover required that six-sevenths of that sum should be paid before any convention should be entered into for the abolition of those tolls. Considerable progress has been made on the subject, but some of the States concerned declare they cannot make any agreement absolutely binding upon them without the consent of the representatives of those States. The Government of Hanover made an objection on the alleged ground that as these States and these representative bodies had not agreed to the arrangement they could not consider the question as finally settled. And a proposition was this day made to her Majesty's Government to prolong the negotiations to the month of October next. We are not, however, prepared to agree to that proposition; and, therefore, the subject is at present in a very unsettled state.

AMOUNT OF THE ESTIMATES.

QUESTION.

Sir HENRY WILLOUGHBY said, that he was one of those who did not feel inclined to dispute the amount of the surplus stated by the Chancellor of the Exchequer. He threw the entire responsibility, however, upon the right hon. Gentleman. He wished, however, to ask a question which arose out of the threatened disturbances in America. He wished to know, Whether, in consequence of recent events in America, any increase in the military force of this country would be required, and, if so, whether there would, on that ground, be any addition to the amount of the Military Estimates? The right hon. Gentleman would recollect that in February last year he made his financial statement to the House, estimating the expenditure at £70,000,000. Before the following August, however, he was obliged to come down to the House to impose new taxes to pay for the Chinese war, and finally was obliged to increase the National Debt by nearly £500,000. He thought the House ought to have a distinct answer—if the right hon. Gentleman could give one—as to whether the recent occurrences in America would cause any increase in our public expenditure? He wished, also, to put another question as to the claim of the Indian Government on the Executive at home, on account of the Chinese war. The connection between Indian and British finances was growing closer; and he understood that the demand of the Indian Government, on account of the China war, would be larger than the amount expected. He understood the right hon. Gentleman to assume that about £1,000,000 would cover the expenditure on account of the Chinese operations for the present year. He believed that a single demand of the Indian Government on that account would amount to £1,200,000. If that were the case, it was quite clear the right hon. Gentleman had not left sufficient margin for contingencies. The right hon. Gentleman had estimated the expenditure of the year at £69,900,000. The House ought clearly to understand that that would be the whole amount before it proceeded to take off any important duties. He would, therefore, ask if the Government had calculated on any increase in the estimated expenditure caused by the state of affairs in America, or by increased demands on the part of the Indian Government?

The CHANCELLOR of the EXCHEQUER said, it was very true that in February, 1860, he estimated the expenditure of the country at £70,000,000, and in the following July he found it more likely to be £73,000,000 or £74,000,000. In the interval, however, between those two periods the war with China had broken out (*Cries of* "Oh, oh!") Yes, the war with China had broken out in the interval. At the first period provision was made to the extent of £2,500,000 to meet the expenses of the military expedition to China. At the next period provision was made for a considerable extension of the amount required for that expedition of which they knew nothing when he made his financial statement in February. That extension had taken place in India. He referred to that point for the purpose of saying that if anything should occur this year of an analogous character, if any great demands not at present foreseen by the Government in the financial arrangements of the country should arise, it would, of course, be their duty to pursue a similar line. If, however, the hon. Gentleman asked him whether the Government had foreseen anything of the kind, or had come to the conclusion that in consequence of the disputes in America there would be an increased expenditure, all he could say was that the Government had come to no such conclusion, and that he had no reason to make any change in the financial arrangements laid before the House. With regard to the charges due to the Indian government he was at a loss to understand the hon. Baronet's question; so far as he gathered from it, it amounted to this, whether the estimate which he had given to the House of the probable amount of payments in reference to the China war was made upon his official responsibility? The hon. Baronet said if it were so he would acquiesce in it. He (the Chancellor of the Exchequer) could only repeat what he had already stated to the House, that there was a peculiar difficulty in framing a precise estimate of the payments in the case of a war expenditure, when that war was not carried on exclusively through the agency of her Majesty's Government, or even of the Indian department at home, which might be properly taken for that purpose to be a part of her Majesty's Government. The accounts were settled in this country between Her Majesty's Government and the East Indian department. Large payments were made on account by the Government from the Exchequer to the Indian department, and nothing could be more fallacious than for the hon. Baronet to rely upon accounts which might have reached him from India, and which in all probability might refer to liabilities a large portion of which had been already discharged. In July last the House granted a Vote of Credit amounting to £3,800,000. The Government had certainly not endeavoured to throw any undue portion of charge upon the present financial year, but the fact that their demands only amounted to something over £3,000,000 might serve, as far as it went, to show that they formed an adequate and full estimate of the expenditure which had to be encountered. In proceeding to estimate as well as they could the residues of payment that were still outstanding, they had gone upon the same principles and been guided by the same views as they were in July last, when they estimated the Vote of Credit at £3,800,000. In such a case he did not much value his own opinion. The Chancellor of the Exchequer had a special responsibility devolving upon him respecting estimates of Revenue, but as to estimates of expenditure, and particularly of war expenditure in China, he could only bring a limited amount of discernment to bear upon it.

So far, however, as they were cognizant of the particular liabilities of the country, some of them, which had been included in the estimate of £1,000,000, ought to be susceptible of reduction, and he had no reason whatever to suppose that there was any margin of uncertainty which would swell the charge, while the possible reductions of which he had spoken were likely, on the other hand, to bring it down. As compared with ordinary estimates, this was necessarily somewhat unsafe in its nature; but at the same time, according to all the evidence before him, it was a safe and a liberal estimate. As regarded the Vote of Credit, he could not say what amount of authority would be taken from the House within the margin of that limit. This would depend on circumstances with which the Government were not yet fully aware respecting the application of the outstanding sum; but the £1,000,000 in the financial statement was that which they estimated as the probable outgoing from the Exchequer within the financial year on account of the recent military operations in China and the occupation which was now going on.

Motion *agreed to.*

WAYS AND MEANS—PAPER DUTY.

COMMITTEE.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER said, that on Thursday might, upon the discussion regarding the tea and sugar duties' Resolution, he had troubled the Committee at considerable length, because the question at issue had not been much under detailed consideration, either during the present or the last Session. But the question of the paper duties had been so largely discussed of late that he should deem it an unwarrantable intrusion upon the time of the Committee if he were to accompany the Resolution he was about to propose with any detailed statement, though, of course, if discussion arose, he should hold himself at liberty to contribute any information, or to supply any argument which might seem necessary on the subject. The right hon. Gentleman concluded by moving—

"That on and after the 1st day of October, 1861, the duties of Excise now payable upon or in respect of Paper of any denomination, and button-board, millboard, pasteboard, and scaleboard made in the United Kingdom, and also all Allowances and Drawbacks of or in respect of any such Duties, shall cease, and shall be no longer charged, levied, allowed, or paid respectively."

Lord ROBERT CECIL: Sir, I think the small discussion which we have had this evening shows that the right hon. Gentleman is resolved to foresee nothing. Last year, when the hostilities in China had actually commenced, or at all events when violence had been committed on both sides, the right hon. Gentleman could foresee nothing but a peaceful mission to the mouths of the Peiho. So it was in 1853, when the Turkish question assumed a terrible prominence, the right hon. Gentleman proposed a Budget founded upon the assumption that then peace would be of long duration; and the soap duties were removed at a time when war was absolutely impending. The right hon. Gentleman was resolved not to foresee the Russian war; last year he would not foresee the Chinese war; and this year he shut his eyes resolutely against the prospect of troubles in America. I do not think the Committee would do its duty if they were to limit their foresight to the narrow horizon of the right hon. Gentleman. By the Resolution, Sir, in your hands we are called upon not merely to sacrifice a present but a future revenue. The peculiarity of this tax is that we not only sacrifice the money so long as it is remitted, but we know that when we sweep away an Excise duty it can never again be reimposed. It is a sacrifice of the national revenue for ever and ever. The reason is, that in order to collect such a duty you must have special officers, and a large organization fitted for the purpose. When, then, you abolish the tax you sweep away all that organization. If the Committee, then, should consent to the Motion in your hands, Sir, it may make up its mind never to see the paper duty again. Now, I wish the Committee seriously to consider whether this is a wasteful proceeding or not. We are told by the advocates of the measure that it is not wasteful, for that when Excise duties are removed, the article in question on being freed from the burden with which it was saddled acquires such a development as enables it to add to the national wealth, and that other sources of revenue greater than the one extinguished will very soon contribute to enrich the Exchequer. Now, this is the position which has been over and over again maintained by the right hon. Gentleman the Chancellor of the Exchequer and his friends. It lies at the base of that political economy which characterized the right hon. Gentleman's last Budget, and it is assumed to have been proved by the experience of former legislation. Now, the Committee will do well not to accept this principle merely because it is said to be the doctrine of Sir Robert Peel and of the right hon. Gentleman; they ought seriously to examine the facts and figures on which the doctrine professes to rest. The abolition of the paper duty is recommended to us on grounds similar to those on which the taxes upon soap and glass were remitted in 1853 and 1845. Those Excise duties have been entirely swept away. It is said that if you remit the Excise duty upon paper our revenue will be soon made up by the enormous wealth which the development of this trade will create. But I ask whether the removal of the Excise duties upon soap and glass has turned out so successful as to encourage you to imitate that example. Take soap; the right hon. Gentleman defended his proposition for the remission of the Excise duty by similar reasons precisely as those he has given in favour of his present proposition regarding paper. He said—

> "This is an article on which the pressure of the tax is so severe, that, notwithstanding the general wisdom and fairness with which your Excise laws are administered—notwithstanding the drawback you grant on exportation—your productive power is crippled by the tax. You cannot compete with the foreigner; your export trade dwindles day by day."—[3 *Hansard*, cxxv. 1404.]

He expected that upon the remission of the soap duties the export trade in that article would revive. But have those expectations been fulfilled? The soap duty was remitted in 1853. Up to that time the exportation of soap had been rising. In 1849 it amounted to £159,000, and in 1853 it was £290,000; but by the last Return in 1859 it was only £225,000. This was the enormous amount of prosperity promised in that trade by the right hon. Gentleman when he proposed to remit that duty. Now, I ask the Committee to consider the results of the remission of the Excise duty on glass, proposed by the late Sir Robert Peel in 1845. Sir Robert Peel urged similar reasons in support of that measure, and stated—

> "There is no duty which in order to levy it requires such a system of perpetual and vexatious interference with the manufacturer as this duty on glass . . . as there is no Excise duty in Belgium, Bohemia, and France, there is no necessity for interference by the State with the process of manufacture. What takes place? There is a great import of foreign glass . . . and it is now beating our own manufacture, not only in foreign markets, but even in the markets of our own colonies."—[3 *Hansard* lxxvii. 489-90.]

Sir Robert Peel, therefore, expected that as soon as the Excise duty on glass was removed there would be an enormous development in this trade. What are the facts? In 1844, the year of the abolition, the exports amounted to £388,000. In 1850, when that duty had been remitted for six years, they had actually sunk to £307,000. In 1859 there is no doubt that they had recovered themselves, and amounted to £606,000. (*Ministerial cheers.*) Wait a moment. Compare this, not with the absolute recovery of this trade, but compare it with the relative recovery of the trade of the country. If the abolition of the Excise duty were to be an extraordinary relief to the glass trade, the increase ought to be above the general increase of the exports of the country. But what are the facts? From 1844 to 1859 the increase of the general exports of the country was 123 per cent, while the increase on the exports of glass was only 57 per cent. So that the glass exportation actually lagged behind the general productive power of the country, in spite of the removal of the Excise duty on glass. Again I say there was a great failure of the predictions which were made by the then Chancellor of the Exchequer. The removal of the Excise duty on glass did not give that spring and vigour to the manufacture which is the alleged motive for asking us to consent to the removal of the paper duties. Sir Robert Peel urged the House of Commons to remove the Excise duty on glass because, he said, it would give a great relief to the poor in England, by enabling them to have cheaper window glass, and because it would be a great stimulus to the trade in window glass. It was a time when complaints were much urged against the window duty; and he said it was better to stimulate the manufacture of window glass than to remove the window duty. Well, what was the exportation of window glass during these periods? In 1841, when the duty pressed with all its weight, the exportation was 27,899 cwt. In 1859, instead of rising with the general trade of the country, it had sunk to 27,697 cwt., so that actually the removal of the Excise duty had an injurious, and not a beneficial, effect on the manufacture of window-glass. The beneficial effect, on the contrary, was felt in the manufacture of glass bottles. It is well worth while to consider this. The effect of the abolition of the tax on glass was to relieve the consumers of alcoholic liquors. The other night, when the Chancellor of the Exchequer recommended to us the removal of the duty on paper, he produced a bitumenized pipe made of paper as a specimen of the uses to which paper will be turned when the Exise is removed. He told us this pipe was used in very great houses, that it would be found very useful for sanitary purposes, and that the material might be available for the construction of a Crimean house. It is very easy for a Chancellor of the Exchequer to make these promises of an increase in the manufacture, but the question is whether these promises will be kept? I ask you to attend to the effect of the abolition of the duty on glass, in order that you may estimate the value of the prediction of the right hon. Gentleman with regard to the abolition of the duty on paper. Sir Robert Peel, in recommending the repeal of the duty on glass, said—

> "If you permit this article to be free of duty, it is difficult to foresee in the first place to what perfection this beautiful fabric may not be brought; and, secondly, it is impossible to say to what new purposes glass manufactured by our own skill and capital may not be applied. I hold in my hand"

(They always hold a specimen of something in their hands on these occasions) [*Laughter.*]

> "The balance-spring of a chronometer made of glass, instead of the ordinary material, steel. I understand that it possesses a greater degree of elasticity, and that it has a greater power of resistingthe alternations of heat and cold. The manufacture is so expensive, and it requires such skill on the part of the workman, that I do not believe under the present system of restriction that this exquisite discovery can be generally applied. The fact is that a chronometer with this glass-balance spring was sent into the North Sea. . . and was exposed to comparison with ten other chronometers. The result was that the report was in favour of the chronometer with a glass balance-spring as compared to all the others."—[3 *Hansard*, lxxvii, 490.]

The duty has been removed from glass some fifteen years; but I ask, has any one heard of the chronometer with a glass balance-spring? Then, we had our old friend the pipe again. Whenever an Excise duty is to be removed there is a pipe brought up. We have now paper pipes. Then we had glass pipes. The right hon. Baronet said on that occasion also—

> "I have read, too, in a French newspaper, the *Courrier de l'Europe*, within the last month, that in France they are now manufacturing glass pipes for the conveyance of water, which cost nearly 30 per cent less than pipes manufactured of iron, and which will bear a greater external pressure than iron pipes. They are luted together with a species of bitumen, and, as far as health is concerned, for the conveyance of water glass pipes are greatly entitled to the preference. . . . Taking all the articles between these two extremes, the balance-spring of a chronometer and the pipe for the conveyance of water, who shall say to what purposes this manufacture may not be applied among us when it is wholly relieved from the impost?"—[3 *Hansard*, lxxvii, 490-91.]

Again, I ask, who has heard of the glass water-pipes? But, driven from particulars, the right hon. Gentleman takes refuge in generalities. He tells us that although the remission of certain taxes had not led to the increase of particular manufactures, there has been a large increase in the general manufactures of the country, in the wealth of the country, and in the taxable power of the country; and that whatever this increase may be it is all owing to the great policy of removing the indirect taxation which was inaugurated by Sir Robert Peel, and which is carried out by himself (the Chancellor of the Exchequer). Now, I want the House to consider this, because the assertion was made with such confidence that, no doubt, many hon. Gentlemen believed it. Our wealth has certainly increased, but not from the cause assigned by the right hon. Gentleman—not from the increase of the remission of indirect taxation. To what, then, is it due? It may, it is said, have arisen from one of three causes. It may be due to the increased remission of indirect taxation; it may be due to the discovery and influx of gold; and it may be due to the enormous and gigantic development of railways. Well, then, which is the principal cause? The best mode of finding out to which particular cause it is to be attributed will be to take some other country which has also equally progressed, but in which all of these three causes has not been at work. Take, for instance, France, which has shared in the advantage of the discovery of gold and the development of railways, but where there has been no remission of indirect taxation, and compare her increase of wealth with that of England. It is obvious that if the prosperity does not belong exclusively to England the cause will not belong to England only, and, therefore, is not to be found in the remission of indirect taxation. English imports, in 1847, amounted to £90,000,000; in 1856, to £172,000,000, or an increase at the rate of 90 per cent. French imports, in 1847, amounted to 955,000,000f.; in 1856, to 1,872,000,000f., or an increase of 96 per cent. While England increases 90 per cent France increased 96. The exports are a still nicer test of a country's prosperity. But while the English exports have increased from £58,842,000 in 1847 to £115,826,000 in 1856, or 96 per cent, the French exports in the same time have increased from 719,759,000f. to 1,865,800,000f., or 159 per cent. So that this difference between 96 per cent increase and 159 per cent seems to me to sweep away at once the whole of the parade about the marvellous growth of English wealth being due to the removal of indirect taxation. Wealth has grown elsewhere where indirect taxation continues; and we have no recommendation to further remove such taxation in the face of our increase of wealth, for wealth has increased elsewhere in a larger ratio. It may be said by the right hon. Gentleman the Chancellor of the Exchequer, as has already been said by the President of the Board of Trade, that we ought to make provision simply for the present year, and not for years to come; that we ought not to indulge in future and prospective projects of finance. I wish to set that question at rest by digging in that mine to which all resort who wish to upset the predictions of the Chancellor of the Exchequer—I mean the speech of Mr. Gladstone in 1857. Here is a speech of Mr. Gladstone against the Budget of Sir George Lewis in 1857—

> "We have heard abundance of comment and criticism—I would almost call it cavil—from the Chancellor of the Exchequer to-night on the folly of attempting to balance income and expenditure for future years. Yet it is very convenient for the Chancellor of the Exchequer to vote away from future years the revenue which he retains for the present year, and, applying that revenue to the Ways and Means of this year, to leave future years destitute; and when called to render an account to say, 'It is vain to pretend to balance the income and expenditure of a future year.'"—[3 *Hansard*, cxliv. 989-90.]

That quotation entirely refutes the right hon. Gentleman's new doctrine about prospective finance. I should like to say a word or two on the "constitutional question." My hon. Friend (Sir Stafford Northcote) showed the other night that nothing could be more vain and futile than to attempt to wipe out the Acts of the House of Lords towards this House last year by taking action against the House of Lords this year. But nothing can be more vain or more futile than the device by which the Chancellor of the Exchequer attempts to fetter the action of the House of Lords for future years. It seems to me that the right hon. Gentleman the Member for Birmingham and others, who take a strong view against the House of Lords, wholly mistake the question of last year. They seem to imagine the question was one of jurisdiction, that the two Houses were fighting in the arena by themselves, and that there was no one else whose behests they ought to consider and obey. The Government seem to think it was a fight of procedure, and forms, and precedent, and parchment. We are accused of reaction on this side of the House. It is said we fancy we are living in past centuries, and that we are applying to the present the passion of the past. But in listening to the speech of the Chancellor of the Exchequer we might be excused for thinking that we are still living and fighting in the days of the Stuarts. They do not see that behind and acting through the House of Lords there was the great educated public opinion of the country, of which that House and this House, too, are merely the vehicles and instruments; and not seeing that they imagine that the fight will be settled by a conflict simply between the two Houses, and that they can fetter the action of the House of Lords by an ingenious device. Why, Sir, if the occasion should again happen—which I pray may not be the case—that the House of Commons should act so madly and improperly as it acted last year, and that it should call down upon itself the condemnation of the public, the House of Lords will not be fettered by this or any other form from taking its legitimate operation. Suppose that the case of last year happened again, that the House of Commons, making no provision for the wants of the year, had left the country with a gigantic deficit. What then? The House of Lords would alter the single Bill sent to them. They would strike out the clauses remitting duties, and send the Bill down again. And what would you do then? It would be painful to you. You would make many loud and angry speeches on the subject. But if the opinion of the country was against you and with the House of Lords you would again have to submit. You would have to renew the Bill, with the absence of the obnoxious clauses, and send the Bill back in a penitential mood, and thus your new device will only force upon yourselves an additional humiliation. On the other hand, if the public opinion of the country did not support the House of Lords, the House of Lords are far too prudent ever to slight the House of Commons. But while you are so careful of the power of the House of Lords no one seems to think that this new device will to a great extent withdraw the proposition of the Government from the discussion of the House of Commons. The wisdom of our ancestors provided that the details of every financial measure should be considered first in Committee, then at the second reading, again in Committee, again on the third reading, and still again on the proposition that the Bill do pass. On all these occasions we have opportunities of discussion and amendment. But this is a device to put a stop to that in the Lords, and to leave no opportunity of discussing this question without resorting to the almost revolutionary measure of rejecting the Budget altogether. But while pursuing such a shadow we are inflicting a damage on our own House. The right hon. Gentleman the Chancellor of the Exchequer told us the other night that he could not understand the opposition we had made to his proposal; because he had brought it forward in a spirit of conciliation. I told him he was keeping up a quarrel which had existed too long; and that he must know perfectly well the reason we opposed the measure. We oppose it as we must oppose any measure that may injure the revenue and leave the wants of future years destitute of provision. But that is not all. We know that this measure has a special political character. It is the purchase money of a political bargain. It is the hush money to the stern and watchful guardians of the public interest to induce them to condone the backslidings of others in a new direction. I am not surprised that the right hon. Gentleman should take advantage of the opportunity, and offer hush money that costs him so little. But I am surprised at the easy virtue that is satisfied with so paltry a bribe. But at all events he cannot expect us to be passive and willing witnesses of such a bargain, carried out by such means, and having for its effect results so detrimental to the Exchequer and the country.

Lord Robert Cecil

MR. LEVESON GOWER said, he would ask the noble Lord who had just sat down if he were not—after voting for the reduction of the tea duty on Thursday night—liable himself to the accusation of want of foresight in respect to American affairs which he had made against the Chancellor of the Exchequer? The noble Lord had criticised the abolition of the Excise duties on soap and glass, and on that issue he (Mr. Leveson Gower) would appeal to the country with a perfect conviction that never was there a measure that had received more emphatically the unanimous approval of the nation. The noble Lord objected to the production, by the Chancellor of the Exchequer, of a paper pipe, and seemed to think that paper pipes were never used; but if he (Mr. Leveson Gower) rightly understood the right hon. Gentleman, those paper pipes were already in use. And they would become more useful if the obnoxious tax on paper were removed. The noble Lord had alluded to the reduction of indirect taxation, and on that issue he (Mr. Leveson Gower) would also appeal with perfect confidence to the country. The noble Lord had ended his speech by arguing the constitutional question; but that was not a question which properly belonged to that part of the debate. With regard to the noble Lord's objection to the mode of proceeding adopted in reference to the finances of the country, he (Mr. Leveson Gower) contended that the proceeding was not only in accordance with the views expressed at the Ministerial side of the House, but was also in accordance with the views expressed during the previous year on the opposite side of the House. It was remarkable that the noble Lord never alluded, however, to the subject of paper, so that no one who heard his speech would have imagined that a Resolution in regard to paper was the one before the House. He (Mr. Leveson Gower) was anxious to say something on the Resolution, as he believed an impression had prevailed that there were many Members on that side of the House, particularly above the gangway, who, apart from political reasons, did not feel a great objection to the tax. He (Mr. Leveson Gower) could only speak for himself, but for economic and social reasons he had the greatest objection to it. If there was one thing more than another that struck him during the discussion—whether that year or last year—whether in the House or elsewhere—it was the very strong case that had been made out invariably for the abolition of the tax, and the total absence of an attempt to answer that case by those who opposed its repeal. The argument against the tax was met by the admission on the part of its supporters that it was a bad tax, but, as the lawyers said, it was with them a case of confession and avoidance. When its supporters did not answer the objections to the tax, it must be assumed that they were well founded, and, if so, it was not only a bad tax, but an intolerable tax. There were objections against it which did not apply to any other tax remaining on the statute book. In the first place, he objected to the tax because it was arbitrary. They all knew that the revenue officers declared they were unable to distinguish what was paper from what was not; the consequence was that a discretion was left to them with regard to certain articles, and that was a serious objection. The next objection was that it was a very expensive tax. The cost of collection was very great, and by doing away with the tax they would get rid of the whole of that cost, whereas if the partial reduction on the tea duties proposed on the other side were adopted, they would still be subject to the expense of collection. His next objection to the tax was that it was a great impediment to the industrial enterprise of the country. It had been stated, over and over again, that if it were not for this tax, paper mills would be established and a vast field of employment would be opened to the people of the country. There could not be a more serious objection. The tax was also extremely burdensome to the retail trades of the country, and he did not believe that public attention had been sufficiently called to that part of the subject. He had been informed that a respectable and intelligent grocer had calculated the payments made by him on packing paper, in consequence of the tax, at £30; and other grocers had made similar calculations. What was true with regard to one trade was true with regard to other retail traders. For example, the hon. Member for Nottingham had informed him that it was a burden upon the manufacturers of his district. Hon. Gentlemen might answer they did not care about those tradesmen, and thought more of the buyer than the seller; but a man must be ignorant of the commonest principles of political economy if he were not aware that the benefits produced by the abolition of the tax must eventually fall to the consumers and to the customers of the tradesmen. On those grounds he thought it was most desirable that the tax should be done away with.

He now came to the other branch of the question—namely, that it was a tax upon knowledge. There had been a sort of vague idea afloat that the paper duty ought no longer to be considered as a tax upon knowledge; but no answer had been given to the evidence tendered by a great number of eminent publishers, amongst whom were Mr. Cassell, Mr. Chambers, Mr. Knight, and the hon. Member for Edinburgh (Mr. Black), that if the duty on paper were abolished, they could very much cheapen to the consumer the price of books, particularly those of a low-priced character. They also stated that they could publish a vast number of works which at present they were prevented from doing by the pressure of the tax. Until those statements were answered it was perfectly futile to deny that the paper duty was a tax upon knowledge. In those days, when hon. Gentlemen encouraged the establishment of public libraries, reading-rooms, and were anxious to do everything to attract the working man from the public-house to the mechanics' institution, he could not understand why they ventured to ignore that part of the question. He wished to say a word with regard to the cheap press of the country. There was a general impression abroad—he did not know whether it was true or not—that the remission of the paper duty was proposed because of the benefit which it would confer upon the cheap press of the country. He could hardly imagine that such was still the case, but formerly there had been a feeling, on the part of the Tory party of the country, that the diffusion of political knowledge amongst the working classes would be attended with considerable danger. He trusted that was an entirely exploded view, but he must say that the pertinacity with which the remission of the tax on paper had been resisted led him to think that that illiberal idea still lurked among a portion of those who sat on the benches opposite. On that (the Liberal) side of the House no Member having the slightest pretension to liberality of opinion could object to the diffusion of political knowledge amongst the vast mass of the community. He believed the spread of such knowledge among the people would tend to the safety of the Government. It was most desirable that the working men of this country should be made aware of the way in which they were governed, and acquainted with the laws which they were bound to respect and obey. In a moral aspect, also, he held that a cheap press was of the greatest benefit. He had watched with great interest the establishment of the cheap press, and he had observed with great satisfaction the entire respectability with which that press had been conducted. He had never seen any attack either upon humanity or religion, any indulgence in personality; but, on the contrary, he had observed that it desired to forward opinions, not by abuse but by force of argument. He would also pay a tribute to the eminent ability with which the leading articles in those papers were written, and it must be remembered that they had a penny press of all shades of politics. With the exception of *The Times*, which stood quite by itself, he could not see himself any inferiority whatever in the penny papers to the other newspapers. He asked, then, why persons paid 4*d.* for what they could obtain for a penny? It was because the penny papers were printed on such atrocious paper. But abolish the duty on paper, and the quality of the paper would be improved. If that were done, any person would be able to obtain for a penny as good a commodity to answer every purpose as that for which he now had to pay fourpence. That would be an important saving to the man who had only a small income of £200 a year. In fact, it would amount to something like £6 or £8 a year. He was delighted to notice the sympathy expressed by hon. Gentlemen opposite with the working classes. He did not mean to say that, in their private capacity, they did not feel as much sympathy with them as those Gentlemen sitting on that (the Liberal) side of the House; but as regards politics, and especially as regards commercial legislation, he had thought that sympathy not very apparent. If they desired to see the duty on tea reduced, he asked why, when it was proposed to take a penny off the income tax, some hon. Gentleman opposite did not rise in his place, and propose that instead of doing that they should reduce the duty on tea? He believed that if a proposition of that kind had been submitted to the House it would have been carried. Because, therefore, he believed that the paper duty was most faulty in political economy, and that its repeal would promote the diffusion of knowledge, the elevation of the working classes, and the development of an important industry, he gave the Resolution his hearty support.

MR. BENTINCK had listened with great pleasure to the speech of the hon Gentleman, and said he felt much obliged to him for the information that the Tory party set themselves up to prevent the spread of political knowledge.

MR. LEVESON GOWER explained, that he said some Members of that party formerly thought it dangerous, but that that doctrine was exploded.

MR. BENTINCK said, he was happy to hear that the Tory party stood so much higher in the estimation of the hon. Gentleman. That hon. Gentleman had called attention to the position of persons who possessed £200 a year, and had told the House that they could not get a newspaper fit to read except at the high price of 4*d.* Now, he (Mr. Bentinck) must say that, considering the interest supposed to be taken on the other side of the House in the penny press, that was one of the worst compliments that could have been paid to it, because it simply implied that when that class of persons to which reference had been made wanted sound political information they would go to the high-priced paper for it. He thought that the right hon. Gentleman the Chancellor of the Exchequer had been singularly unfortunate, both in his argument and his illustrations, with respect to this question. One of those illustrations had been referred to by his noble Friend the Member for Stamford (Lord Robert Cecil). The House would recollect that the Chancellor of the Exchequer told them how useful paper pipes would be when they could be made free of duty. He (Mr. Bentinck) had been very much struck with that illustration, but he had not then heard what had since come to his knowledge, namely, that an experiment on a great scale had been tried with these pipes, and what was the result? Why, that very shortly after they had been laid down the whole of them were devoured by the rats. Now, he did not know what was the opinion of the right hon. Gentlemen on the subject of rats. He owned himself to a special antipathy to that species of vermin. He was told that they manifested a greater partiality to large houses than to small; and as the House of Commons was a very large one, he hoped, though he had some doubts upon the subject, that every precaution would be taken to exclude them. The operation, however, was difficult—for, as they had been told by his right hon. Friend the Member for Oxfordshire, as fast as one hole was stopped up they would gnaw out another. So far, therefore, as paper piping was concerned, although it had been much praised by the Chancellor of the Exchequer, he did not think it would come into such general use as was anticipated. The right hon. Gentleman admitted that last year he made a financial mistake, and the House would recollect that he was obliged to come down and ask them to pass a Supplementary Estimate. It was true that he called it a mistake, or rather a miscalculation created by subsequent events, and he went on to say that he had a warning in last year. But although he had had that warning he could see no reason for altering his present financial scheme. He asked the right hon. Gentleman whether he thought it was not probable that he would have to come down and ask for Supplementary Estimates again this year, seeing that he had based his financial project upon contingent events which might never take place? In his (Mr. Bentinck's) opinion, there was ample ground to induce the rashest financier to pause. The right hon. Gentleman had himself spoken of the China war, and he (Mr. Bentinck) asked the House whether, under the circumstances, it was not possible that the whole of the money to be obtained, if it ever was obtained, from China, would not be required for the support of the troops.

The right hon. Gentleman said the question of the paper duties had been fully discussed; but it ought to be considered with special reference to present circumstances. Speaking for himself, he would say the views he entertained on this subject were utterly irrespective of any party feeling. His conviction was that the proposal of the right hon. Gentleman with regard to the paper duties was a mischievous and a dangerous one. Not only was he actuated in his opposition to that measure by no hostility to Her Majesty's Government, but he should very much regret any decision of the House that would lead at present to a change of Ministry. So far as he could collect the opinions of those who sat on his own side of the House, and with whom he had the good fortune to act, he believed what he had stated was the general feeling. It seemed to be admitted that the Chancellor of the Exchequer had proved his possession of a surplus; but after all the reasons which had been urged on both sides of the House he confessed that he was still unable to arrive at the conclusion whether the surplus really existed or not. It appeared to him that the alleged surplus was composed partly of money that had been borrowed, and partly of money which was to be received from China, but, in point of fact, might never reach their hands, and which, he thought, ought certainly not to be taken into consideration when they were calculating the probable revenue of the year. He felt that it was quite in vain to make any appeal to the Chancellor of the Exchequer on this subject; but he could not refrain from making one to the noble Lord at the head of the Government. For he confessed that he had heard with surprise and great regret that the noble Lord should have given the sanction of his powerful name to a financial scheme which was viewed with disapprobation by the great majority of the country. Would the noble Lord rise in his place and tell the House whether, after duly and carefully considering what had transpired within the last few days relative to the aspect of affairs in the United States, he still held the opinion he had expressed as to the financial proposal of the right hon. Gentleman? Had he duly considered what would be the effect in the manufacturing districts of a short supply of cotton from America? Would not the Revenue from Excise be considerably reduced? Would there not also be a sensible diminution in the revenue from Customs? When the noble Lord gave his adherence to the scheme of the Chancellor of the Exchequer there might have been still hopes that civil war could be arrested. There was, however, no longer any chance of that. The consequence must necessarily be the stagnation of the cotton trade. He was very much surprised, considering the difficulties which might be caused in this country by a short supply of cotton, that the attention of Parliament had not been called to the subject, and he wished to know, inasmuch as very serious news had arrived from America within the last three or four days, whether the noble Lord was or was not of opinion that it ought to make a difference in the financial arrangements of the year. His principal object in rising was to make this appeal to the noble Lord, and he hoped he should hear from him a full explanation.

Lord CLAUD HAMILTON said, the hon. Member for Bodmin (Mr. Gower) had thrown out a taunt against that side of the House for its sympathy with the cheapening of the working man's tea, while it had at the same time agreed to the reduction of the income tax. The hon. Gentleman seemed to forget that the income tax had entirely ceased to exist, and that the Chancellor of the Exchequer now proposed to renew it. When, therefore, the Minister asked for an income tax of 9*d.* in the pound, it was absurd to suppose it the duty of the Opposition to give him one of 10*d.* in the pound. Again, the sympathy of the House for the cheapening of the working man's tea was first invoked in 1857 by the Chancellor of the Exchequer himself, in a speech full of sound feeling and sound financial principles, which the hon. Member for Bodmin might peruse with advantage. The Chancellor of the Exchequer, it was true, had since then changed his views, and, instead of espousing the cause of the poor man, had made himself the champion of the wearers of French kid gloves and the drinkers of French wines. The Opposition had been charged with inconsistency in questioning the existence of a surplus, and yet proposing a remission of the tea duty. That charge overlooked the essential difference between the total abolition of the paper duty and a partial remission of the duty on tea. In every instance in which the tea duty had been reduced the increased consumption had recouped the Exchequer; while, in the case of paper, they were now about to root up a productive branch of permanent revenue which pressed heavily on no large class of the community. The tax on fire insurance was both intolerable in itself and indefensible in principle; and there could be no doubt that if the country were polled on the subject it would infinitely prefer its repeal to the repeal of the duty on paper. It had been said that the cost of wrapping-paper, on which the duty was heaviest, fell upon the working classes, who would consequently reap the benefit of the repeal of the Excise. Mr. Bohn, in his published letters, had entirely refuted that assertion, and shown that it was the practice for all the small tradesmen to weigh the paper along with the articles they sold, so that all the advantage derivable from reducing the price of paper would go into the pockets of the grocers and other retail dealers. A new principle of very doubtful tendency had been introduced by the right hon. Gentleman the Chancellor of the Exchequer and the President of the Board of Trade, who had both sheltered themselves from responsibility for their estimates behind the authority of the public departments. If the opinions of the heads of departments were to guide the House, those gentlemen ought to be called to the bar, in order that the House might examine them. An opinion was worthless unless the case upon which it was founded was known, and, therefore, the right hon. Gentleman ought to state what questions he had submitted to those gentlemen. Had the maintenance of European peace been assumed as certain during the year, or was any calculation made as to the effect which the disturbances in America would have upon the supply of cotton to this country? This was the first time that he had known a Chancellor of the Exchequer seek to evade responsibility by casting it upon the heads of departments, and he, therefore, owed some explanation to the House upon that point. The right hon. Gentleman had also indulged in language which was surprising in a Financial Minister. He had stated that if the country would be governed at the cost of £70,000,000 instead of £60,000,000, it must be prepared for a heavy income tax. If the right hon. Gentleman thought the cost of governing the country was too large, why did he allow his Colleagues to make such large estimates, and why did not he himself make a proposal to reduce the amount? He trusted that the Chancellor of the Exchequer would give some explanation upon that point, and that the House would not have a Supplemental Budget in July, as was the case last year.

MR. BAINES said, that he for one would not have supported the right hon. Gentleman the Chancellor of the Exchequer in his proposal to remit the paper duty if he thought the remission was intended merely to please a small party in that House. In his opinion, however, the Budget was founded on a broad and national policy, and it involved justice to the community; in fact, it was as wise and prudent a Budget as he had ever heard. It was admitted that retail shopkeepers charged the duty on their customers. The petition from Messrs. Morley and Co. was evidence of that. That firm used paper for wrapping up articles for their customers to the amount of £4,000 a year, upon which there was a duty of £800 a year; and they said that every farthing of that duty was necessarily paid by their customers, and so it was in all establishments. The incidence of the tax, therefore, was as general as that of any other impost. The noble Lord who had just sat down had paid a high compliment to the cheap press, and he must concede that the remission of the duty would tend to its improvement, which would be a benefit to the country. Indeed, the question might, he thought, have been set at rest by the admission of the right hon. Gentleman the Member for Bucks the other night, to the effect that the penny press had been conducive to the growth of Conservative opinions in the country. If the literary leaders of the opposite party, their men of genius, were of that opinion, he thought that they might have expected an unanimous verdict in favour of the repeal of the duty. The chief benefit that would result from the remission of the paper duty would be the repeal of the taxes on knowledge, by cheapening a multitude of publications of a scientific, literary, religious, moral, and entertaining character, which formed the intellectual food of the working classes. During the last twenty-five years, the only aid which had been given towards the education of the people by the reduction of taxation had been the reduction of the duty from 3*d.* per lb. to 1½*d.*; of the reduction of the newspaper stamp, and later rendering a stamp upon newspapers unnecessary. These taxes on knowledge ought never to have existed at all. They were altogether bad, and were originally intended to prevent political discussion and the spread of news. He acknowledged that there had been a great increase in cheap literature of late years, but that had commenced in 1836, when the paper duty was reduced one-half, and he believed that the total repeal of the remainder would give an additional stimulus and greatly benefit the moral and social condition of the poorer classes. It was said that there was at present a sufficiency of cheap literature, but the fact was that there never could be too much to shed the light of knowledge into the dwellings of the working classes. There were two classes of publications on which the tax pressed heavily. It was true there was a drawback on the paper upon which the bibles printed by the Queen's printers and the University presses were printed, but there was no drawback on the duty on the great multitude of bibles published by private firms and societies; millions of copies were issued in England which paid a large amount of duty. Messrs. Cassell and Co. were publishing an illustrated copy of the Scriptures, with notes, which had a very large circulation, and the amount of duty paid yearly upon the publication was £3,000; and they paid upon other useful educational works the yearly sum of £4,500—being £7,500 a year upon valuable publications from one firm. That was, indeed, a tax upon knowledge. The price of school books and illustrated works was necessarily greatly enhanced by the paper duty. It was not so with costly books like Macaulay's *History;* but it was upon standard works, of a useful character to the working classes, which were stereotyped, and when reprinted the principal expense of which was the paper, that the duty was so onerous. The present price of paper was from 6*d.* to 7*d.* per lb., and the duty was one-fourth, or about 1½*d*—a tax of 25 per cent on the most useful kind of literature. There was also the tax on writing paper. Unfortunately many persons in the country were unable to write; many had learned, but there could be no doubt that that, as well as other branches of education, were retarded among the working classes by the present high price of paper, enhanced as it was by this grievous tax. Again, the Religious Tract Society, which was supported not only by members of the Church of England, but by other sects, was a severe sufferer by reason of the paper duty. Last year it issued over 41,000,000 of publications; but if the duty, which probably added 20 per cent to the cost were removed, there might be an increase of 8,000,000 publications by that society. Could the House imagine the benefit that would ensue from such an increase of so excellent a class of publications? Was it prepared to take the responsibility of further impeding the religious, educational, and moral progress of the people of England? The arguments against the tax were so multifarious that it was impossible for one speaker to enumerate them all. For years the papermakers had complained of the duty as crippling their operations and increasing the expenses of the manufacture in which they were engaged; and although they last year opposed the proposal of the Chancellor of the Exchequer, their objections were raised, not to the repeal of the excise, but to the abolition of the differential Customs duty. But by the terms of the French Treaty that was abolished in the course of last year, and there remained nothing but the Excise duty. But it was not only the paper trade on which the tax was a burden; it was a tax that pressed upon all branches of trade, as had been shown by the hon. Member for Nottingham, and other hon. Members representing manufacturing and commercial cities. It acted injuriously upon the trade in ribands, laces, and every other article in the wrapping up or packing of which paper was employed. It was said by some that they were giving up a revenue of £1,300,000 a year which was most easily collected, but, in point of fact, the tax was so difficult in collection that the very persons on whom the duty devolved were unable to say what was paper and what was not, and were obliged to ask the Government for a definition. The tax was condemned nine or ten years ago by that House as one which ought not to be retained as a permanent source of revenue, and last year it was positively repealed. Under these circumstances, it was the bounden duty of the Chancellor of the Exchequer to deal, first of all, with the paper duty, when he had a surplus. He (Mr. Baines) now supported its repeal in no defiant spirit towards the House of Lords, but rather with a view to conciliation, and to the amicable settlement of the question; but he did not hesitate to avow that it was a strong reason in favour of repeal, that it would repel the encroachment made last year on the privileges of this House by the House of Lords. As the question of no surplus was quite given up by the leader of the party opposite, and practically by hon. Gentlemen opposite, by their vote of Friday night, it appeared to him that no opposition could now be raised on that ground, and, therefore, he should not touch upon the subject, but there was one topic to which he wished briefly to advert. The Estimates for the present year were the highest ever submitted to the House except in a period of European war. In 1840 the whole cost of our warlike establishments was only £14,119,000, and in 1850 £15,392,000; but that year it was estimated at £28,285,000, showing an increase equal to about 90 per cent. That was a most prodigious—he was going to sây a shameful—increase in the public expenditure. There had also been an enormous increase in the Miscellaneous Estimates. The total expenditure of the country in 1840 was £53,444,000, and in 1850, £50,231,000; but in 1861 it was close upon £70,000,000. If the House of Commons did its duty it ought to direct its attention seriously to a reduction of that immense amount, for which he contended there was no present need. England was not threatened with war anywhere, and at no former period did she stand in a stronger or more happy position as regarded all the great Powers. It might be said that, in consequence of the war in the United States, it was necessary that we should send an expedition to the Gulf of Mexico, to watch over our trade there, but the recent news from that country to the effect that nearly the whole naval power of America had been annihilated set at rest all apprehension of danger in that quarter. It was said that we ought to have a large navy, in order to be on an equal footing with France, but the fact was that our navy was equal to the whole warlike navy of all the countries of Europe. At no period was the country safer from attack. In the navy it appeared they had 67 line-of-battle ships, whilst the French had only 37. The power of the country suddenly to expand its warlike armaments had been proved in the most decisive manner within the last two or three years, both in regard to the navy and the army. The ancient prodigy of the springing up of armed men from the sowing of dragon's teeth had been surpassed, for they had witnessed the spreading of a little printing-ink over the country and an army of 150,000 Volunteers had sprung into existence. It was the latent power the country could always call forth that made it respected by foreign States, more so than the regular force it kept up. Their warlike establishments were much larger than they need to be, and he had no objection to put the Government under a little pressure in this matter and subject it to a little wholesome starvation.

Sir LAWRENCE PALK said, that considering the latent power of criticism shown by the hon. Gentleman who had just resumed his seat, it was a pity he had not attended more frequently in his place when the discussions upon the Army and Navy Estimates occurred. It seemed to be admitted on all hands that a surplus might be expected; or, at all events, that the Chancellor of the Exchequer had obtained a Parliamentary title to a surplus. The question, therefore, came to be—how was the surplus to be disposed of? The House had decided by a small majority that it would not keep faith with the country in the matter of the war duties on tea and sugar. Such was the decision of that portion of the House which arrogated to itself a high claim for popular favour, and a monopoly of sympathy for the working classes. He had always found, however, that if there were a question between the throwing over of their pledges to the working men and the salvation of the Whig Ministry, the Whig Ministry would be saved and the pledges would be given to the winds. If the Ministry had kept their pledges the income tax would have been reduced; and, indeed, the Chancellor of the Exchequer solemnly promised that it should expire in 1860, and now the miserable remission of the 1*d* war duty was considered as the fulfilment of the pledge. Then, again, it had been solemnly promised by the Chancellor of the Exchequer that the duty on tea should be remitted, whereas instead of that the right hon. Gentleman, with singular infelicity, had selected a tax which produced a very large and increasing revenue, and the remission of which would not be felt as a benefit by any portion of the general community whatever. Hon. Members would remember that last Session they had a great deal of discussion on the same matter; and when the House of Lords stepped in and saved the country from the effects of the rash legislation of that House great anger was expressed. There were meetings in the tea-room, meetings at the coffee-house, whisperings outside the doors, and at last the noble Lord at the head of the Government got up and moved a Resolution, which was to save the dignity of the House and put the Ministers in a more unfortunate position than ever. All that was nothing but a mere waste of words, a little bit of humbug, beautifully acted by the noble Lord, but which deceived nobody. The country had quietly acquiesced in the decision of the House of Lords, and nothing had since occurred to change the position of the question. Few petitions had been presented to Parliament for the abolition of the duty; there had been no indignation meetings; and, so far from the country having displayed any resentment against the Conservative party, the candidates had, on the contrary, as the House well knew, been triumphantly returned at a more than usually large number of elections which occurred in the recess, and which, in most instances, had been warmly contested. With respect to the merits of the question, he doubted whether the abolition of the duty would benefit any class. Persons largely engaged in the trade were of opinion that the abolition of the duty would not reduce the price of paper; and they even asserted that the price of paper, which formed only a very small portion of the price of a book, never operated as a restriction on literature or education. A farmer used very little stationery, a working man still less, and upon the classes to which they belonged the repeal of the duty would confer no appreciable benefit. He held in his hand a letter written by a stationer in Chancery Lane, stating that all engaged in the trade were of opinion that the repeal of the duty would be of no value to them, while the advantage to the public would be very small indeed. The writer added that to himself, as a manufacturer of envelopes, it would be a loss, for paper would become dearer, and he should lose the drawback now receivable. But it was said that the repeal of the paper duty would benefit the cheap press, and in that way promote the cause of popular education. It was also said that the Tory side of the House were afraid of the diffusion of political knowledge. That had been well answered by his hon. Friend. The Conservatives wished their opinions reported in the newspapers and spread over the length and breadth of the land, for the more the Tory press was spread over the country the more would the people despise the paltry attacks which were made upon them, and the foolish attempts constantly made by the Liberal party to attribute to the Opposition opinions and intentions which they never entertained, which they never would entertain, and which they utterly repudiated. He denied, however, on the authority of Mr. Bohn, that the repeal of the duty would benefit the cheap press as largely as was pretended. Mr. Bohn had calculated that the saving on each copy of a penny paper would not exceed the half of a farthing. Whence, then, he would ask, arose the cry for cheap literature? Rumour said that, although there were some daily papers conducted with considerable talent—papers which used to contain copious extracts about the American Constitution before it had clearly turned out to be a failure—yet that those journals did not pay, and that, therefore, in order to please their proprietors and editors, the tax was to continue to be levied upon the tea of the British labourer, and the paper duty was to be remitted. But who, he would ask, were those proprietors and editors of newspapers upon whom so great a boon was to be conferred? In supplying an answer to that question it should be borne in mind with what difficulty a tottering Government held its place, and how necessary it was for it to keep up alliances outside the walls of that House. When a Ministry found themselves in a minority every Wednesday, something must be done against the struggle in which the aid of the penny press might be exceedingly valuable. It was said that the House was pledged to the reduction of the paper duties, and it was quite impossible for them to retract. But, so far as that argument was concerned, he would ask whether the House was not equally pledged to the reduction of the income tax, to the reduction of the duties on tea and sugar, to the great principle of economizing in its large establishments, and, above all, to the carrying of a large and comprehensive measure of Reform? The fact was those pledges were neither more nor less than cobwebs in which to catch flies, and if any young Member were to ask the noble Lord at the head of the Foreign Office whether that noble Lord did not consider himself pledged to bring in a Reform Bill, he would only get laughed at for his pains. In conclusion he must warn hon. Members that they had a large army and navy to maintain; that even if they could steer clear of the civil war which had broken out on the American Continent, they must at least keep up a considerable force to protect British interests in that quarter; and that, under those circumstances, it would be imprudent to abolish a tax which, once taken off, it would be impossible to reimpose, and whose remission would not bring the slightest relief to the occupants of the humble cottages throughout the land.

Mr. DISRAELI said, that it might, perhaps, be convenient to the House to state that he did not consider the present to be a proper occasion upon which to ask the House to express an opinion of the general policy of the paper duty; he should, therefore, wish to reserve himself until the proper moment arrived. He wished it, therefore, to be understood that in permitting the Resolution to pass it was not that they were to be debarred from asking the House to express its opinion on the general policy of the paper duty when the proper time arrived. He thought

they would consult the general convenience of the House by not going to a division that night, but at the same time he begged to state that he reserved to himself the right to take whatever course he might deem expedient in reference to the measure when the proper opportunity for doing so arrived.

The CHANCELLOR of the EXCHEQUER said, that after the Resolution was passed the right hon. Gentleman would of course be entitled to choose the most convenient time for giving expression to his views on this question. Considering the state of the Committee he, too, would reserve any observations which might be necessary for a future occasion.

Resolution *agreed to.*

(4.) *Resolved,*

"That on and after the 1st day of October, 1861, the Duties of Excise now payable upon or in respect of Paper of any denomination, and button-board, mill-board, paste-board, and scale-board made in the United Kingdom, and also all Allowances and Drawbacks of or in respect of any of such Duties, shall cease, and shall be no longer charged, levied, allowed, or paid respectively."

The CHANCELLOR of the EXCHEQUER said, the next Resolution was that relating to the Customs duty on paper. He had been informed that the hon. Gentleman the Member for Dungarvan (Mr. Maguire) desired to postpone the consideration of this question, and there would be no difficulty in meeting his wishes, as he found that it would not be necessary to have a preliminary Resolution with a view to a Bill. He, therefore, proposed to pass over the Resolution, to embody the substance of it in a Bill, and then the hon. Gentleman would be able to raise the question fairly when they came to Committee on the Bill. The right hon. Gentleman then proposed—

"5. That, towards raising the Supply granted to Her Majesty, and in lieu of the Duties of Excise now payable on the article hereinafter mentioned, there shall be charged and paid for and upon all Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom,

For every hundredweight thereof, raw or kiln-dried, until the 1st day of April, 1862, the duty of 8*s.* 6*d.*, and on and after that day the Duty of 11*s.*, and so in proportion for any greater or less quantity than a hundredweight."

Resolution *agreed to.*

Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, every person who shall keep open any house, room, shop, or building, for the purpose of selling therein, or who shall sell therein, at any time between the hours of nine of the clock at night and five of the clock of the following morning, any victual, or refreshment, or cigars, or tobacco, to be consumed on the premises where the same shall be sold (except beer, cider, wine, and spirits, sold respectively under a proper licence in that behalf, and except also cigars and tobacco sold by a person duly licensed to sell beer by retail to be consumed on the premises, and also duly licensed to sell tobacco), and every person who shall keep open, at any time between the hours aforesaid, any house, room, shop, or building, for the consumption therein by the public of any victual or refreshment, cigars or tobacco (except as aforesaid), although the same shall not be sold therein, shall respectively be deemed to keep a Refreshment House, and shall, unless he shall be duly licensed by the justices to keep a common inn, ale house, or victualling house on the same premises, take out a licence to keep a Refreshment House chargeable with the Duty imposed by the Act of the last Session of Parliament, chapter 27."

MR. AYRTON said, that before entering into the discussion, he hoped the right hon. Gentleman the Chancellor of the Exchequer would inform the Committee why he now came down to propose so serious a change in the Act of last Session.

THE CHANCELLOR OF the EXCHEQUER said, the Resolution involved no departure from the intention of Parliament last year as to the operation of the Act. The Government then proposed that all refreshment-houses should be subjected to a licence and to police visitation. It was objected, however, that there was no reason why refreshment-houses open only during the day should be subjected to visitation by the police, and the hon. Member for Leominster (Mr. G. Hardy) with the general concurrence of the House moved that the Bill should be limited expressly to houses which were open during certain hours of the night. It was felt that that was a proper provision, and that houses open for refreshment during the night were fit subjects for police visitation. It had been found, however, in the application and construction of the Act, that the terms of the sixth section, for which he proposed to substitute the fresh Resolution, did not give effect to the intention of Parliament — namely, that all night refreshment houses should be subject to police regulation, and should pay a small sum by way of refreshment licence. He had understood the hon. Gentleman (Mr. G. Hardy) to express his desire that houses kept open for smoking should come within the purview of the clause; but neither these houses nor the houses of confectioners were found to be comprised in it. No question of principle, therefore, was raised at all. The only question was whether the wording of the Act should not be changed, so as to give effect to the undoubted intention of Parliament with regard to night-houses of this kind?

MR. AYRTON said, that in Committee on the Bill of last Session the hon. Member (Mr. G. Hardy), by way of obviating the objections to the proposal of the Government, suggested that the taking of licences should be optional and voluntary on the part of keepers of refreshment-houses; but that where they kept open a place for public refreshment, resort, and entertainment, they should be compelled to take out a licence. It was objected that it would be monstrous that a private householder, who sold, perhaps, a penny bun after nine o'clock in the evening, should be liable, on the demand of any constable or police-officer, to open his door and allow the police-officer to ramble all over his house as he pleased. The hon. Member, therefore, suggested that the licensing should be confined to places open for public resort, and the Amendment was accepted without further objection. The penalties attached to the infraction of the law were very grievous. For the first offence the fine was £5, and for the second two years' suspension, and a refusal to renew the licence if the proprietor did not admit a constable the moment he knocked at the door. The Committee had to consider whether there was any case for the extension of this surveillance. The failure of the Act of last Session might have taken the Chancellor of the Exchequer by surprise, but it had not anybody else. They were now asked to remedy that failure by passing a Resolution such as no Minister of the Crown ever brought before the House, and which no former House would have granted. The proposition was conceived in the strictest spirit of the French police. There it was part of a great system of policy that every person engaged in business should be under the supervision of the police; and the Resolution actually proposed that every man who sold anything in his shop after nine o'clock which could be eaten or drunk should be subjected to the inspection of the police whenever they chose to visit him. If a grocer sold an orange to a man after nine o'clock and let him eat it in his shop he must actually take out a licence and be subject to police supervision. The Committee, he thought, would scarcely consent to such legislation as that. With regard to the financial part of the question, he should be glad to hear from the Chancellor of the Exchequer on what principle he selected one of the most useful and innocent callings in the country as a special object of taxation. After they had heard such loud declamations on the blessings resulting from admitting articles of food from corn to eggs free of duty, the first thing the Chancellor of the Exchequer did was to select for special taxation every man who sold any article of food in his shop after nine o'clock at night. The right hon. Gentleman was, in fact, re-enacting a curfew bell — for if any working man went into a shop to get his supper after nine o'clock, straightway a special tax was to be levied on persons who kept their houses open for the purpose. Nine o'clock was past the hour of the right hon. Gentleman's morality, and no working man was to go into a shop to get his supper after that hour without a policeman walking in and forming part of the company. That was a mere caprice of legislation, and when he first read the Resolution his idea was that the Chancellor of the Exchequer being so certain of general acquiescence in his paper duty and income-tax Resolutions had flung this in just to furnish a theme for discussion. The real object was to foster intemperance and vice, and not to suppress them. The real object was to put an end to those places where people could get a simple supper and a cup of coffee, or to convert them into new channels for the consumption of intoxicating drinks, which were not consumed in sufficient quantities for the satisfaction of the Excise. It was the duty of the Committee to preserve the line, which was well drawn, between places used for the purposes of temperance and places used for the purposes of intemperance. Hitherto the trade in food and innocent refreshments had been as free as the trade in clothes, or any other articles equally innocuous, and a distinction was drawn between them and the dealers in intoxicating drinks. The object of this legislation was to break down that great barrier, and to bring all persons alike under the surveillance of the police. No doubt if the keepers of eating-houses found themselves compelled to take out licences, and to be subject to the vexatious interference of the police, they would say, "We had better have the wine and beer licences as well, and do our best to fill the Exchequer." In point of fact, the legislation of last year fulfilled very much the predictions he ventured to make of it, and entirely failed to fulfil those of the Chancellor of the Exchequer; and, therefore, he was encouraged in endeavouring to resist the present proposition. But he wanted to ask the Chancellor of the Exchequer how he proposed to deal with a very important question of finance which was connected with this subject. Last year, when it was said that the system would be an injustice, the Chancellor of the Exchequer urged that it would be rather a boon, because at present these people paid a house tax, and if they took out this licence they must be considered traders, and they would only pay a shop tax—that instead of paying 9*d.* they would only have to pay 6*d.* But when the statute was passed, and the householders went to the officers of Inland Revenue asking for the remission of the additional 3*d.* house-tax, the officers turned round and said, "Show us the clause in the Bill that authorizes such a proceeding," and entirely refused to give effect to the assurance of the Chancellor of the Exchequer. He wanted to know whether it was intended to renew that assurance and settle the question by legislative enactment. But, before the right hon. Gentleman proceeded to deal with that subject, he (Mr. Ayrton) should like to bring before the Committee a very gross injustice that resulted from the scheme. In the Metropolis every house was valued at a rental of more than £20, but a man who kept a coffee-shop or a little eating-house occupied only a part of a house, and his rental would be not £20, but only £10 or £15. And yet, as the Resolution was drawn, if he kept a shop in his house, his licence was estimated at the rate applicable to the rent of the whole house. In the country, however, where people were not compelled to live together in one house, and where every man had a separate house, the charge was only one half that which was made on the eatinghouse-keepers in London. Would the Chancellor of the Exchequer remedy that injustice, and limit the valuation to the rooms used in carrying on the business? Because, if not, the right hon. Gentleman would make the inhabitants of London pay exactly double, though he was in exactly the same position as the inhabitant of a small town in a rural district. Hon. Gentlemen opposite seemed to think 1*d.* in the pound more or less of income tax a great question, but it was very small in comparison with the excess of charge on the people in London which he had shown would be the effect of this Resolution. He had told the Chancellor of the Exchequer that the people who would avail themselves of the measure would not be the virtuous people, whom the right hon. Gentleman suggested, but those who lived by encouraging intemperance; and he found by a Return, granted at his request, that out of 593 persons, being beersellers, who took out refreshment licenses, 489 also took out wine licenses. The meaning of those figures was that the beerseller took out a refreshment licence merely for the purpose of selling wine, and entering into rivalry with the ginshop. Their houses were fitted up with taps, and all the decorations of ginshops. Instead of selling the British compound called gin, they sold the British compound called wine, which the Chancellor of the Exchequer told them was of the strongest character. There was no accommodation for eating. There was a bar, and a bottle standing ready with a substitute for gin. The Refreshment Act had added to the facilities of intoxication, and made a degree in the rising scale of intemperance—from beer to spirit-wine, and from spirit-wine to spirit itself. Soon after the passing of the Act of last Session he went to Coventry, expecting to see the weavers there, like those of Lyons, drinking light French wines, instead of which he found them standing at the corners of the streets with pale lank faces, on the brink of starvation, and looking the picture of misery. When he asked at eatinghouses whether they sold wine, he was told he must go to the tavern if he wanted wine. He made the same inquiry in other towns until he came to a garrison town. Here he found a pastrycooks' where they sold wine. An officer came in followed by his dog, and asked for a glass of wine and a bun. At last, then, he saw proof that the Act of last Session was a wise and useful proceeding. But the officer gave his bun to the dog and drank the wine. So that unless they had the fortuitous circumstance of a dog and a puppy coming together into a pastrycook's the measure of the Chancellor of the Exchequer was of no effect. The Act of last Session was in fact a complete failure. He objected to legislation which introduced the espionage of the police into private houses, and he trusted the Committee would reject this Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, he had with difficulty comprehended the reason of the vehemence with which the hon. Member had opposed this very limited proposition, until he found that his object was to deliver another speech against the Wine Licences Act of last Session, which the hon. Member had opposed root and branch. He had now repeated his objection to that Act, which, however, was not the matter before the Committee. The great complaint appeared to be that by the Resolution the line was broken down between houses licensed for the sale of intoxicating drinks and other houses of refreshment. But the hon. Member must know well that the Resolution had nothing to do with this line. Last year Parliament determined that, besides the line that separated those two classes of refreshment-houses, another line should be drawn, not at all relating to the kind of drink sold, but only to the hours during which the houses were open. Now, the sole and simple purport of the Resolution was to give effect to the line so drawn after much consideration and discussion. The hon. Member said that the matter must be treated either as one of finance; or, on the other hand, as one of morality. But in a great many of our laws, finance and police, were to a great extent combined. The case was one on which Gentlemen might have different views as to the respective importance of the two; but the important social object of police supervision being in view, there was likewise appended a financial proposition bringing the matter within the purview of the Committee. He was desirous of separating the vague and general declamation of the hon. Gentleman from the points of a practical nature to which he had called attention. The hon. Gentleman charged him with not fulfilling an engagement entered into last year with respect to house and shop rating. Whatever pledge was given last year ought of course to be fulfilled, and he (the Chancellor of the Exchequer) was perfectly ready to consider the means of fulfilling it; but not one single person had made a complaint to him with respect to the rating of premises separate from the rating of a house. The case of *bonâ fide* separate holdings, where only a part of the house was rented by the keeper of a refreshment-shop, was a very fair subject of consideration. The hon. Member was also, perhaps, of opinion that if the Legislature had provided that refreshment-houses open at night between certain hours should be subject to police visitation for the sake of good order, there was no necessity why that liability to visitation should extend over the day. If that were the hon. Gentleman's point it was worthy of consideration; but he must say that the hon. Gentleman had not represented the effect of the Resolution accurately. The hon. Member said, that if any one went into a grocer's shop and purchased an orange and consumed it there, the grocer would be compelled to take out a licence. He was surprised that the hon. Member, having read the Resolution, could think that was a possible construction to be put upon its meaning. The construction, as he read it, essentially required that something should be sold for consumption on the premises. Oranges were not sold by grocers for consumption on the premises, and no such miserable, and, he must say, equivocating and constrained method of construction was in force. The state of the case was simply this—the hon. Member had made a speech against the Refreshment Houses and Wine Licences Act. The principle of that Act was not before the Committee. The object of the Resolution was simply to give effect to the purpose and intention of the Act. The intention of the Act of last Session was that all houses below certain rentals, in certain cases, open between certain hours for optional and general resort with the view to refreshment, were, as a class, proper objects for police visitation; and it would be vain and futile to draw the distinction which the hon. Member professed to draw between houses tending to promote intemperance and houses where intoxicating liquors were not sold. The Reports of Committees of that House were to the effect that some of the houses that did not sell intoxicating drinks were the worst houses of all, and a great many of those houses it was desirable to bring under police visitation. A great number of these houses, owing to the defective wording of the Act of last Session, were not brought under the operation of the law. That defect it was the object of the Resolution to remedy. That was the fair test by which this Resolution would be tried, and he hoped that it would receive the support of the Committee.

Mr. HENLEY said, he had not been fortunate enough to catch the exact object of the Resolution. The right hon. Gentleman said it was intended to give effect to the Act of last year, but he had not told them how the Act of last year was defective. He could not gather from the right hon. Gentleman's speech what he exactly meant. The Chancellor of the Exchequer said the Act of last Session was defective, and did not carry out the intentions of the Legislature. But the right hon. Gentleman did not point out in what respect it was defective, and how the Resolution proposed to remedy that defect.

The CHANCELLOR of the EXCHEQUER said, he was obliged to the right hon. Gentleman for calling his attention to the omission. The precise point of difficulty turned upon the words "places of public refreshment, resort, and entertainment." The hon. Member (Mr. Ayrton) gave the Committee his interpretation, from which it appeared that places like Vauxhall were open to an interpretation of this kind. His own opinion was that shops which were kept open at night should be brought within the scope of the Act, even though they were not places of public resort and entertainment in the same sense as Vauxhall Gardens or the theatres.

Mr. HENLEY said, that, after the right hon. Gentleman's explanation, the Committee would see how enormous an extension of the measure of last Session was now proposed. If he was not mistaken in his recollection, the right hon. Gentleman's original proposal was much the same as that now brought forward, and the House, after full discussion, distinctly refused to adopt such a general wording as would include every little shop that sold penny cakes. He, for one, would be very unwilling to enact that every humble shopkeeper must shut his door at nine o'clock, or pay the tax and subject himself to the supervision of the police. Such an arrangement was far too stringent; and if the Committee went that length he did not know where they would stop. The class whom the measure would chiefly affect would feel it severely, and really did not deserve it. They ought to be very careful about throwing houses open unnecessarily to the police. Every Englishman naturally looked upon his house as his castle, and to send the police prying into a house when there was no need for it would bring a great deal of odium on that force. There were houses, no doubt, in all large towns which should be under the supervision of the police, but he thought that such would be included under the phrase "places of public resort."

LORD FERMOY said, he hoped his right hon. Friend the Chancellor of the Exchequer would reconsider the Resolution. The proprietors of gingerbeer-shops and bun-shops would not pay the licence; and they would, therefore, have to close their shops at nine o'clock, which could not be considered by any means a late hour in the summer time, at all events. The effect of the Resolution, consequently, would be that people would be driven into the public houses and gin palaces.

SIR MORTON PETO said, in the district which he had the honour to represent there was a number of small shops where refreshments were sold for working men, and considerable alarm was felt by the owners of these houses at the proposal of the Chancellor of the Exchequer. A guinea a year might not appear to be a large sum, but such was the nature of the refreshments sold that a tax could not be well borne. They had also a strong objection to be placed under police visitation. He was sure that no one more than the right hon. Gentleman would regret to see persons who conducted their business properly brought under police visitation. He should be glad to see the Resolution altogether withdrawn.

MR. NEWDEGATE said, that the right hon. Gentleman had been wont to deplore the duty of 1*s*. a quarter on corn, and to speak of a tax on the food of the people as an injury. Yet the Resolution before them amounted practically to a tax on the food of the people—on the supper of the working man, for instance—and that in the most vexatious form. While relieving the luxuries of the rich from taxation the right hon. Gentleman not only refused to relieve the lower classes by the reduction of the tea duty, but actually imposed a tax on the sale of their food.

LORD WILLIAM GRAHAM asked whether the Resolution would apply to houses of ill-fame? If so, a totally new system of licensing would be introduced into this country, and one inimical to the interests of morality.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the noble Lord was not serious in putting such a question.

LORD WILLIAM GRAHAM said, that he was.

THE CHANCELLOR OF THE EXCHEQUER said, the law took no cognizance of such a subject; and the Resolution would not extend to such houses.

MR. CONINGHAM said, he regarded the introduction of police inspection into refreshment-houses as objectionable, and as the commencement of an oppressive system.

THE CHANCELLOR OF THE EXCHEQUER said, he believed the Committee of last year had expressed a strong desire that places of entertainment kept open between the hours of nine at night and five in the morning should be subject to the supervision of the police; and he had introduced the present Resolution for the purpose of the carrying out that object. He admitted that the Resolution as it stood might include some shops to which it was not desirable that it should be extended; but he doubted whether it would be possible to make an exception in their favour without abandoning what he understood was the purpose of the Committee of last year. After what had been said, however, he would endeavour so to alter the Resolution as to obviate the reasonable objections that had been made to it. Without, therefore, giving up the object which the House had in view in former legislation of placing refreshment-houses under restriction, he would, in the meantime, withdraw the Resolution, and endeavour so to alter it as to meet the views of those who objected to it as it now stood.

MR. HENLEY said, he would give all the assistance in his power to any proposal for extending the supervision of the police to night houses; but he was not disposed to construct a drag-net which would bring all kinds of people under their jurisdiction. He would suggest to the Chancellor of the Exchequer that he might meet the difficulty in that case by defining a night-house to be a house which was kept open after the beer houses were closed.

COLONEL DUNNE said, he could not see why they should require the owners of houses in which spirits were not sold to take out a licence. He believed that the Act of last Session had been wholly inoperative in Dublin.

MR. HENNESSY said, they had passed a Resolution that took cheap tea from the poor people, and now it was proposed to put a tax on refreshments. He wished to know what amount the Irish Board of Inland Revenue had derived from licences granted under the Act of last year.

THE CHANCELLOR OF THE EXCHEQUER said, he could not answer the question. The hon. Gentleman, however, might have the Return if he pleased.

Motion, by leave, *withdrawn.*

THE CHANCELLOR OF THE EXCHEQUER then moved the following Resolution:—

"(6.) That, towards raising the Supply granted to Her Majesty, there shall be charged and paid upon every additional Excise Licence to be taken out by any licensed Dealer in Spirits in Great Britain to authorise and empower him to sell by retail Foreign or British Spirits, in any quantity, not less than one reputed quart bottle, or as to Foreign Spirits, in the bottles in which the same may have been imported, and not to be drunk or consumed on the premises, the sum of £3 3*s*.

LORD FERMOY said, that by the Resolution the right hon. Gentleman proposed to subject licensed victuallers to a more extended competition. The effect of the Resolution was simply this, that wholesale dealers, by simply paying a £3 3*s*. licence, would become retailers of spirits. That was unjust and unfair; because, in the first place, the licensed victuallers were obliged to submit to a very serious ordeal before they obtained their licences—namely, that of going before the justices of the peace. It was not fair that another body, who had to go through no ordeal at all, should have an opportunity of competing with them. The licensed victuallers were also subject to billeting and other disabilities. He, therefore, asked the right hon. Gentleman to withdraw the Resolution altogether. One of the reasons advanced in support of the Resolution was that practically wholesale dealers were in the habit of breaking the law. The right hon. Gentleman said that the law was openly invaded even by Members of that House. The right hon. Gentleman seemed to have a very limited idea of the extent of the cellars of hon. Members, but be that as it might, it was a little too much to say that the law was invaded, when no attempt had been made to enforce the law. They ought rather to say the law had been invaded, therefore, let us alter it. It was treating the licensed victuallers unfairly to say, "because we have never enforced the law for your protection, we are now going to abolish it altogether." If, however, the right hon. Gentleman did not intend to withdraw the Resolution, which he (Lord Fermoy) sincerely trusted he would, did he mean to carry it out to the letter? Would he take care that the Bill should be so framed as that the wholesale dealer—if this Resolution passed—and he (Lord Fermoy) sincerely hoped it would not—should be limited to the *bonâ fide* quart bottle? That would be some compensation to the body whose interests he was now advocating.

THE CHANCELLOR OF THE EXCHEQUER said, it certainly was his intention to press the Resolution upon the Committee, and he had no doubt it would meet with their approbation. It was quite true that the law as it stood was not put into execution, not because it was ambiguous, but because it was revolting to public opinion. It was irrational in itself, but it had been found impracticable to induce the administrators of the law to give effect to it, or at all events to give effect to it without denouncing its irrationality. Last year a Bill was brought in—the Refreshment Houses Bill—which certainly did raise up a class of rivals to the licensed victuallers. Not so the present Resolution, because the trade of the licensed victuallers was to supply liquors for consumption on the premises. It was in respect of that trade that they paid their licences; consequently they had no *locus standi* in opposing a Resolution which had no relation to anything to be consumed on the premises, and in spirits not to be drunk on the premises he did not admit that they had any right to a preference, much less to a monopoly. At the same time he was far from overlooking the peculiarities of their position, and the change proposed was a *minimum* one; indeed, it would be impossible for it to be more mild. The effect of the Resolution was to be limited to those traders who were in possession of a ten guinea licence. With regard to the question of the noble Lord, it certainly was his (the Chancellor of the Exchequer's) intention to adhere to the proposed limitation, and not to allow the wholesale dealers to sell spirits in anything less than a quart bottle. Many hon. Members even at home, and many more when staying away from home, as at a watering-place, must have had occasion for small quantities of spirits, and have found themselves not at liberty to buy them without sending to a public house. Every Government for the last twenty or thirty years had condemned that state of the law, and when the noble Lord asked whether it was his intention to carry out the law, he answered it undoubtedly was his intention.

SIR BALDWIN LEIGHTON entertained objections to the proposed changes, some of which he thought were contrary to all our other laws, and would inflict much hardship. He would suggest that no man should be summoned and convicted in his absence for an offence against the Excise laws.

CAPTAIN JERVIS said, he wished to know whether the quart mentioned in the Resolution was the imperial quart? What was commonly called "a quart" was everything from a pint upwards.

THE CHANCELLOR OF THE EXCHEQUER said, that the term "quart" was well understood. It did not mean an imperial quart, but a bottle six of which went to the gallon. He would attend to the suggestion of the hon. Baronet.

SIR MORTON PETO observed that as a general rule the licensed victuallers had a portion of their premises set apart for the sale of liquors in bottle.

MR. NEWDEGATE said, he had a petition to present from the licensed victuallers against the Resolution. He must say he thought the right hon. Gentleman was bringing the wholesale dealers into direct rivalry with the licensed victuallers. The argument founded upon morality was quite fallacious, for in fact it was proposed that the additional Excise duty should be levied upon an extended use of ardent spirits. He begged to tell the right hon. Gentleman that there was a public opinion even at the bar of a public house; and if a servant was frequently seen coming out of a public-house it soon became noised in the neighbourhood that spirits were consumed in her employer's house. He thought the present licensing system, with the preliminary investigation of the house and its master, tended to morality. The publicans had received rough treatment. As a body he believed them to be a good set of men, and he knew that they often rendered great assistance to the magistrates. He regretted, therefore, to see a dead set made against them.

MR. KER SEYMER said, that whatever might be the practice of the Excise officers elsewhere, he could inform the Committee that a witness who was examined before the Committee of 1845 stated that at watering places the law was evaded every day by very respectable wine merchants; in Brighton almost every House was informed against. In fact, people would not send to public-houses for brandy. Brandy diluted with water was a most valuable medicine; but it must be real French cognac and not such brandy as was commonly sold at publichouses. He had heard an excellent reason why the Excise did not do their duty. One of the witnesses before the same Committee, a wholesale dealer, said that he had frequently served two bottles of brandy at a time to the Chief Commissioner of Excise in his district. After that they might well say, *Quis custodiet ipsos custodes?* For many years he kept an establishment without knowing that such a law existed, as he never had any difficulty in obtaining brandy in small quantities from his wine merchant. The law only pressed upon some spirit merchants who had a conscientious objection to breaking it, and who in consequence lost their customers for both wine and spirits. A gentleman at a watering place might order a dozen of sherry and a bottle of brandy, and if the merchant refused to supply him with the latter, he would soon be informed by some of his friends of a merchant who was less scrupulous, and to whom he would transfer his custom. The restrictions under which licensed victuallers were placed, and of which so much had been said, were police regulations, which, of course, would not apply to places where no liquors were consumed upon the premises. He would make one suggestion to the right hon. Gentleman. It appeared that the dealers in wines and spirits were somewhat heavily taxed. They had to pay £10 10*s*. for a wine licence, £10 10*s*. more for a spirit licence; they had likewise to pay £2 2*s*. for what was called a maraschino licence. Now he thought that the new £3 3*s*. licence ought to convey a liqueur licence along with it.

THE CHANCELLOR OF THE EXCHEQUER said, that that would be the effect of the measure.

MR. CLAY said, he had no doubt the Chancellor of the Exchequer was quite right in saying that the licensed victuallers had no *locus standi* in this discussion, because if they sent out spirits to be consumed elsewhere than on the premises, that business was not one in respect of which they paid a licence. That might be so legally, but he begged to remind him that, according to custom, there was a broad distinction between the wholesale and the retail dealing. That distinction would be broken down by the change the right hon. Gentleman proposed to make. He (Mr. Clay) found that that alteration would give additional advantages to the larger dealers when placed in competition with the smaller. He thought the licensed victuallers had been hardly dealt with. With regard to the suggestion which had been made by an hon. Member opposite, he would only remark that it was known what a reputed quart bottle was in 1860; but in 1861 they all knew that a "reputed quart bottle" meant little more than a pint. He (Mr. Clay) strongly objected to the vagueness of this phrase.

Mr. W. WILLIAMS said, he thought after the legislation of last year that the licensed victuallers had a right to expect that they should be let alone for some time to come at any rate. The hon. Member for Dorsetshire (Mr. Ker Seymer) had pressed the measure strongly on a former occasion, and the Chancellor of the Exchequer had become a convert to his views. He (Mr. Williams) could not support the Resolution.

Mr. BRISCOE said, that a considerable portion of the profits of licensed victuallers was derived from the sale of spirits in small quantities to be drunk off the premises, and if the Resolution was passed they would have a claim to have the price of their licences reduced.

Resolution *agreed to*, as was also the following Resolution,

(7.) *Resolved,*

"That, towards raising the Supply granted to Her Majesty, in lieu of the Stamp Duties now chargeable for or upon any lease or tack of any Furnished Dwelling-house, for any term or period of time less than a year, or any agreement, minute, or memorandum of agreement containing the terms and conditions on which any such House is let, occupied, or held for any such term or period of time, where the rent for such term or period of time shall exceed £25, there shall be charged the Stamp Duty of 2*s.* 6*d.* with progressive duties respectively, to be calculated as in the case of deeds and instruments in general of the same amount.

"And for the Duplicate or Counterpart thereof the like Duties."

The CHANCELLOR of the EXCHEQUER said, he wished next to move the 8th Resolution. That which had just been adopted effected a very considerable reduction on the stamps chargeable on letting houses for short periods. The arrangement in existence till now had been that houses let for periods of one to three months were liable to the same amount of taxation as if let for twenty years. It was hardly fair that fugitive transactions should be taxed at the same rate as those of a more permanent character, and the effect of such a state of the law was that practically the duty was never paid. But by this Resolution the payment of duty would be insured, for it would be imposed on the class of persons who dealt in houses let for less than a year, who did not already pay duty in any other capacity. From the very nature of the principle so laid down it would be necessary that exemptions should be made to a considerable extent; he accordingly proposed to except from the scope of the Resolution auctioneers and appraisers, attorneys and solicitors, who sometimes dealt in houses, especially in Scotland, persons dealing in houses of a low rental. The object of the Resolution was merely to lay down the principle that those persons who dealt in the documents requiring a stamp should be brought by a licence under the view of the Board of Inland Revenue. He had no reason to suppose that the duty was opposed by the class of persons whom it would affect; on the contrary, those with whom he had been brought into communication had expressed themselves favourably towards the proposal. It would not be right to lay upon them a heavy duty, or to bring within the scope of it any other class of persons than those who were intended, such as those who dealt in the letting of houses for terms less than a year. Ordinary land agents would not be brought within the Resolution. A doubt might be raised upon the wording of the Resolution as it stood, but to introduce that class of persons into its provisions was quite foreign to its purpose and intent. The best form of exemption, however, could be settled when the Bill for carrying out these Resolutions was introduced.

Mr. AYRTON said, the Committee ought to view with great jealousy any attempt to extend the licensing system, which was calculated to interfere with freedom of action on the part of the community. It was true that auctioneers and appraisers paid duty, and so did attorneys; but these payments had no connection whatever with the letting of houses. The Chancellor of the Exchequer stated that certain house agents were willing to pay the tax. No doubt they were, because it tended to keep in their own hands the letting of houses. If every man who used a stamp for business purposes required to be licensed, it would be necessary to tax every merchant accepting a Bill, and every landlord issuing receipts for rent. In country towns it was usual to see announcements in shop windows that houses belonging to customers of the establishment were to be let or disposed of, but the effect of the Resolution would be to forbid all such notices, and to render it imperative that a house agent should set up for the purpose of conducting these arrangements. In short, if any hon. Member were asked to look after a friend's house, it would be requisite for him to be duly licensed.

MR. SERJEANT PIGOTT said, he understood the Resolution to be that a person carrying on the business of a house agent should pay a £2 licence, making those who conducted business with a profit pay some reasonable amount to the revenue. He did not understand it to mean what the hon. Member for the Tower Hamlets had stated.

MR. HENLEY would reserve his observations till a future stage of the question, so many limitations and exceptions having been mentioned by the right hon. Gentleman that it was difficult to say who came within the scope of the Resolution.

MR. AYRTON said, he should not divide the Committee on the Resolution. He would see when the Bill was produced if it were possible, which he did not think it was, to reduce the proposition to an intelligible form.

(8.) *Resolved,*

"That, towards raising the Supply granted to Her Majesty, there shall be charged for and upon a licence to be taken out yearly by every person who shall use or exercise the business, occupation, or calling of a House Agent, not being an Auctioneer, or an Appraiser, duly licensed as such, the Stamp Duty of £2."

THE CHANCELLOR OF THE EXCHEQUER said, he was considering whether it might be possible to extend the next Resolution somewhat further—to a certain portion of those who made use of animal power for the purpose of carrying on the hawking business. The duty chargeable on those who employed any animal, however humble or small, in aid of their trade of hawking was £8. Perhaps a distinction might be drawn in favour of parties who employed a donkey, for instance, as in the case of horses under thirteen hands high. As it would be a remission of duty it would be competent to introduce such an alteration in the Bill.

MR. HENLEY said, he entertained some doubt about the wisdom and propriety of granting the licences for six months. At the present moment much suffering was experienced in country districts by persons termed "tallymen" going round amongst the poor and tempting wives to make purchases of their wares in the absence of the husbands, and then summoning them to the County Court to recover the money. He feared that the result of giving licences for so short a period as six months would be to induce a still less reputable class of men to pursue that avocation, and that thus still more mischief would be done. He should not, however, oppose the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, he believed the licence would have a very different effect from that which was apprehended by his right hon. Friend. With regard to tallymen, he believed they did not pay for a licence at all. The law was extensively evaded—so extensively, indeed, that he had the best authority for stating that he was enabled to propose the reduction and yet to anticipate no loss of revenue. If they could bring about a state of things in which the hawking trade should be regularly and uniformly carried on by men who had licenses, instead of by men who had none, he was convinced that it would be conducted more respectably, and that the evils his right hon. Friend had mentioned would be less likely to arise.

MAJOR EDWARDS asked whether the tax would apply to men who carried about their wares in carts drawn by dogs?

MR. NORRIS said, he doubted the wisdom of reducing the amount of the licence. It would only subject to a more severe competition persons who paid not only the Queen's taxes, but who bore their share of the local burdens. Moreover, it would lead to a great deal of cruelty to animals.

MR. STIRLING said, he wished to call attention to a source of taxation which appeared to have been overlooked; in favour of which he had presented several petitions to the House, chiefly from the working people of Glasgow and its neighbourhood; and which, for several considerations, social and otherwise, was not unworthy the right hon. Gentleman's notice. It was generally admitted that in all the larger towns, especially in Glasgow, the number of pawnbrokers and of persons who were called brokers had greatly increased. According to the statement of Mr. Macrae, in a remarkable pamphlet lately published, there were in that city alone 79 of the larger pawnbrokers' establishments, and nearly 400 of those smaller establishments, most of which also lent money on pledge, and were popularly known in Scotland by the name of "wee pawns." From the same source he learnt that 30,000,000 of pawn tickets were printed annually in Scotland, and that of that number one-sixth were used in Glasgow, whilst the number of pawn tickets printed and used in the United Kingdom amounted to upwards of 150,000,000. No doubt many of these pawnbrokers carried on their business in a fair and an equitable manner, and might be classed in the category of honest tradesmen; but it was certain that that was not the case with a very large proportion of them. The connection between many of the lower class of brokers and the whisky shops was perfectly notorious; and the whisky dealer might often be seen pointing out to his penniless customer the neighbouring "wee pawn," where he might obtain, on his coat or his shirt, a pittance to spend on the decoction of alcohol, in which the other tradesman dealt. Although the pawnbroker was sometimes termed the poor man's banker, he thought that a banker who advanced money at a rate of interest which was ruinous to his customer, to be spent on deleterious spirits, might rather be called an instigator to intemperance and crime. He would suggest to the Chancellor of the Exchequer, then, whether he might not lay a stamp duty upon these pawn tickets; and if it were true that 150,000,000 of them were printed in one year, a farthing tax upon each would give £150,000, a sum which was not altogether beneath the notice of the right hon. Gentleman at the present moment.

MR. FRANK CROSSLEY said, he thought the proposed alteration of the law as to hawkers' licences would prove beneficial both to hawkers and their customers.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid it would be irregular then to discuss the question raised by the hon. Member for Perthshire (Mr. Stirling)—certainly a very grave and exceedingly important question, touching one of the sorest and most difficult places in our whole social organization. He confessed, indeed, that he should shrink from moving in the matter, unless he knew more of its merits than he did at present, for a great deal of examination was required before a legislative proposal could be made with advantage. If the hon. Member himself were disposed to take charge of a Parliamentary inquiry into the subject, no doubt he would render a great public service.

(9.) *Resolved,*

"That, towards raising the Supply granted to Her Majesty, in lieu of the Stamp Duty of £4 now chargeable for or upon a licence in Great Britain granted to any Hawker, Pedlar, or Petty Chapman who shall trade only in the manner hereinafter mentioned, there shall be charged the Stamp Duty following, that is to say:—

For or upon a licence to any such trading person who shall travel and trade on foot without any horse or other beast bearing or drawing burden, and who shall carry his goods, wares, or merchandise to, and sell or expose for sale the same at, other men's houses only, and not in or at any house, shop, room, booth, stall, or other place whatever belonging to or hired or occupied or used by, him for selling or exposing the same for sale in any town to which he may travel,

	£	s.	d.
Where such licence shall be granted for any period not exceeding six months	1	0	0
And where the same shall be grantfor any period exceeding six months and not exceeding a year	2	0	0

THE CHANCELLOR OF THE EXCHEQUER said, the object of the next Resolution was to produce a more minute graduation in the case of stamps on foreign bills.

(10.) *Resolved,*

"That, towards raising the Supply granted to Her Majesty, in lieu of the ad valorem Stamp Duties now payable for or upon Bills of Exchange drawn out of the United Kingdom for the payment of money exceeding £500, there shall be charged for and upon every such Bill of Exchange the Stamp Duty of 1*s*. for every £100 and part of £100 of the money thereby made payable."

THE CHANCELLOR OF THE EXCHEQUER, in moving the next Resolution, observed that for a long time there had been a practice, supposed to be legal, of selling table beer, under three halfpence the quart in value, without any licence. The practice had been carried on extensively in some parts of the country under the authority of a Treasury order of an old date; but recently the question had been raised by an information being laid against one of these small beer sellers, and the tribunal before which the case was brought had decided that the Treasury order was not a sufficient authority in the face of the rigid prohibitory terms of the Acts of Parliament requiring licences for the sale of beer. It was generally believed that the decision was sound and right in law; but it was felt that the total extinction of the trade would produce considerable inconvenience, and even misfortune in many instances to the poorer classes of the community. His object, then, in proposing the Resolution, was to legalise the trade, by requiring a licence to be taken out, so that it might be carried on with regularity, and the sum at which he would fix the licence was the very low amount of 5*s*. True, that was the imposition of a new tax; but the intention was to enable a beneficial trade to be carried on, which would bear a small charge of that kind, and the total stoppage of which would be attended with great inconvenience.

SIR WILLIAM JOLLIFFE said, great jealousy was entertained of these small dealers by the licensed beer-shop keepers. He wished to know, therefore, what system the right hon. Gentleman proposed to adopt for the regulation of this trade?

THE CHANCELLOR OF THE EXCHEQUER said, that the practice was entirely confined to the sale of beer not consumed on the premises. That being so, he apprehended that no special police regulations would be necessary.

(11.) *Resolved,*

"That, towards raising the Supply granted to Her Majesty, there shall be charged upon every Licence to be taken out by any person to sell Table Beer by retail at a price not exceeding the rate of one penny half-penny the quart, the Duty of 5*s*."

MR. ALDERMAN SALOMONS suggested that they were descending very low in the scale of taxation when they taxed the vendors of beer at three halfpence a quart. He thought a simple registration should be enough in their case.

THE CHANCELLOR OF THE EXCHEQUER pointed out that there was a difficulty in bringing them under the revenue officers without taxing them to some extent. The tax was, of course, exceedingly small, and he saw no reason why it should be dispensed with.

THE CHANCELLOR OF THE EXCHEQUER moved that the Chairman leave the Chair, and report the Resolutions to the House.

MR. BENTINCK said, he was sorry to interfere at that stage of the proceedings, but he must say one word, and it should only be one. The course, however, he was about to take was not one for which he was himself responsible. The very sudden termination of the debate on the paper question must have taken most hon. Gentlemen by surprise, particularly when they remembered the importance of the subject. That termination which owing to the absence of many hon. Members, and especially of those Gentlemen who sat on the front benches on both sides, must have created some surprise in the House, and would, he thought, also surprise the country, as indicating the great want of interest shown in the discussion of an important subject. He had put a question to the noble Lord at the head of the Government, to which he had obtained no answer, probably owing to the abrupt conclusion of the debate. That question he would now repeat. He had felt it would be in vain to put the question to the Chancellor of the Exchequer, as he had evidently made up his mind to persevere with his financial scheme at at all hazards. In again putting his question he would first remind the noble Lord that since they had discussed the question of finance news had reached this country from the United States of a most alarming character. It was quite clear now that all probability of the civil war being averted had ceased, and that it was likely to rage for some time to come. He would remind the noble Lord (Viscount Palmerston) that when he last addressed the House on the question of finance, and defended the repeal of the paper duties, he was not in possession of the momentous information he now had—he did not then know the position of things in the United States. The question he was about to ask the noble Lord was, whether he did not think the news which they had heard that day would bear in an important manner on the financial affairs of this country? He would ask the noble Lord whether he did not anticipate that the result of that intelligence would be to this country not only increased armaments, but a decrease both of Customs and Excise duties; and also a large amount of distress in the manufacturing districts, which would, to a great extent, tend to diminish the amount of revenue; and, if he did not anticipate such results, whether he was prepared to carry out the financial proposals which the right hon. Gentleman the Chancellor of the Exchequer had submitted to the House?

VISCOUNT PALMERSTON: No one, Sir, can regret more than I do the intelligence which has been received within the last few days from America; but, at the same time, any one must have been shortsighted and little capable of anticipating the probable course of human events who had not for a long time foreseen events of a similar character to those which we now deplore. From the commencement of this unfortunate quarrel between the two sections of the United States it was evident that the causes of disunion were too deeply seated to make it possible that separation would not take place, and it was also obvious that passions were so roused on both sides as to make it highly improbable that such separation could take place without a contest. In answer to the question of the hon. Member I would say that, however much I regret the intelligence which we have received within the last few days, yet that intelligence ought not, in my opinion, to make any difference in the arrangements which, after the fullest consideration, we considered were calculated to meet all the requirements of the public service during the present year. Consequently, we still adhere to that opinion which was also strongly expressed on the other side of the House, when, in addition to the reduction of the income tax, it was proposed to make a reduction in the tea duties. I am still of opinion that, in addition to the reduction of the income tax, the repeal of the paper duties may be made safely in reference to the financial position of the country.

MR. BENTINCK said, he thought the noble Lord had not quite understood his question. The noble Lord said the results of the disturbances in America had been anticipated in the financial arrangements. Did the noble Lord mean that arrangements had been made to meet the expense of increased armaments and the risk of diminished revenues, or did he simply mean that he did not anticipate that any such consequences would result from the intelligence lately received?

VISCOUNT PALMERSTON: I thought I had, by implication at least, answered all the questions of the hon. Gentleman. I do not perceive any reasons why we should apply to Parliament for increased armaments, in consequence of the events which are taking place in North America, and I also hope that the Customs' duties will not materially suffer in consequence of those events.

MR. DISRAELI: In moving that these Resolutions be reported to the House I think it would be convenient that we should know which of them are to be reported, as I understand that several are withdrawn. I understand that Resolution No. 5 is withdrawn by the Chancellor of the Exchequer, and also No. 8.

THE CHANCELLOR OF THE EXCHEQUER: The Resolution No. 5 I withdrew to meet the views of the hon. Member for Dungarvan, and to give him an opportunity, if he chose, of testing the opinion of the House. Resolution No. 8 stands differently. Objections were taken to it, as being too extensive in its scope, and I withdrew it for reconsideration, promising that if I could bring it into a satisfactory shape I would again propose it to the House, that not being of a nature to require a preliminary Resolution.

MR. DISRAELI: It appears, then, that the 5th and 8th Resolutions are withdrawn. As to the 4th, which is the Resolution having reference to the paper duty it passed in a very thin House, but it did not pass altogether unobserved. I saw it was for the general convenience of the House that the Resolution should be allowed to pass, but I reserved to myself or any other hon. Member the right in another stage to take exception to it. It is, therefore, open to us at the proper time to challenge the propriety of the policy of the Government in remitting the paper duty. I would remark to the House that from the manner in which these Resolutions have been brought forward, and the mode in which they are to be presented to us in one Bill, as far as we could learn from the speech of the right hon. Gentleman the Chancellor of the Exchequer in bringing in his Budget, the opportunities which this House will enjoy of expressing its opinion on that measure will be very much curtailed, and as far as the other House is concerned, their power of revision will be entirely abolished. These are reasons why we should proceed with these measures with unusual deliberation. It would be highly unbecoming to adopt a hurried or precipitate course, and, therefore, I would wish to know from the Government what are their intentions with regard to the Report upon these Resolutions, when they intend to bring in the Bill, and, generally, what is to be the course of business in respect to these Resolutions.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the course I propose is this. I intimated, on the part of the Government, in making the financial statement, that, for the convenience of the House, and the plan best adapted for this House as a branch of the Legislature exercising peculiarly a financial control, I should propose to bring all the Resolutions under the view of the House at once, and that at the close of the Committee I should move for leave to bring in a Bill to give effect to the Resolutions. I thought it was more convenient for the House to have all the main features of the Government plan brought consecutively and in combination before the House, instead of being presented as last year, when the income tax was moved in Committee of Ways and Means, the Customs' Resolutions in a Committee of Customs, and the Paper Duties Repeal appeared in a separate Bill. The inconvenience of that course was demonstrated by the hon. Member for Somersetshire (Sir William Miles), who, when he wished to raise a question upon the second reading of the Paper Duties Bill, felt himself compelled to call back attention to the Committee upon income tax, and to connect the two subjects together in a manner that was not provided in the Bill. I think, as several Resolutions are in the nature of details and have scarcely any financial character, and it would not be convenient to embody all those Resolutions in a Bill containing what I may call the financial plan. The Government proceeded upon the principle that the financial propositions are essentially one, although consisting of several parts, that the provisions imposing the income tax and the tea and sugar duties and repealing the paper duties are essentially part of one measure, and in that shape they present it to the House as the most convenient form for its consideration; but it will, of course, be my duty to give any further details, if such should be considered to be necessary. It is desirable that the matter should be disposed of with as little delay as possible, and as the Resolutions are of a very simple character, and have already been for three weeks in the hands of hon. Members, I trust the House will be prepared to proceed with despatch. Of course, if we anticipate any discussion of importance on any stage we shall give a full and convenient opportunity for that discussion. I shall move the Report of the Resolutions to-morrow, and, consistent with the forms of the House, any Bill or Bills founded upon them may be presented the same evening. In that case I think the proper course will be to move the second reading on Thursday, the Bill having been printed and placed in the hands of hon. Members on Wednesday. We can proceed with any subsequent stage as may be most convenient to the House.

MR. DISRAELI: I think that is pressing the business with precipitation. The Resolutions cannot be reported until very late to-night, and it is not at all impossible the Report may lead to considerable discussion. I do not think that asking the House to read the Bill a second time on Thursday is giving that fair time for considering the course which we ought to take which is desirable. I think the proper day for the second reading is Monday, provided there is no serious discussion on the Report. I reserve the right to myself and other hon. Gentlemen of disputing, on the stage of the Report, whether we shall consider these measures in one Bill or in several Bills. That may lead to considerable delay. Provided there is no delay in receiving the Report, and no discussion on the form of legislating upon the Resolutions, I think the Government ought not to propose the second reading of any Bill until this day week.

THE CHANCELLOR OF THE EXCHEQUER: I think the natural course is to move to-morrow that the Report be received. It may be more convenient to reserve the minor Resolutions for another Bill. But when we perceive what are the views of the House with respect to the stage to-morrow, we can make a definite arrangement with regard to the next stage —the second reading. At the same time, looking to the convenience of the public service, and to the advantage of certainty to those commercial interests which are dependent upon the judgment of the House, I think it will be a great disappointment if there is any prolongation of proceedings such as to make it necessary or expedient to postpone the second reading until Monday.

MR. DISRAELI: There is one point upon which I should like some explanation. Do I understand that some new details will be introduced into the Bill, founded on the Resolutions?

THE CHANCELLOR OF THE EXCHEQUER: No; what I said was, that I should make the usual Motion to bring in a Bill or Bills. The Bill upon which I propose to make progress is the Bill containing the main provisions of the Government plan, which constitutes one plan and one measure, although they relate to different subjects. It may be convenient to place the minor Resolutions in a separate Bill, and in that Bill it may be necessary to propose some other financial and administrative details.

MR. DISRAELI: With regard to the principal Resolutions which the right hon. Gentleman wishes us to pass, unseemly haste would be unnecessary for the public interest, but for the course adopted by the

Government. With regard to the duties on paper, tea, and sugar there is no pressure; and with regard to the income tax, if there is any inconvenience, it is in the power of the right hon. Gentleman the Chancellor of the Exchequer to remove it immediately by treating of the income tax in a separate Bill. If the right hon. Gentleman has devised a course which is inconvenient to the public interest, that is a question for him to consider and for which he is responsible. It is no ground upon which it should be demanded of this House to proceed with unusual precipitation. I must again remind the House that from the form in which the Resolutions appear before us it is debarred from the constitutional privileges which it would otherwise have enjoyed, and the other House has no power of revision. If ever there was an instance when it became the House of Commons to proceed with due deliberation and caution this is that instance, and I do not think the Government will gain in despatch by the rejection of a suggestion which I threw out for their consideration in no hostile spirit.

The CHANCELLOR of the EXCHEQUER: I wish not to be misunderstood. With regard to the income tax the inconvenience is administrative and financial. The right hon. Gentleman then says, separate the income tax from the other matters, and the House can then take a more leisurely course. The Government, however, could not take that course, because it is just as important upon grounds of certainty to trade and commerce to proceed with despatch in regard to tea and sugar duties as it is to proceed with despatch upon financial and administrative grounds in regard to the income tax.

Sir WILLIAM JOLLIFFE asked what had been done with the 5th Resolution?

The CHANCELLOR of the EXCHEQUER: That has been withdrawn altogether, and will be embodied in the first Bill.

Sir WILLIAM JOLLIFFE said, he also wished to know what had been done with the 10th Resolution, and what the Chancellor of the Exchequer intended to do with the Resolutions which he had called the "minor" Resolutions?

Mr. MASSEY said, the 10th Resolution was put before the 9th.

The CHANCELLOR of the EXCHEQUER said, if the Resolutions were reported the next evening, he proposed to introduce a Bill embracing the more important subjects. He should endeavour to have it printed on Wednesday. He might be able to present the two Bills on that day.

Sir WILLIAM JOLLIFFE: What Resolutions will the minor Bill contain?

The CHANCELLOR of the EXCHEQUER: All the Resolutions with the exception of the income tax, the tea, sugar, and paper duties, and probably, but not certainly, chicory.

Motion *agreed to.*

House *resumed;* Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

SUPPLY—REPORT.

Resolution *reported,*

"That a sum, not exceeding £500,000, be granted to Her Majesty, on account, for or towards defraying the Charge of the following Civil Services, to the 31st day of March, 1862, namely—

Printing and Stationery, £100,000.

County Courts (Salaries and Expenses), £40,000.

Constabulary (Ireland), £100,000.

Public Education (Great Britain), £100,000.

Public Education (Ireland), £30,000.

Census of the Population, £80,000.

Civil Contingencies, £50,000."

Resolution read 1°.

Motion made, and Question proposed, "That the said Resolution be read a second time."

Mr. HENNESSY rose to call attention to the extraordinary circumstances under which the Resolution authorizing a Vote of £500,000 on account of the Civil Service Estimates was passed in Committee of Supply on Friday, and to move to postpone the consideration of the Resolution for a fortnight. In the first place the printed Estimate of the Votes on Account was not distributed to Members till the morning after the Vote was taken. In the second place, the Home Secretary had stated early on Friday evening that no business would be done on that evening in Committee of Supply. The Government, therefore, took the House by surprise. There was, however, a far graver objection to the Vote than any such informality or breach of faith. A Vote on account of the Civil Services was a Vote to enable the Government to avoid the discussion of the Miscellaneous Estimates until such a period as they found convenient. A Cabinet Minister, the Chief Secretary for Ireland (Mr. Cardwell), had very frankly admitted on Friday night the object of the Treasury in getting this money on account, for he said, "We want to get this Vote to enable us to keep back the Civil Service Estimates till the close of the Session." That was a candid admission; and the right hon. Gentleman was quite right in thinking that this very serious result would follow the course the Government then recommended. Of course it would be extremely convenient and satisfactory to the Ministers to secure a result which would practically preclude any real criticism of one of the great branches of expenditure, but that was hardly a reason which should induce the House to sanction the practice of Votes on Account. Last year the Civil Service Estimates had not been discussed until the close of the Session, because Mr. Laing on the 14th of June had taken a similar Vote to this, and, in doing so, he assured the House "that it was by no means the wish or the intention of the Government to have recourse to the practice of taking Votes on Account." Well, the exceptional case (as Mr. Laing called it) of last year was now appealed to by the Ministers as a precedent, and the Vote on Account is taken as a matter of course, and taken six weeks earlier than in the past Session. When the Estimates were brought in last year it was so late that few Members beyond the necessary number retained in town by the Government were present, and the consequence had been that Ministers had on almost every occasion an overwhelming majority. During the recess sixty supporters of the noble Lord at the head of the Government had been struck with the amount of the expenditure, and the hon. Member for the City of London, he believed, had got up an address on the subject. [Mr. Crawford: I did not get it up.] The hon. Member had, at all events, got the credit of having done so, and of having, in conjunction with other financial Reformers, impressed on the Government the necessity that existed for effecting a reduction of expenditure. He (Mr. Hennessy) gave these Gentlemen a fair occasion on Friday night of vindicating their economic principles. He divided the House against the Vote on Account, he was supported by Conservative Members almost exclusively, and was beaten by a Liberal majority. He found that when the question of the propriety of taking Votes on Account arose, every one, then present, of those sixty ardent financial Reformers to whom he alluded, voted against his Motion. But, be that as it might, he should, with the view of giving the House an opportunity of pronouncing an opinion on the issue which he wished to raise, move that the Resolution be read a second time that day fortnight.

Mr. SPEAKER asked, whether the hon. Member objected to any particular Vote?

Mr. HENNESSY replied in the negative. He only objected to the taking of any Vote on Account of it being desirable to consider the question more fully at some future time.

Amendment proposed, to leave out the words "read a second time," in order to add the word "postponed," instead thereof.

Viscount PALMERSTON said, he hoped that the hon. Member would not persist in his Motion. In asking the House for a Vote on Account the Government had not given the reason which the hon. Member had imputed to them; they did not ask for a Vote on Account to enable them to postpone the Estimates until late in the Session, but they asked for the Vote because they were absolutely without the means of carrying on the public service unless they got a Vote on Account. The money was required to meet the immediate demands of the service, in consequence of the new arrangement with regard to the Miscellaneous Estimates, by which the balances of former years could not be applied to the service of a subsequent year. So far from wishing to postpone the Estimates, the Government would be glad to bring them on as soon as possible. The truth was, that hon. Gentlemen wanted everything brought on at one time. There were the Naval and Military Estimates, the Budget, and the financial measures, which were of very great importance, and yet hon. Gentlemen wanted the Miscellaneous Estimates to be at once discussed. It was not consistent with the interests of the public service to postpone all other business in favour of these Miscellaneous Estimates; and he hoped, therefore, that the House would give the Vote upon the ground on which it was asked.

Lord JOHN MANNERS asked how long the Votes required would sustain the service to which they were to be applied?

Mr. PEACOCKE said, he wished to ask when the Miscellaneous Estimates would be brought forward. These were a class of Estimates which it was necessary to inspect, and in which a judicious reduction might be made. But it was most desirable they should be brought on at an early period of the year, when they might be more advantageously dealt with than towards its close, when the House was made up chiefly of supporters of the Government.

Mr. CONINGHAM observed there was very little result from their criticising the Estimates. Indeed, the unfortunate German traveller for the National Gallery was almost the only instance of success in so doing. Let hon. Gentlemen opposite unite with those on his side of the House to reduce the income tax to its normal condition. Then they might call themselves financial reformers.

Mr. PEEL said, the amount of the Estimates asked for on account was only £500,000, and that, so far as he could calculate, the sum provided by the House would be sufficient to carry on the public service until the end of next month. He could not state when the Miscellaneous Estimates would be brought forward, that being a matter over which he had no control.

Amendment, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Resolution read 2° and *agreed to.*

COPYRIGHT (WORKS OF ART) BILL.

SECOND READING.

Order for Second Reading read.

The ATTORNEY GENERAL moved the second reading of the Bill.

Mr. WALTER said, that before the Bill was read a second time he wished to make a few observations on one important feature of it which appeared to him to be open to objection, and which he thought deserved the attention of the House. He apprehended that few hon. Members had read the various clauses of the Bill, and yet the measure was one which, if passed in its present shape, would seriously effect all persons throughout the country who might at any time become purchasers of modern pictures. It would be presumptuous on his part to criticise the construction of a Bill endorsed with such weighty and influential names as those which appeared on the back of the present measure; but, at the same time, he thought he was not incorrect in stating that the provisions of the Bill were not altogether consistent with its title. The Lord Chancellor recently stated that the object of the Bill was to protect artists against pirates and impostors. If that were all which the Bill proposed to effect he should be the last man to offer any objection to it; but if hon. Members would look at the 3rd Clause they would see that the protection which the Bill proposed to afford to artists was not against pirates and impostors only, but also against every person who happened to be a purchaser of pictures. The 3rd Clause provided that

> "The author of every picture, work of sculpture, and engraving, which shall be made, or for the first time disposed of, after the commencement of this Act, and his assigns, shall have the sole and exclusive right of copying, reproducing, and multiplying such work, and the design thereof, by any means, of any size, and for any purpose, for the term of the natural life of such author, and thirty years after his death."

Unless he read that clause incorrectly the effect of it would be that any person who purchased a picture after the passing of the Act, or, as the 6th Clause stated, who might have purchased a picture ten years before the passing of the Act, would be deprived of the power of permitting any friend to copy it, or of having it engraved himself. He was persuaded that very few persons would like to purchase works of art with any such conditions attached to them. The House had seen many a curious tenant-right Bill, but it appeared to him that to allow an artist, after he had sold a picture, to retain a copyright in it, and thereby to deprive the real owner of those rights which the artist originally enjoyed, was about as unreasonable a proposition as had ever been submitted to Parliament. Though a great lover of the fine arts, his taste lay in the direction of ancient pictures rather than in that of modern pictures, and, therefore, he had no personal objection to the Bill; but if he were a purchaser of modern pictures nothing could induce him to buy one with such conditions attached to it. He regarded the 3rd Clause as a great infringement upon the liberty of the subject, and if he wanted to have a picture copied he should consider such an enactment as an unwarrantable interference with his right of property. Let him put a strong case. Suppose a person wished to have a portrait of himself painted. One would naturally suppose that the owner of such a picture—the person who had commissioned and paid the artist should have the copyright in it; but, according to the present Bill, it was the artist who was to have the copyright, and the effect would be that any gentleman who might have his portrait painted and exhibited in the National Gallery would be prevented from having a photograph made of it, or from having it copied or engraved for any purpose. He viewed the 3rd Clause with jealousy and dislike, and he should be glad to hear that it was not the intention of the Government to proceed with it. So far as it protected artists against pirates and impostors the Bill would have his cordial support. Every artist was entitled to protection in the enjoyment of any copyright of which he might be the real owner, but he contended that neither artists nor engravers should be allowed to retain a right in any work of art which they had parted with for a pecuniary consideration. If the 3rd Clause were not altered in Committee by the promoters of the Bill he should take the liberty of proposing some Amendments.

Mr. CONINGHAM said, that many objections might be stated to the Bill, but perhaps they could be more fairly discussed in Committee than on the Motion for the Second Reading. The 5th Clause, however, was rather remarkable. It provided that

> "No copyright shall be acquired in any work of fine art, or in the design thereof, until the name or monogram of the author or maker thereof shall have been legibly signed, painted, engraved, printed, stamped, or otherwise marked upon the face or some other conspicuous part of such work."

Now, a monogram might easily be imitated, and was, in reality, no security at all. An artist from some chance or other might neglect to put his name or monogram on a picture, and in that case the 5th Clause would deprive him of a copyright in his work. It was not by a monogram that the hand of a artist was to be recognized, but by that skill which could never be imitated.

Lord FERMOY said, he also objected to portions of the Bill. The hon. and learned Attorney General had prepared the Bill, no doubt, in the interests of artists, but he had overdone it. It was a sound principle that if an artist parted with a picture or an engraver with a plate the copyright should go with it. To legislate upon a different principle would be really doing injustice to artists themselves. Artists, like other men, must bring their works into the market, and depend upon the competition of buyers. If the law did not give to purchasers everything they thought they ought to have there would be fewer of them, and, consequently, lower prices would be paid for works of art. The Bill, as it stood, would create an injurious monopoly, and it would also have the effect of preventing prints of some of our finest pictures from being circulated among the middle classes.

Mr. LAYARD said, he did not wish to oppose the Bill, as he had a great respect for the eminent artists at whose suggestion it had been brought forward, but he hoped the hon. and learned Attorney General would consider well before he asked the House to give it a second reading. Indeed, he considered the Bill would rather prejudice than benefit both art and artists. The metaphysical definitions at the commencement of the Act were, in his opinion, too vague and too indefinitely expressed. For instance, it provided that "a design should mean a conception, an idea, or a composition embodied in any work of fine art." Now, to define what was a conception or idea would, he believed, defy even the logic of the Attorney General. Then again, "originality" was provided for as an essential element of a production to be protected by the Bill. Who could draw the line between that which was and that which was not original? Art was too progressive in its character to enable any one to do that. Under such a Bill the greatest masters of antiquity would have been exposed to fine and imprisonment. Some of the finest figures in Raphael's and Michael Angelo's compositions were taken or copied, with some little variation, from artists who lived before them; and in the highest period of art, in the 15th century, there were constant repetitions of the compositions of the masters of the 14th century. Then "the idea or any part of an idea" was made the exclusive property of the artist. Now, who could determine what was a "part of an idea?" If a sculpture represented a man with a cloak on his right or his left shoulder, as in the two statues recently erected at Charing Cross, was that to be considered "an idea" or a "part of an idea?" The effect of these excessive precautions would be to prevent any gentleman purchasing a work of art. The greatest artists of antiquity, as likewise such artists as Reynolds and Turner, required no Bill, for their genius protected them. It was said that artists had a property in their pictures, but that was not strictly the case; for if they had such property in their works they could compel the purchasers to take care of them; whereas the purchasers might, on the contrary, burn them if they pleased. Of course if a special contract were made that would be another matter. He was glad to see the imitation of the monogram of an artist made a forgery and treated as a misdemeanour, for that provision would give some protection to artists. He dissented, however, from the notion that an artist was in any way injured by his picture being photographed or engraved; the more frequently that was done the more it added to his reputation. He was afraid that art was being reduced to that degraded state which rendered a picture more like a button, a needle, or any other common article of manufacture subject to the same, and only to the same, conditions with respect to purchase and sale. The effect of the Bill would be to confirm this objectionable state of things, to reduce art to a mere trade, and throw works of art into the hands not of amateurs but of traders.

THE ATTORNEY GENERAL said, that the objections which had been urged were objections to details, and, therefore, he was unwilling now to trespass on the attention of the House by making a general exposition of the objects of the Bill. He would, however, advert to some of the objections which had been made. With regard to the objection of the hon. Member for Berkshire (Mr. Walter) it did not appear that that hon. Member observed the difference between the purchase of a picture and the purchase of the copyright of the picture. It would be perfectly competent for the purchaser of a picture to say to the artist, "I will buy it out and out," giving a corresponding price for it; and, if he bought the copyright, he would then hold the picture free from every description of interference, and with the perfect right of dealing as he pleased with it. If, however, he bought the picture, simply as a picture, he would then have the gratification and delight resulting from its contemplation; but was it right that he should have copies and engravings made from it, using it for a different purpose from that for which the artist sold it? The same rule applied to authors. When a person bought a book he could read it, but could not multiply copies of it unless he purchased the copyright, and that was the answer to the objection of the hon. Member for Berkshire and of the noble Lord, the Member for Marylebone. Hon. Gentlemen must be aware that in many cases the greater part of the artist's remuneration arose from the reproductions of his work, and he could reserve that right unless the purchaser chose to buy it from him. A great advantage resulted from this distinction to the purchaser. It constantly happened that the frequent repetition of a work of art diminished the value of the original; indeed, nothing detracted so much from its value. The Bill would protect the purchaser in that respect, while, at the same time, it would ensure to the artist a price commensurate with the labour and genius he had exhibited. With regard to the objection of the hon. Member for Brighton (Mr. Coningham), he must observe that it was necessary to name something the imitation of which should come within the grasp of the criminal law, and, therefore, the provision referred to was introduced to make the application of the law of forgery more easy in respect to this matter. Was not the hon. Member, who seemed to think that the value of pictures would be degraded by the adoption of the provision, aware that all the most celebrated artists of antiquity adopted monograms?

MR. CONINGHAM explained that what he had objected to was the refusal of copyrights to an artist, because he might have forgotten to place on his picture a monogram.

THE ATTORNEY GENERAL said, the Bill made it a forgery to imitate the signature simply because the signature completed the evidence of ownership, and because without such a provision it would not be easy, or, in fact, practicable, to apply the ordinary criminal law. As to the criticisms of the hon. Member (Mr. Layard), he must again and again have met in reading works upon the fine arts with such expressions as "the idea present to the mind of the painter and embodied in his picture," and "the conception of his work formed by the sculptor." All painters and artists worked not from an extrinsic object, but from a conception which they had derived from extrinsic objects, and which, being present in their minds, they laboured to represent in their works. There was no difficulty, therefore, in applying this language in order to protect the originator of the picture. It was, in fact, the only mode by which they could secure to the artist the real ownership and property in that which constituted the distinctive feature and characteristic of his work. Then the hon. Member asked how "part of an idea" could be imitated. The explanation was easy. Suppose from a great picture one of the chief figures were taken, or suppose parts of several works were transferred so as to form one design, and such an aggregation of stolen parts were reproduced as original. There could be no difficulty in justifying the language of the Bill on that and other points in Committee, though he should be most happy to hear the criticisms and receive the suggestions of the hon. Member. The measure was an attempt for the first time to do justice to the artists of this country. There was no other country in Europe in which artists were not protected. The arguments of the hon. Member that artists would do best without protection would apply equally to authors, yet the right of the author to protection had been recognized by the Legislature. Was it not just to extend the same protection to the artist? It was admitted that everybody should have a property in that which was the work of his hands; and in what could a man have a property more justly than in those conceptions of the mind which were embodied in works of fine art? Why should the artist be deprived of his just and proper remuneration for that which was, in point of fact, the highest and the noblest property? This principle was recognized with respect to the author, and it was high time that it should be recognized also in the case of the artist. Parliament had extended the period during which property might be enjoyed in works of the mind embodied in print; but, while a book spoke only to those who were conversant with the language in which it was written, painting or sculpture spoke a universal language, and could be appreciated by the whole world. The artist, then, ought to be put in the same category with the painter, and he had no more apprehension that the Bill, if passed, would prove injurious to art than that the extension of the Copyright Act had proved injurious to the interests of literature. The two pursuits stood on the same foundation; they had the same right to protection, and he earnestly hoped that this Session would be signalized by the adoption of the tardy measure of practical justice then proposed in respect of works of art.

Bill read 2°, and *committed* for *Thursday* 16th May.

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Thursday, May 7, 1861.

WILLS OF PERSONALTY BY BRITISH SUBJECTS BILL.

ORDER FOR COMMITMENT DISCHARGED.

BILL REFERRED TO A SELECT COMMITTEE.

Order of the Day for the House to be put into Committee on the said Bill read.

LORD LYNDHURST: My Lords, I very much regret that I was prevented by accidental indisposition from being present at the second reading of this Bill. I am told that the Motion for the Committee was postponed in consequence of my absence, and I feel, therefore, that I am called upon to state my views with respect to the question which it involves—a question of very considerable importance, and one in which I confess I take a deep interest. In dealing with the subject, however, not much can be required of me after the very able statement of my noble and learned Friend by whom this measure was introduced (Lord Kingsdown). Some recent decisions have led to great confusion with reference to the form in which testamentary instruments ought to be executed by British subjects residing in foreign countries, and great anxiety has in consequence prevailed. There is hardly a professional person to whom application has not some time or another been made in such matters; and, speaking for myself, I must say I always found it much easier to put a question in these instances than to give a satisfactory solution of the point at issue. A very important decision was, in discussing this subject, referred to by my noble and learned Friend on a former night — I allude to the case of Bremer *v.* Freeman. For the learning of the Judges by whom that case was tried I entertain the utmost respect. It was determined by the Judicial Committee of the Privy Council; but I must say that, however great the respect I may have for the persons of whom that tribunal was composed—and I can unfeignedly say that I do respect them highly—their decision in this instance has tended very considerably—at least so far as residents in France are concerned—to increase the doubt and difficulty in which this subject is involved. The main question that was raised before them was one of French law to be decided by an English tribunal. It was a question of the most simple kind in point of form—namely, whether a domicile in France would be sufficient to convey testamentary power unless it had the authorization of the French Government. Several witnesses were examined in the case, among them eight or ten advocates from Paris, whose evidence was of a very conflicting character. The authorities which were appealed to were also found to be conflicting. My noble and learned Friend who sits on the bench opposite (Lord Wensleydale) delivered the judgment of the Court, and in doing so stated that the evidence was confused and unsatisfactory, and that it was extremely difficult for him or for the Court to decide as to the comparative weight of testimony of the different witnesses. The decision pronounced, however, was that a domicile *de facto*, without the authorization of the French Government, was sufficient to confer testamentary authority in France. Now, I very much regret the absence of a noble and learned Friend of mine in the south of France, because if he were here he could corroborate that which I am about to state—namely, that this decision created an extraordinary impression on the other side of the Channel. My hon. and learned Friend, Sir FitzRoy Kelly, in consequence, conceived he was bound to make application to one of the tribunals in France to investigate the question. It was proposed that ten of the most eminent advocates of Paris should be assembled for the purpose; and when I mention that among them were M. Berryer, M. Dupin, M. Odillon Barrot, I think it will be admitted that a tribunal better qualified to decide a question of French law could not well be found. Well, they came unanimously to the opinion that the judgment of our Courts and of the Judicial Committee of the Privy Council was wrong, and that domicile, unless authorized by their Government, was not sufficient to confer testamentary power. The principle of that opinion is, I may add, strictly in conformity with the written views of one of the most eminent of French lawyers. It must not, however, be supposed that in making these observations I am finding fault with the decision at which the Privy Council arrived. I mention these facts simply to show the position in which this question now stands, and the great doubt and difficulty which exist with respect to the form in which wills made by British subjects in France should be drawn up. A noble and learned Friend of mine, who sits opposite (Lord Wensleydale), suggested a mode in which that difficulty might be obviated, which I think somewhat curious. He said a will might be framed in duplicate—one being executed according to the law of England, and the other in accordance with the law of France. But, with all deference to my noble and learned Friend, this process would not obviate the difficulty which he sought to remove, inasmuch as when either one will or the other came to be proved the question of domicile would still arise, and the original difficulty would still have to be encountered. The will of a British subject as to personalty must by the law of England be framed in accordance with the law of the country in which he is domiciled at the time of his death. Such is the law of this country; and everybody connected with courts of justice knows the extreme inconveniences of that law. You must, in order to ascertain the domicile of a testator, ransack, as it were, the whole of his life. You have to read his letters and learn his declarations; so that the inquiry becomes almost interminable, and the expense, as a consequence, is generally enormous. My noble and learned Friend who sits near me (Lord Kingsdown), for instance, stated, I understand, in reference to the case of Bremer *v.* Freeman, that the costs amounted to £5,000—the sum involved having been but £10,000; so that nearly the whole of the estate was eaten up by the expenses attendant on the inquiry. There was a case decided in this House some weeks ago—"Acton *v.* Acton" I think it was—in which the question arose whether the testator had been domiciled in England or in Scotland? Now, one would think there would be no great difficulty in determining that point; but the evidence, nevertheless, occupied 1,800 closely-printed pages, and the arguments in the courts in Scotland lasted ten days. The case was brought up to the House of Lords on appeal; the arguments were continued for almost an equal number of days here, and the cost of the investigation must, under those circumstances, have been enormous. What they amounted to I cannot exactly say, because, in consequence of the relationship existing between the parties to the suit, an arrangement was entered into between them. Now, this being the state of things, some alteration in the law on this subject is, I contend, absolutely necessary. I think it right, with respect to the framing of a Bill, that we should go beyond the *lex* *domicilii*, and even to the extent of the doctrine *locus regit actum*. That is the object of my hon. and learned Friend's Bill. I have read many of the observations which have been made with respect to the measure, and I gather from them that one of the main charges made against it is that it is at variance with the principles of international law. Now, no charge can, in my opinion, be more unfounded. So far from being inconsistent with international law it reconciles with that law the law of England. Those who say the contrary misapprehend, in my opinion, the object of the Bill. It relates merely to the form of the instrument, and the manner in which it ought to be executed. It has nothing whatever to do with the construction of a will after it has been submitted to probate. And what, let me ask, is the consequence of a mistake in one of these documents in point of form? Why, that the will entirely fails; that the person who made it is declared intestate, and that his intentions are completely defeated. By the law of England as it at present stands, a will must be executed in accordance with the law of the place where the testator happens to be domiciled at the time of its execution and at the time of his death. That is a doctrine peculiar to the law of England among all European countries. I cannot say, however, that its operation is confined to England, inasmuch as this is also the law of the United States of America, who take it from this country. But it is not the general law of Europe—very far from it. By the law of Europe a person is allowed the option of framing his will either according to the *lex domicilii*, or in accordance with the law of the place where he happens to be at the time of the execution of the instrument. What, I would ask, can be more reasonable or proper? This is the law of Holland, it is the law of Belgium, of Germany, and of Spain. It is so laid down by all their most eminent jurists. All the authorities are collected in the fourth volume of Burge's *Commentaries*. It is also the law of France. Any Frenchman residing in a foreign country, and wishing to make his will, may, by an express article of the French Code, make it according to the law of France, or according to the law of the country where he happens to be at the time. But, more than this, it is the law of Scotland, and a case was decided not many months ago by the Court of Session in which that question came before them. The testamentary papers were made at Sumatra, and according to the law of Sumatra the question was decided in the Scotch Court, and the decision was that the will was perfectly valid in point of form. The whole scope of the judgment is deserving attention. I have it not here, and if I had I would not trouble your Lordships with it in detail; but I may say that the result of it is that, "according to the most eminent jurists"—these are the words of the Judges—"the party making his will has the option either to make it according to the *lex domicilii*, or according to the law of the place in which the will is made;" and Lord Kinloch, who gave a separate judgment, said that it was too late to agitate the question, for that it had been decided on the best authority that, with respect to wills as well as deeds, *locus regit actum*. My noble and learned Friend on the Woolsack stated with great correctness that the question, as applicable to the subject, is of recent origin. My noble and learned Friend, who is accustomed sometimes to mix up a little pleasantry with his great wisdom, told your Lordships on a former occasion that he hardly knew where his domicile was, for that it was at one time in Scotland and at another in England, and like that of a great many other persons, it seemed to be uncertain. It may be described as ambulatory. I can easily understand that when my noble and learned Friend, in early life, first crossed the Border, his motto was "Forward, forward, forward!—*Vestigia nulla retrorsum!*" and had he not been extremely successful, in all probability his domicile would have been in England. But when, during the last autumn, my noble and learned Friend recrossed the Border, full of years, full of wealth, and full of honours, carrying with him that mystical emblem, the Great Seal of England—[The LORD CHANCELLOR: The Great Seal of the United Kingdom.]—which was exhibited much to the admiration of his countrymen; and when he heard those harmonious tones to which he was accustomed in early youth, I can conceive that he might have said—

> "Still do I hope, this length of labour past,
> Here to return, and die at home at last."

This doctrine of domicile dated from a very remote time. In olden times, when a man carried with him most of his personal property in the shape of money, clothes, ornaments, arms, &c., "*Mobilia sequuntur personam*" was the motto, and we know that the most powerful Baron generally possessed moveables of the most scanty description. In his reception-hall the floor was covered with rushes, and there were stools and forms for the guests; and then it might be very well for such a rule to prevail. But is that the case now? A British subject residing in Paris may possess a large amount of leasehold property, and railway, canal, and dock shares, all of which are personal property; but if a man possesses a single acre of freehold property and makes his will, that will is never affected by the domicile. Now, an Englishman, wherever his domicile, still retains his character as a British subject; and why should he not, as far as his personal property is concerned, have any power to dispose of it that may be consistent with the law of this country? It is to this object that the Bill of my noble and learned Friend is directed. My noble and learned Friend (Lord St. Leonards) stated a singular objection, as I understand, to this Bill. I admire my noble and learned Friend's learning, to say nothing whatever of his enlarged and liberal views. He seemed to consider that Englishmen were of a migratory character, and too much given to visit foreign countries, and that there was some covert design in this Bill to enable Englishmen to spend their money abroad and still remain in enjoyment of all the advantages of English law—by which he must have meant the advantages of his own law—for my noble and learned Friend is the author of the Wills Act, the most complicated piece of legal machinery—

LORD ST. LEONARDS denied that he was the author of that measure, and said that he had very much objected to many parts of it.

LORD LYNDHURST: My noble and learned Friend if he was not the author of the Act was certainly the adopter of it, and I heard him, when sitting on the Woolsack, defend the Bill with the most persevering activity and pertinacity. I believe that my noble and learned Friend who introduced the present Bill considers that nothing could be more advantageous than intercourse with foreign nations—that it tends to humanize mankind, to get rid of prejudices, and promote civilization. In this particular he differs from my other noble and learned Friend; and I can assure your Lordships, from the intercourse I have had with my noble and learned Friend, the author of the present measure, that he has no covert design whatever in the introduction of the Bill. He is entirely incapable of such an object, for there is not in this empire a man more single-minded and more straightforward. He saw the great defect in our law, which required a remedy, and he introduced the present Bill to afford that remedy, and I have no doubt that when it comes out of Committee it will accomplish the excellent and laudable purpose for which it is intended.

LORD ST. LEONARDS said, he was very glad to hear his noble and learned Friend again, although he subjected him to an attack that he did not merit. His noble and learned Friend had designated him the father of the Wills Act; but that was an entire mistake, for he had no more to do with it than any stranger out of the House. He never approved of a great deal of it, and particularly not of that part which was now in agitation. The Act required that the testator should sign his name at the end of the will. Thousands of wills were, however, declared void, and thousands of hearths were made unhappy, because by a mere informality more space was left between the will and the signature than was absolutely necessary. In such cases the question was not whether the will was properly executed, but simply whether there was a certain space left which might be measured by a carpenter's rule; and the consequence was that so many wills were pronounced invalid that they were carried away from Doctors' Commons by basketsful at a time. He was shocked at such a state of things, and as soon as he had the honour of a seat in their Lordships' House he applied himself to frame a remedy. He, therefore, brought in a Bill, of which he was prouder than of any act in his life, which had had this effect—that not a single will had since been made void on this point of form. And the Wills Bill which his noble and learned Friend said he had heard him pertinaciously defend on the Woolsack was not the original Wills Bill but his own Bill to amend it. His noble and learned Friend had quite misunderstood him in representing him as opposed to the principle of the present measure. On the contrary, he approved of it, if the question of domicile could be settled satisfactorily. But had a man who resided abroad any particular claim for facilities that were denied to the man who lived at home? The Legislature had the power to get rid of the law of domicile as between England and Scotland, but it could not do so as regarded foreign countries. The law of domicile was of the law of nations, and unless they could get foreign nations to agree with them they could not change that law, except in regard to such property as was within the jurisdiction of our own Courts. In effect, an English will executed in this country would now pass both English and French property; one by the law of England, and the other by international law. The Bill, however, proposed to change the law of domicile, and to enact that no domicile should affect an English will. But how would such a law operate in France? If they abolished international law in regard to France, that country would be equally entitled to refuse to admit it as regards England. He was not opposed to the principle of the Bill; but he maintained that as it stood it would deprive British subjects of advantages which they now possessed under international law when they made their wills abroad. By the law of France a foreigner legally domiciled there acquired civil rights, and among others the right to make a will according to French law, and he thought it would be a desirable thing if the noble Earl opposite (Earl Granville) would obtain through the noble Lord the Foreign Secretary a Return of the number of persons who during the last ten years had, by the authorization of the Government, acquired a legal domicile in France, or had been naturalized, so that they might form some idea of the extent to which this measure would operate. He saw no reason why the formalities required by law in making a will should be altered in favour of persons making their wills abroad, while they were retained in the case of persons making their wills at home. He hoped that in Committee such changes would be made as would obviate the objections which now applied to the Bill.

LORD WENSLEYDALE said, that his objection to the Bill was that it was an attempt to do that which such legislation could not do—namely, alter the law of nations. The authorities were full of the principle that by the law of nations the domicile of the deceased at the time of the death governs the disposition of his personal property. He believed the proposed alteration to be useless and unnecessary. His noble and learned Friend (Lord Lyndhurst) had ridiculed the idea of duplicate wills as a means of getting over the difficulty which a testator might sometimes feel himself placed when he was not certain in which of two countries he was domiciled. He (Lord Wensleydale) did not suggest duplicate wills, but one executed with the formalities required by both countries. For instance, it was perfectly easy to execute a will valid according to the French form by subscribing in the presence of two attesting witnesses, which would make it valid as an English will.

LORD CHELMSFORD said, that as he believed it was agreed that the Bill should be referred to a Select Committee, he would not trouble their Lordships with many observations; but he must say that the arguments of his noble and learned Friend, and especially of Lord St. Leonards, had clearly established the necessity for such a measure as the present. Why was it that the present Bill had been brought forward? It was because the decision of the Judicial Committee of the Privy Council in Bremer *v.* Freeman had shown that it was indispensable that some alteration of the law should be made. Nothing could be more helpless than the condition of an English testator in a foreign country under the present law. It was said that the English law favoured testamentary dispositions because a testator was assumed to be *inops consilii*; but surely no person could want counsel more than an English testator in a foreign country, when it was impossible for him to determine whether he had acquired a new domicile or not, or whether a new will had become necessary; for although it was necessary that a new domicile should be acquired *animo et facto*, the circumstances in each case were so varying and often conflicting that it could hardly be determined when this new domicile had been acquired. The proposition to overcome the difficulty by making two wills did not get rid of the evil. It seemed like an attempt to get rid of a difficulty by multiplying it.

LORD WENSLEYDALE said, he proposed that only one will should be executed.

LORD CHELMSFORD: But in order to make either will good it would be necessary that the testator should have at his elbow somebody who was well acquainted with those portions of the laws of both countries which were not conflicting, and should be able to blend these together. That certainly seemed an extraordinary way out of the difficulty which existed. After the powerful way in which the question had been opened by his noble and learned Friend (Lord Lyndhurst), whose voice they were all delighted once more to hear, it was unnecessary for him to do more than to press on their Lordships the absolute necessity of this Bill.

The LORD CHANCELLOR said, he rejoiced exceedingly to see his noble and learned Friend (Lord Lyndhurst) in his place, and he was glad that in the discussion they had had the benefit of his experience, talents, and learning. He thought, however, noble Lords had been rather too hard on this Bill, and had treated it rather as if it were already upstairs before a Select Committee. There was certainly one clause as to which no difficulty could exist, nor any question of international law arise—namely, that a will made in Ireland, Scotland, or England, should be good over every part of the United Kingdom. The question was, undoubtedly, surrounded by many difficulties which could be best discussed in a Select Committee, and he trusted that when it had been there considered it would obtain the approval of their Lordships.

LORD KINGSDOWN said, that after the powerful speech of his noble and learned Friend (Lord Lyndhurst), and the great authority which he brought in support of the Bill, it would be unpardonable if he should trespass on their Lordships with more than a few observations. He did not object to refer the Bill to a Select Committee, on the contrary, he meant to propose that course. The objections that had been made to the Bill were founded on a misapprehension of its objects and scope. It had two distinct objects, one of which was not embarrassed by any difficulties arising from questions of international law. It applied only to the difference between the testamentary law of England and Ireland on the one hand, and of Scotland on the other. Its object was as between those countries to get rid of the question of domicile and to provide that, whatever the domicile of the testator might be, that if a Scotchman made his will in England according to the English form, the will should be good; and if an Englishman made his will in Scotland according to the Scotch form, the will should be good. With regard to the other part of the Bill—that which related to wills made in foreign countries—he must express his surprise to hear it stated that he was interfering with the present law of nations. What he desired to make the law of England was already the law of every country in Europe except England. It was impossible that the law upon this subject could be permitted to remain in its present condition as laid down in Bremer *v.* Freeman. That decision was pronounced in the ultimate Court of Appeal on such matters at the time it was pronounced, and it must remain the law of England until altered by Act of Parliament. According to that decision a man might for testamentary purposes be held by the law of England to be domiciled in France, though by the law of France he was not held to be so domiciled; and he might have lost the power of making a will according to the law of the one country, without having acquired the power of making it according to the laws of the other. He was satisfied, however, that the objections to the Bill could be best discussed in a Select Committee, and he moved, therefore, that the Bill be so referred.

Lord Chelmsford

The Order for Commitment *discharged;* and Bill *referred* to a Select Committee.

The Lords following were named of the Committee:—

L. Chancellor.
L. Privy Seal.
E. Stanhope.
E. Malmesbury.
E. Ellenborough.
L. Colchester.
L. Lyndhurst.
L. Rossie.
L. Cranworth.
L. St. Leonards.
L. Wensleydale.
L. Chelmsford.
L. Kingsdown.

House adjourned at Seven o'clock, to Friday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 7, 1861.

MINUTES.] PUBLIC BILL.—1° Princess Alice Annuity.

FINANCIAL BUSINESS.

OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER: I beg, Sir, to give notice that, finding it will be more regular that a proposal relating to the Customs' Duties on Paper should not be placed in a Bill without a preliminary Resolution, I purpose, with the permission of the House, taking that preliminary Resolution in Committee of Ways and Means to-morrow. I would suggest to the hon. Member for Dungarvan

(Mr. Maguire), if he wishes to raise a question on the subject, that a convenient opportunity for doing so would be afforded when I subsequently propose to insert that Resolution in the Financial Bill, which I shall do when the Bill goes into Committee.

Mr. MAGUIRE said, he wished, if he were not out of order, to state the reason why he could not comply with that request.

Mr. SPEAKER intimated that such a course would be irregular.

Mr. NEWDEGATE said, he wished to put a question to the Chancellor of the Exchequer as to the statement he had recently made. Was the House to understand that the Bill to be introduced with reference to the changes which were proposed to be made by the Government, would include the changes in the Customs, Excise, and Stamp Duties; would it include the changes in all the branches of the Revenue in one Bill, because he believed that was a proceeding almost unprecedented? He wished to know whether all these changes were to be introduced in one Bill?

The CHANCELLOR of the EXCHEQUER: Sir, I do not know whether I am to be permitted to answer the question or observation of the hon. Member for North Warwickshire. I beg, however, to give the observation an emphatic and decided, but polite, denial. The intention of the Government is to include the principal and purely financial proposals in one Bill.

Lord JOHN MANNERS: I wish, Sir, to ask the right hon. Gentleman, since he has heard the refusal of the hon. Member for Dungarvan to postpone his Motion, and seeing that there are fourteen Orders of the Day to be disposed of before we go into Committee of Ways and Means to-morrow, whether he means to take a Committee of Ways and Means to-morrow?

The CHANCELLOR of the EXCHEQUER: Sir, I wish to be governed by the convenience of the House. If there is time to-morrow, after the Motions have been disposed of, we should wish to go into Committee of Ways and Means, but, of course, we desire to act with the general concurrence of the House.

Mr. MAGUIRE said, he wished to know whether the right hon. Gentleman would consent to the appointment of a Select Committee on the Customs' Duty on Paper before he brought the matter forward for the formal decision of the House?

The CHANCELLOR of the EXCHEQUER: As I understand the question, Sir, it is not one of an inquiry into the effect of foreign legislation on the interests of our own Papermakers, but whether we shall consent to abolish the Excise Duty on Paper, and constitute anew, by Act of Parliament, a very high protective duty on that article? Without the slightest intento obstruct any Parliamentary inquiry, we certainly could not consent to any proposal of that kind.

AMALGAMATION OF THE INDIAN ARMY

QUESTION.

Mr. DANBY SEYMOUR said, he would beg to ask the Secretary of State for India, Whether he can give any information with regard to the progress of Army Amalgamation in India?

Sir CHARLES WOOD said, in reply to the question of his hon. Friend, that he had received a statement two days ago by the last mail from Lord Canning to the effect that the Government of India had agreed upon a General Order to carry the amalgamation into effect at the earliest opportunity. He had not received a copy of that Order, but he expected it by the next mail, and as soon as it was received it should be laid on the Table of the House.

MEETING OF SELECT COMMITTEES ON ASCENSION DAY.

QUESTION.

Mr. SOTHERON ESTCOURT said, he wished to inquire of the noble Lord (Viscount Palmerston), Whether it was his intention to make a Motion, similar to that of former years, providing that Select Committees should not sit on Ascension Day till two o'clock?

Viscount PALMERSTON said, the course indicated by the right hon. Gentleman was the usual practice, and as he had not yet made that Motion, he was willing to do so at once.

Motion *put*, and *agreed to.*

FORTS AT SPITHEAD.

QUESTION.

Sir MORTON PETO said, he wished to ask the Under Secretary for War, If the Government intend to proceed with the Forts in the Roadstead of Spithead?

Mr. T. G. BARING said, the Government had considered this matter with great care, and proposed to continue the construction of these forts. He might add that the Paper moved for the other day by the hon. Baronet had been presented, and would probably be in the hands of hon. Members to-morrow.

RAILWAYS IN INDIA.

QUESTION.

SIR MORTON PETO said, he would now beg to ask the Secretary of State for India, What steps the Government intend to take consequent on a Despatch from India, dated the 22nd of February last, in which it is stated that "a state of things is possible, or rather probable, in which, in the event of funds not being supplied from home, in anticipation, to carry on the Railway Works, the Government of India would have no alternative but to order their abrupt and complete suspension ?"

SIR CHARLES WOOD said, he was very sorry that the statement referred to by the hon. Baronet had been published, because it had excited a considerable degree of apprehension, which he believed was totally unfounded. There was not the least intention of allowing the railway works now in progress in India to be stopped. Those works had been carried on last year to the full extent that could be executed, the whole expenditure incurred for them during that year having been £8,300,000, of which sum there was received from the shareholders £5,800,000. He believed it would be equally detrimental to the interests of the shareholders, the Government, and the public if those works were suspended.

MR. DANBY SEYMOUR said, he wished to know, whether it is intended to continue the branch of the Great Indian Peninsular Railway into the cotton districts?

SIR CHARLES WOOD said, the works along the whole line from Bombay into the interior of the cotton-growing country would be carried on as rapidly as possible.

PAY OF YEOMANRY OFFICERS.

QUESTION.

VISCOUNT CURZON said, he wished to ask the Under Secretary of State for War, Why the pay of Yeomanry Officers has been reduced to seven shillings per day?

MR. T. G. BARING said, that the reduction had been made in consequence of the Report of a Committee composed of Officers of the Line and of Yeomanry Officers, who had been requested by the Secretary of State to consider the present position of the Yeomanry service. The Committee reported that, while recognizing the value and utility of that force, they thought some saving in the cost of its maintenance might be effected, and, among other reductions, they recommended this one in the pay of the Officers. From conversations he had had with many of them, he believed they would not object to that change.

MAJOR EDWARDS said, he hoped the Report of the Committee would be laid on the Table.

COLONEL KNOX said, he wished to know whether the Report had yet been made to the War Department?

MR. T. G. BARING said, the Report had been made, and it would be laid on the Table at once.

CATHOLIC INMATES OF PRISONS.

QUESTION.

MR. MACEVOY said, he would beg to ask Sir John Acton, When he proposes to bring on the Motion relative to the treatment of Catholic inmates of Prisons in Great Britain, of which he gave notice last Session?

SIR JOHN ACTON said, he should wait till he knew the result of an analogous inquiry relating to the treatment of Catholic inmates of Workhouses before he decided on the day for bringing forward the subject.

REPUBLIC OF HAYTI.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has received information of a Proclamation by the President of the Republic of Hayti, protesting against the possession of the Dominica portion of the Island by a slave-holding State such as Spain, and calling on the Population and the Army to defend their liberties and independence; and whether the attention of Her Majesty's Government will be turned to the protection of Free Institutions in that country?

VISCOUNT PALMERSTON: Sir, Her Majesty's Government received, not directly from the President of the Haytian Republic, but from the agents of that Government in Europe, a protest against the annexation to Spain of the Dominica portion of the Island, pretty much in the terms mentioned by the hon. Gentleman. No step has yet been taken by Her Majesty's Government on the subject. Indeed, the annexation can hardly yet be said to have been effected.

BELLIGERENT RIGHTS AT SEA.

QUESTION.

MR. WALPOLE said, he rose to put a Question to the noble Lord at the head of the Government, and to the hon. Member for Liverpool (Mr. Horsfall) who has given notice of a Motion respecting Belligerent Rights at Sea. He (Mr. Walpole) had understood the noble Lord the Secretary of State for Foreign Affairs to state on the previous evening that questions connected with the Declaration of Paris were under the consideration of the Government, who would officially announce the conclusions at which they arrived as soon as those questions had been determined by them. He would put it to his hon. Friend the Member for Liverpool, Whether, in the present very delicate and complicated state of affairs it would be for the advantage of his Motion or for the benefit of the public interests that such a discussion should be raised at that moment? If, however, the noble Viscount should be of opinion that the Motion might come on without disadvantage to the public interests, he (Mr. Walpole) did not at all desire to interpose any objection, but if the noble Lord thought otherwise he trusted his hon. Friend would consent to postpone his Motion to a more favourable opportunity.

VISCOUNT PALMERSTON: Sir, I entirely concur in the views of my right hon. Friend as to the inexpediency of discussing to-night the question which the hon. Member for Liverpool intends to bring forward. The House will bear in mind that my noble Friend (Lord John Russell) stated last evening that this question of international rights, as connected with belligerent rights at sea, is of a grave and complicated character, that it is under the consideration of the Government; and until the Government shall be in a condition, after consulting its legal advisers, to make some distinct communication upon the subject it would be inexpedient, and, indeed, impossible for them to enter into any discussion upon the matter. If the hon. Member for Liverpool persists in making his Motion, I can only say it will be impossible for the Government to make any other statement to this House in the present condition of things, but it must remain wholly silent. I think, with submission, that any discussion upon so delicate a matter in the present state of affairs would be prejudicial to the public interests, and I, therefore, urge the hon. Member to postpone his Motion to some future period.

MR. HORSFALL said, that his own inclination would lead him to proceed with the Motion of which he had given notice, but, as his own judgment concurred with what had fallen from the noble Lord and the right hon. Gentleman (Mr. Walpole), he felt that, under the circumstances, he had no alternative but to postpone his Motion until the views of the Government were before the House.

THE BARON DE BODE'S CASE.

OBSERVATIONS.

THE ATTORNEY GENERAL said, he wished to appeal to the hon. and learned Member for Tiverton to postpone the Motion on the case of the Baron de Bode, which stood in his name for that evening, till a future day, in order that he (the Attorney General) might inform himself more particularly on the details of the subject.

MR. DENMAN said, he was very unwilling to postpone his Motion for referring this case to a Select Committee, but he could hardly refuse the appeal that had been made to him by the hon. and learned Attorney General, as it was right that he should watch every word he (Mr. Denman) should have to use in urging this case upon the attention of the House. He trusted that on a future day, however, he should be successful in obtaining the assent of the House to an inquiry on the subject before a Select Committee.

THE IONIAN ISLANDS.

PAPERS MOVED FOR.

MR. MAGUIRE: Sir, I respectfully solicit the kind indulgence of the House, while I endeavour to lay before it such facts and reasons as, in my opinion, justify me in the demand which I am about to make. In the early part of last Session, I asked the noble Lord at the head of the Government if he would consent to lay the papers for which I seek on the table; and on that occasion I received one of those answers for which the noble Lord is somewhat remarkable, and which generally cause considerable merriment in this House The noble Lord said, "I will not give them." In consequence of that refusal, I then determined to submit a Motion to Parliament for the production of those papers, and I gave notice to that effect; but, in consequence of the pressure of urgent public business, mainly caused by the complicated and voluminous character of the financial proposals of the Government, I was compelled to forego my intention. I repeated the notice of Motion early this Session, and I now, using the privilege of an independent Member, bring it forward this day; and I think the present time affords an excellent opportunity of discussing a subject which is one eminently deserving of consideration from a British Parliament. The subject is one of equal importance and delicacy, and I, therefore, ask the indulgence of hon. Members while I proceed to bring it before their notice. It was a matter of surprise to many hon. Members to whom I spoke in private, with respect to these papers, that the necessity for such a Motion as I am about to make should have existed—that the Government should have persisted in refusing to Parliament any and every information with respect to the political condition of a people for whose good government, welfare, and content, Parliament and the country are responsible in the estimation of the world. It is true, Her Majesty's Ministers have taken the entire responsibility of the government of the Ionian Islands upon themselves; but, Sir, I deny that they can, either morally or in a constitutional sense, relieve Parliament and the nation from the heavy obligation in which both largely participate. If, Sir, the papers for which I now seek were of a different character from what I believe them to be there would be no necessity for this Motion. If the Ionian people enjoyed a state of profound political repose—if they were content with the existing state of things—if the Representatives of the British Crown opened each Session of their Parliament amidst the felicitations of its Members — if loyal and grateful addresses were periodically transmitted to Her Majesty, the Sovereign Protectress of these islands—if the municipal bodies, and others who may be supposed to express the popular wish, frequently testified their satisfaction at the continuance and consequence of the political connection which exists — if such were the feeling, and such its manifestations, we should have had no occasion to ask for papers in relation to the Ionian Islands; either they would be voluntarily placed upon our table by the responsible Minister of the Crown, or we should find some independent Member properly instructed to evince a laudable anxiety for their production. But when the very opposite is the fact—when, so far from the Ionian people being sunk in a condition of profound repose, they are in a state of agitation which is constant and perpetual—when their impatience of British rule has become a passion, almost a frenzy—when the popular discontent has assumed the character of a chronic disease—when your Representative regards with absolute horror the commencement of each recurring Session—when petitions and memorials, praying for a dissolution of the political tie that links two peoples, so antagonistic and dissimilar, are adopted on every possible occasion—when such is the state of things in these islands, I ask, is it not due to the honour of this country, and to the credit of those free institutions of which you are so proud of boasting, that Parliament shall be duly informed of their existence, and not systematically kept in ignorance with respect to them? Is it right that we, who, in the eyes of the world, cannot get rid of our heavy responsibility to these people, should only know of their condition, their movements, their feelings, and their wishes, through some sneering paragraph in a hostile foreign journal, or from some occasional taunt in the despatch of an indignant Minister of a foreign Government, which had been lectured by our Foreign Office. Sir, it is a matter of surprise that, from the year 1853 to the year 1861—a period of nearly nine years—we have not, in our public records, a single word of information with respect to the political transactions of these islands; although, as I shall proceed to show, events of great moment, at least to their inhabitants, have occurred immediately previous to, and since the date of our last information in 1852. Let me, in the first place, say something of these islands, their inhabitants, and their connection with this country. These islands are seven in number:—Corfu, Cephalonia, Santa Maria, Zante, Ithaca, Cerigo, and Paxo. Admirably circumstanced for trade and commerce, and enjoying a delicious climate, they are blessed by nature with singular beauty and fertility. Those who have ever visited them speak of them with rapture; while those who have resided for any time in them and amongst their inhabitants think and speak of them with the fondest remembrance. They are inhabited by a lively, graceful, impulsive, and gifted people—the descendants of a race whom every scholar, every man of education and refinement justly regards as the greatest benefactors of the human family—a race who have bequeathed to the world and mankind a deathless legacy in those arts which adorn and dignify the life of a people—in those monuments of genius, and beauty, and grandeur which are at once the germs and the evidences of our highest civilization—a race who, in their career of matchless glory, wielded, with equal success, the pen of the poet and the historian, the tongue of the orator, the pencil of the painter, the chisel of the sculptor, and the sword of the soldier and the patriot. The inhabitants of these islands cherish in their inmost heart, as their most precious heritage, a glorious pride of ancestry. They boast, and truly boast, that they are descended from the same Greek people who have left to all time, and all ages, and all peoples, that glorious example of what a nation can do when defending its soil from the pollution of an invader's footprints, and its freedom—its homes, its hearths, and its altars—from the yoke of a foreign despot. They sympathize with their brethren of Greece in the traditions and memories of the past; for shoulder to shoulder the Greeks of the Islands fought with the Greeks of the Mainland on the field of Marathon; and their united blood crimsoned the same sea that bore on its bosom that Grecian fleet which made the victory of Salamis memorable in the naval annals of the world. No wonder, then, that with the Greek the idea of nationality is a passionate yearning, which no circumstance can repress, much less obliterate. It is fed and fostered by proud memories which, even in the depths of slavery, are a solace and a consolation, while they are a sting and a reproach. Well, Sir, these are the people who, after many changes of fortune, found themselves, at the end of the great war, handed over, by the Treaty of Paris in the year 1815 to the protection of Great Britain. They had within twenty years passed from the Venetians to the French, from the French to the Turk, then to the Russians, again to the French, and, lastly, by treaty to England. I do not mean to question the wisdom of that treaty; and, perhaps, under the circumstances, it was the best arrangement that could have taken place at that particular time. But it is necessary to remind the House of the fact that the other branches of the Greek family had then no individual existence. Not only were the Ionian people handed over to the protection of England by no act of their own, but it was impossible that any demand could have been made at that period for annexation to free Greece. There was then no Kingdom of Greece, as there is now, and has been for over thirty years. At that time she was

> "Greece, but living Greece no more."

She was trampled down, crushed, and scorned, beneath the yoke of her Mahommedan oppressor. Everywhere throughout that classic land the crescent towered above the cross. Few, indeed, supposed that the pulse throbbed and the life-blood flowed beneath the dark pall of her slavery. The Infidel despised while he trampled upon his victim. But, at length, in one sublime impulse of a nation's agony and despair, the cerements of the grave were rent asunder, and the spirit of liberty sprang new-born from the tomb of a nation's slavery; and, on the land and on the sea, on the plain, on the mountain side, and amidst the wild crag and the savage fastness, deeds of heroism and self-sacrifice were enacted, with the applause and sympathy of all that was noble and generous in Europe, that could only be matched in the deathless struggle which their ancestors had successfully waged against the might and power of Persia. Greece then became a free kingdom, with the aid and sanction of the Great Powers of Europe; and from that moment the Grecian family had a home to which to turn, a nationality to cherish, and a common mother to honour and revere. In this new birth of Greece is the origin and the explanation of those frequent and passionate appeals which have emanated from the people of the Ionian Islands, whose dearest and most earnest wish is to be annexed to their mother country—free Greece. I shall not attempt even an outline of the history of the Protectorate from 1815 to 1849, or of the character and policy of its rulers—suffice it to say, that, as a rule, and with a rare exception, the connection between the two countries had been one continued struggle and conflict, beneficial to neither, and not over creditable to this country. I now come to the movement of 1849. Scarcely had Sir Henry Ward—a distinguished member of the most advanced Radical Party of this country, the champion of oppressed nationalities—landed at Corfu, and assumed the reins of power, than an outbreak occurred in the Island of Cephalonia. Writing on the 1st of September, 1849, from Corfu, the Lord High Commissioner assured the Colonial Minister that the movement had more of a local than a political character—that it was a civil, almost a servile war, a war of tenants against landlords; of *contadini* against *signori;* of debtors against creditors; in which hostility to the Government was disclaimed. But, when writing in six days afterwards, from Argostoli, he was compelled to write in a very different manner. In this despatch he was obliged to admit that the rising had assumed a political character—that, in fact, the whole island had been revolutionized in three days! What a commentary upon the hold which England had obtained upon the affections of the Ionian people. There is a passage in this despatch to which I would call the attention of the House. Notwithstanding that Sir Henry Ward hurled 900 soldiers upon the island; notwithstanding that its shores were guarded by a powerful navy, he—the Protestant representative of a Protestant Government—thought it necessary to have recourse to weapons of a spiritual nature. It has been the fashion in this country to ridicule the spiritual weapons with which, at various occasions, the Church of Rome has defended her freedom from the encroachment of power, or protected the peace of nations. The "thunders of the Vatican" have been a constant theme of abuse in the literature and press of Protestant England. They have been denounced by *The Times* and caricatured by *Punch.* But whenever it is for the interest of this country to employ the same spiritual resources, she, while not neglecting all material aids and appliances, does not disdain to drawn a weapon from the spiritual arsenal of the Church. Sir Henry Ward announces this important fact. He says—

> "The Archbishop, who in common with all the dignitaries of the Greek Church has behaved admirably, has not only at my request solemnly excommunicated the priest Nodaro, Theodore Vlaco, and the rest of his gang, as men whose crimes have disgraced the religion which they profess, but has included in his Pastoral Letter to the parishes of his diocese, 'all those who shall furnish them with refuge, asylum, provisions, arms, powder, or other means tending to facilitate the execution of their guilty designs.'"

Let us now see the manner in which the Greek Archbishop—who, with the dignitaries of his church, "behaved admirably" complied with the request made on the part of a Protestant country and Government. Hon. Members will admit that his zeal was only equalled by his vigour. Here is the grand passage of this Greek pastoral—

> "May they be trembling and sighing upon the earth, like Cain; may the earth be rent and swallow them, as she did of old Core, Dathan, and Avieron; may they inherit the leprosy of Giezi, and the gallows of Judas; let iron and stones be dissolved, but they never be dissolved, and remain like Tympanoes;—not only the robbers themselves, but also who would give to them, as already said, refuge, provisions, arms of any kind, gunpowder, and bullets."

The outbreak in Cephalonia was suppressed with terrible severity. Not a soldier was killed, not even a wound was received by a single man; and yet 21 persons were capitally executed, and more than 100 were flogged—a punishment the most degrading that could be inflicted on a proud and sensitive people; 17 houses were either burned, unroofed, or otherwise destroyed, not, as the despatch stated, as an act of vengeance, but as a matter of policy; vineyards and plantations were uprooted; and the powers of High Police, which Sir Henry Ward himself characterized as a kind of "semi-legal despotism," were employed in the severest manner. Newspaper editors and professional men were banished from one island to another at the sole will of the Lord High Commissioner. I shall refer to the description given by *The Times* on that occasion of the character and consequences of the terrible severity then exercised, as it became an additional incentive to the demand for annexation to Greece, which from that moment to the present has been increasing in earnestness and intensity. *The Times* of the 12th of August, 1850, said—

> "The upshot of the whole proceeding is that this lamentable display of excessive severity has proved not only a crime in the eyes of humanity, but a fault in policy of the grossest kind; for it has concurred, with the more recent attack upon the kingdom of Greece, to embitter the feelings of the whole Greek population against ourselves, and to turn their hopes in the same proportion towards Russia."

One passage from the same article may not be out of place on the present occasion; especially as I am about to ask for information from the Government with respect to the wishes and demands of the same people—

> "Some of the very men who are so eager to condemn on all other occasions the measures of foreign governments in subduing and punishing insurrections of the most formidable character, were not ashamed to give their vote on Friday evening for the purpose of stifling an inquiry into the conduct of their late colleague, and the present condition of the Ionian Isles."

In the despatch in which we have an account of this fearful severity, Sir Henry Ward says—

> "I am perfectly aware that I run the risk of being denounced as a persecutor and a tyrant for taking these steps, but I have no choice; I have to deal with semi-barbarians, as recent events have proved, and I must treat them as such."

What a significant commentary upon the advantages and results of British connection! From 1815 to 1849 the Ionians had been under British Government; and yet Sir Henry Ward tells us in 1849 that he has to deal with a race of "semi-barbarians," and that he must treat them as such. It has been frequently asserted—indeed it has been stated a few weeks since in this and the other House of Parliament—that the majority of the Ionians had no sympathy with the cry of annexation to Greece—that it is got up by agitators and demagogues, and in no way expresses either the feeling of the people, or the sentiment of the middle and higher classes. We shall see how this really is. I assert the contrary is the fact; and, if the papers for which I ask are laid on the table—especially the papers connected with the mission of the right hon. Gentleman opposite—the House and the country will have a distinct answer to and refutation of the assertion that the demand for annexation is merely factitious. I desire to have authentic and reliable information—therefore, I move for the papers. Sir Henry Ward thus describes the manner in which he is met by the Legislative Assembly in 1850—just after the suppression of the outbreak, when the influence of the terror which he had inspired might be supposed to have been generally felt. The despatch is dated Corfu, April 20th—

> "My Lord,—The Legislative Assembly having, after a delay of eleven days, thought proper to return an answer to the speech which I delivered at the commencement of the Session, as offensive in its tone as it was unusual in form—for, instead of dwelling, as is customary, upon the topics adverted to in the speech, it introduced matters for which I was totally unprepared, in order to found upon them a Bill of Indictment against British protection for the last thirty years."

I beg to call special attention to the concluding words, for they were not then employed for the first or the last time—"a Bill of Indictment against British Protection." This is the stereotyped form of phrase with which every successive High Commissioner describes the claims of the Ionian people to better institutions, or to annexation with Greece. The answer so stigmatized was unanimously adopted by the Assembly. It breathes the most enthusiastic national sentiment throughout, and speaks of the "glorious distinction of being a Greek people." As an exemplification of the spirit in which the document is written, I quote this passage—

> "Such institutions due to the Ionian people by right, to the faith of treaties, to British honour, will make appear less tardy the approach of that hour which is known alone to Providence, and which human calculation cannot foresee, when the arbitress of the seas shall erect a trophy more glorious still than that raised at Navarino, when it shall, with Europe, just and grateful, have united in one body all the scattered members of the Greek family, which, though divided by policy, have in common—origin, language, religion, recollections, and hopes."

Well, it has been stated—it was asserted by Sir Henry Ward, and it was also asserted by Sir Henry Storks—that the Ionian people had no sympathy with these manifestations of national feeling. In a despatch dated Corfu, January 24th, 1851, Sir Henry Ward encloses a very remarkable document, to which, because of its importance, as expressing the views of the moderate, the cultivated, and the thoughtful class, he directed special attention. This document is an elaborate reply made by Count Roma, the President of the Assembly, to certain charges brought against him by those who might be called the extreme party in that body. I quote two passages from this document in order that the House may really understand what is the feeling of the educated and enlightened classes—of those moderate politicians who are commended as being so worthy of example. Alluding to his assailants Count Roma says—

> "Men who have laid their hands on that which we hold most sacred and most precious—our nationality—that nationality which was preserved to us amidst the vicissitudes of time, the assaults of barbarians, the violence of the middle ages—and using it as an instrument to their designs, have converted that which was, and is, and will be, the leading desire and scope of the Greek family—its unity—into a means of private vengeance, and of subversive acts, to render more difficult the attainment of our liberty and progress; and even of that very union of which they would wish to be considered the ardent promoters."

Here is a passage still more explicit. He says—

> "I do not speak of those generous spirits who, with heartfelt impatience, await the moment when they shall see the regeneration of all Greece, and the union of its scattered members. This is a general sentiment, and not as I before stated to the Chamber, the exclusive privilege of the above gentlemen."

I am entitled to take these words as proof that the national sentiment, the desire for union, is not confined to demagogues and agitators, but is common to all ranks and all classes of the Ionian community. It would be a wearisome task to describe the conflicts in which Sir Henry Ward and the Assembly were engaged; suffice it to say that in about three years the Legislative Assembly was four times prorogued. Take, however, one example more of the difficulties of Sir Henry Ward's position, and another evidence of the existence of the aversion of the people to British connection. In a despatch dated 2nd June, 1851, Sir Henry Ward thus speaks of the newly elected Legislative Assembly—

> "From the first hour of its meeting, the new assembly assumed an attitude of hostility, not merely to me personally, but to the political system of which I was the representative. The oath was altered, in order to meet the views of the Cephalonian members, who wished to repudiate British connection altogether. The address presented, in reply to a most conciliatory speech, was a bill of indictment against British rule. In framing that address, many members took a part, who had been loudest in their professions of 'moderation' a few days before."

The struggle thus carried on between the Lord High Commissioner and the Ionian Parliament had become a flagrant scandal, not only to this country, but to the cause of representative institutions. Sir John Young was at length appointed to succeed Sir Henry Ward. Now comes a most important period in the history of these transactions. Scarcely was Sir John Young established in office than he found how difficult it was to rule his new subjects. Many a man had before then said—"In Heaven's name, let us get rid of the Ionian Islands; they are of no advantage to us, either in a commercial or strategical point of view." This I know to be the opinion of Members of this House to whom I have spoken upon the subject. *The Times* expressed the same opinion a few days since. But the country was taken by surprise by the accidental publication of a despatch from Sir John Young, recommending the abandonment of these Islands. Now, this is not the expression of opinion by an Ionian agitator—by one of those "contemptible demagogues" of the Assembly, as they have been described; but it is the deliberate advice given by a responsible officer of the Crown, communicated in confidence to the Home Government. In fact, the scandal had risen to such a height, that Sir John Young saw no other way of abating it than by getting rid of the Islands altogether. In his despatch of June, 1857, which was followed by a despatch in the same spirit, he said—

> "England is in a false position here, and the islands are too widely separated geographically, and their interest is too distinct, ever to form a homogeneous whole under foreign auspices. The sooner, therefore, she extricates herself from the position the better for her own reputation and for the cause of representative institutions generally."

The despatch thus continues—

> * * * * "England could retire from the protection with a good grace. I mean especially from the Southern islands, in which all the difficulties really originate. With respect to one of them"—

Here is a bit of a bull—

> "Santa Maura, it is not an island at all—it is a bit of the Continent. Grivas, the noted Greek chieftain, rode from Greece into the citadel, to pay a visit, without dismounting, some weeks ago. To part with it would be a happy boon to the other islands; for while it does not half pay its expenses, it is a heavy clog on the resources of Corfu, its pretensions for patronage and expenditure know no limit."

There is one passage in this despatch worthy of special comment, inasmuch as it elicited a very remakable declaration in reply. Sir John Young thus alluded to the people of Corfu—"In Corfu alone, of all the other Islands, there exists no desire to be separated from England." But no sooner was this despatch copied into the Ionian journals, and thus made known to the people of Corfu, than it excited very great indignation; and, as soon as possible, in November, 1858, this protest was published by all the ten representatives of Corfu, with their names attached—

> "A feeling of deep affliction and irritation has been caused in this country by the perusal of the Lord High Commissioner's letter of June 10th, 1857, and July 14th 1858, in which the abominable assertion that the inhabitants of Corfu and Paxo desire to be incorporated with Great Britain is attempted to be proved by a memorandum of the Procurator General, who is considered by the Lord High Commissioner as 'perfectly informed of the sentiments of his fellow countrymen of Corfu.' The undersigned representatives of Corfu, being the interpreters of the wishes and desires of their country, and witnessing the general bitterness excited by these documents, fulfil a sacred

duty in giving a solemn denial to the sentiments decoitfully attributed to their fellow-citizens; and protesting against all machinations, they again raise their voices, as they did on the 2nd July, 1857, in the Assembly, declaring once more that the only wish and desire of the inhabitants of Corfu has been, and still is, to be united to free Greece."

Surely, it is not possible to believe, after hearing these documents read, that the feeling of the Ionian people is not in favour of union with the Kingdom of Greece. After these disclosures, the Government of the day wisely thought that something should be done; and they accordingly resolved on a very extraordinary step—that of sending a very extraordinary man upon a very extraordinary mission. The Government of the day certainly did nothing wrong or unwise in sending out a man of the right hon. Gentleman's high character and great reputation, to see what was the political condition of these people, what were their real feelings, and whether they could or could not be propitiated by the offer of constitutional Reform. In his despatch of November 1st, 1858, the Colonial Minister thus described the object of that mission; and in the tribute paid to the right hon. Gentleman I must say I fully agree—for, whatever may be the differences between hon. Gentlemen on party questions, there is not one in this House who is not proud of the singular gifts by which he is distinguished. Writing to Sir John Young the Colonial Minister said—

> "With a view to assist you in discharging the trust committed to you, and also to derive the great advantage of a weighty opinion on Ionian affairs, pronounced by a statesman who belongs to his country rather than to any party in it—who has already occupied with marked distinction the highest offices of the State, whose mind has grasped foreign as well as domestic questions with equal vigour and success, and whose renown as a Homeric scholar will justly command the sympathies of the Hellenic race, Her Majesty's Government have resolved on despatching the right hon. W. E. Gladstone as a Special Commissioner to inquire into and report on the whole state of government of the Ionian Islands, and on the political relations between the protecting Power and the people, so, let me hope, as to lead to the equitable and constitutional adjustment of every existing difficulty."

The object of my Motion is to ascertain of what character that inquiry has been, and what were the recommendations which the right hon. Gentleman had made. No one off that Treasury bench has seen this Report, whatever it may be; and it is to afford Parliament and the country an opportunity of knowing what so eminent a man really did, and said, and recommended, that I ask for the papers connected with his mission. It was understood at the time that he was to follow the example of Lord Durham in his celebrated mission to Canada, and make a Report in the same manner. Lord Durham's Report was published, but not that of the right hon. Gentleman. When the Colonial Secretary received the formidable protest from the representatives of Corfu, who so indignantly repudiated, as a calumny discreditable to their patriotic feelings, any desire for further or closer connection with England, he expressed great regret at receiving it, and he thus alluded to the extent which Mr. Gladstone's mission did not reach:—"It is not within Mr. Gladstone's power to consider the abrogation of the Treaty of 1815, or the cession of the Ionian Islands to any State in Europe. Her Majesty's Government cannot invest him with such power, nor would they, if they could." I say, then, that Parliament knows nothing of the manner in which the right hon. Gentleman prosecuted his inquiry, or the result of that inquiry. We want the Report, and the recommendations of the Report; and it is not to the credit of this country, nor is it respectful to Parliament, that all knowledge of so important a mission should longer be withheld. The right hon. Gentleman arrived at Corfu on the 24th of November, 1848. No sooner was it known that he was to come on his great mission, than a feeling of passionate hope passed, like electricity, from Island to Island, from community to community. Even before they caught one glimpse of that pale, thoughtful countenance, or heard one sweet tone of that voice which can lend enchantment even to the details of the dryest Budget, they hailed him as a political saviour, who was to free them from a detested connection, and grant to them the fulfilment of their wishes—union with their mother country, free Greece. As he approached the shore, the cannon thundered their noisy welcome, and the bells rang forth their joyous peals; but the thousands who crowded from all the islands met him with a more impressive greeting—with shouts, and cries, and the wildest enthusiasm. The right hon. Gentleman held levees, which were attended by all classes, including the highest in rank. The dignitaries of the Greek Church—who, according to Sir Henry Ward, had behaved so "admirably" in 1849—were also present. Hardly anyone approached the right hon. Gentleman that was not armed with a petition in which the universal wish was expressed. The right hon. Gentleman was frequently compelled to put these petitions aside, and to explain that he had come for the purpose of inquiring into their political condition, and, if possible, ameliorating their institutions; but that, in fact, he did not come to hear one word on the only subject that seemed to be dear to their hearts. It is alleged that the feeling of nationality is not general, and that it is confined to a few who trade upon this sentiment. Let us see how this really is. I shall read two or three passages from addresses to the right hon. Gentleman from the chief municipalities of the Island, from the clergy, and from the Legislative Assembly—from all those who could legitimately express the public feeling—which must refute such an assertion. In the address, or proclamation, of the Council of Cephalonia, one might almost recognize the fine Roman hand of that eminent expounder of constitutional doctrines, our Foreign Secretary. Its doctrines of national right were nearly the same as those laid down in his famous despatch to Sir James Hudson, which aggravated everything, and rendered everything ten times worse than it was before. In their address the municipality say—

> "Seeing that the independence, the self-government, and the nationality of every people are its natural and indisputable rights; seeing that the people of the Septinsular States, forming an integral part of the Hellenic race, is deprived at the present day of the *de facto* exercise and enjoyment of those rights; seeing that the causes which led to their being placed under the protection of Great Britain, in virtue of a treaty to which they never gave any assent, no longer exist; seeing, lastly, that part of the Hellenic race to which they belong, namely, free Greece, has obtained its rights of self-government and nationality; for all these reasons the first free Council of the deputies of this Island proclaim that the joint feeling, the fixed and irrefragable desire, of the Septinsular people is the recovery of its independence and its union with Greece."

It is absolutely necessary that I should trouble the House with two other documents addressed to the Lord High Commissioner Extraordinary, in order to show what the feeling of the Ionian people really was and is. The Municipality of Zante transmitted to Corfu an address of which I give the following extracts:—

> "The people of these Islands have expressed their firm and unalterable will to return to the bosom of their mother, free Greece, as soon as Great Britain had guaranteed them freedom of speech and of election. That was made known to the whole of Europe by the declaration of the 26th of November, 1850, which the unexpected prorogation of the Chambers prevented from being unanimously adopted; by the persecutions which followed, directed against those who proposed that declaration of union, and supported the sentiments and the just demands of the people, and against which the Chamber vainly protested on several occasions; by the rejection of the reforms proposed in 1852, and by the unanimous declaration of the Chamber on the 20th of June, 1857- . . . . Now, if the gracious Queen is desirous, through your Excellency, of promoting the happiness of this people, she certainly cannot satisfy that Christian duty without giving it its emancipation, as it can only find its real happiness in its annexation with free Greece, with which it forms one family. The Municipality hope that your Excellency, as the interpreter and defender of the real happiness and rights of the Hellenic people, will represent that appeal to Her Majesty's Government, that, by its high co-operation with the other Powers which signed the Treaty of 1815, its realization may be accelerated, and an act of justice and humanity be rendered, worthy of the English nation."

We cannot, surely, refuse to hear the voice that came from Ithaca, an island which must have such peculiar charms for our modern Ulysses. Here is an extract from the address of the deputies of Ithaca—

> "Excellency, we fulfil a sacred duty in appealing to so distinguished a statesman, and we owe it to the people whom we have the honour to represent to speak to you respectfully, but also with that sincerity which is due to the character with which you are invested, respecting the feelings and wishes of the population of Ithaca, which are shared in by the populations of the other Islands. Excellency, be assured that the population of these islands entertain the most profound respect for the English nation, that they only feel gratitude for all the good which the British Government has done them, and that they forget all the evil which its officials may have done, misunderstanding their mission. Belonging to the same family with the inhabitants of enfranchised Greece, the Ionians feel the most ardent wish to behold their fate united with that of the Kingdom of Greece, to share good or bad with our national family. These few words sufficiently express the character and the sentiments of the population of Ithaca, as well as that of the whole Ionian Republic. Knowing what weight the precious words of your Excellency will have on the position which will be taken for our country's future, we entertain the flattering hope that your Excellency, whose nobility of heart and Phil-Hellenism are no secret to us, will exert your best efforts in favour of the populations of Greek nationality, who desire nothing so much as to behold the great English nation acquiring new claims to their gratitude and devotion."

I could quote similar addresses, but it is unnecessary. Now as to the feeling of the clergy, who behaved so admirably in 1849. The Bishop of Corfu, on the 5th of January, 1859, published a declaration in these words—

> "I declare to the world at large that the inmost, unalterable, and highest desire and wish of myself and the clergy of Corfu was, is, and will be, the national liberation of the seven islands—that is, their union with their mother—free Greece."

On one occasion the Bishop of Zante was about presenting the right hon. Gentleman with a petition in favour of annexation to Greece when he was stopped by the right hon. Gentleman, who then read him a lecture on nationality, which it is to be hoped the Foreign Secretary has had the opportunity of studying. The right hon. Gentleman said—

> "The mandate of the Queen Protectress requires me to hear the complaints of every class of persons, to invite suggestions and advice, but not to invite or listen to anything else. . . . I speak with due respect of every sentiment of nationality so long as it keeps within the limits of possibility and justice; but they who, without considering time, method, circumstances, and consequences—in a word, facts—would like to take the sentiment of nationality as the rule for human things, may be styled out of their senses. I may add that doctrines of nationality couched in certain terms, become doctrines of disorder and anarchy. What is the idea of nationality taken as an exponent of the policy of these Islands, when neither time, method, circumstances, or consequences—in a word, facts—bear it out?"

It must not be imagined that the doctrines of nationality, as laid down by the Foreign Minister, have at all tended to the peace or happiness of the world. We shall see whether the demand of the Ionian people is within the limits of justice. The lecture thus proceeds—

> "A higher authority, the British Government, has expressed its opinion on the subject. It is not a month since. Lord Malmesbury, the British Minister for Foreign Affairs, sent a circular despatch to all the English representatives at European Courts, to inform them that England recognized the obligation imposed upon her by the Treaty of Paris, and never had the intention or the wish to disown them. That despatch will shortly be published."

There is no doubt that Lord Malmesbury did express great reverence and respect for the Treaty of Paris. But I have heard the Treaty of Paris and the Treaty of Vienna spoken of with great contempt by hon. Members opposite. I have also, on other occasions, heard those treaties spoken of with much respect by Gentlemen on the Treasury bench, notwithstanding that we have been told by Prince Napoleon that his distinguished relative had cut them through with the sword. But the treaty which binds the Ionian people to this country is, of course, to be held sacred. The crowning expression in favour of nationality was made on January 29, 1859. When the right hon. Gentleman was at Corfu the following resolution was adopted by the Legislative Assembly, on the Motion, I believe, of Signor Dandolo—

> "That it is the unanimous and sole wish of the Assembly that there should be an union of the seven islands to the kingdom of Greece."

The right hon. Gentleman objected to the form, and suggested a petition or memorial. They took him at his word, and a Committee met and drew up a petition, reiterating that it was the dearest wish of their heart to annex the islands to free Greece. Before reading the answer I will quote a passage from a speech of the right hon. Gentleman—

> "I can affirm to you that Her Majesty's Government and myself are animated with the most sincere wish to approve the condition of the people, and the object of my mission is that their improvement may prepare them for the union which seems designed by Providence."

THE CHANCELLOR OF THE EXCHEQUER: What are you quoting?

MR. MAGUIRE: I quote from a speech attributed to the right hon. Gentleman by the *Trieste Gazette.*

THE CHANCELLOR OF THE EXCHEQUER: I do not recognize it.

MR. MAGUIRE: Perhaps the right hon. Gentleman will recognize the subsequent part. *The Times* of the 31st January, 1859, copied from the *Trieste Gazette* a speech of Mr. Gladstone in reply to the Bishop of Cephalonia.

THE CHANCELLOR OF THE EXCHEQUER: I never made it.

MR. MAGUIRE: Sir, it is because I do not want to rely on fallible sources of information, that I ask the right hon. Gentleman to give Parliament and the country an account of what he really did and what he really said. The right hon. Gentleman denies a speech attributed to him by a public journal, which could have no object in misrepresenting him. But, assuming that this information is not reliable, the right hon. Gentleman alone can give us correct information, and it is to attain that correct information I make the present Motion. Well, then, the right hon. Gentleman was alleged to have said—

> "If the Republic of the Seven Islands were the only Greek country subject to foreign dominion, my nation might be induced to make a great sacrifice; but the inhabitants of Thessaly, Epirus, and Canada, who desire, like the Ionians, to be

united to their brothers of free Greece, are subject to a foreign power. For that reason the Ionians ought to limit themselves to possible desires, and to accept the reform offered to them by the Queen."

I really cannot see that the right hon. Gentleman has any special reasons for repudiating that speech. Of course, if he did not make it, he has a right to deny it. But, in my mind, it has a marvellous similarity to several other eloquent children given birth to on that memorable occasion. The *Nord*, however, believed that the right hon. Gentleman made the speech attributed to him; and the foreign journal thus answers, fairly and reasonably enough, the conclusive argument of the Lord High Commissioner Extraordinary—

> "Doubtless, if the Ionian Islands were annexed to Greece, that Power would not have gathered together all her children under the protection of her crown. Thessaly, Epirus, and Crete would still remain subject to foreign rule, and be so kept in virtue of the treaty which guarantees the territorial integrity of Turkey. Doubtless, their populations also would continue ardently to desire, like the Ionians, union with their brethren of free Greece. But what has that to do with the enfranchisement of Ionia? Because justice cannot be rendered to all at once, is it not to be rendered to any? Because Turkey cannot be reduced, is Ionia, which is not dependent upon it, to remain subjected to a detested protectorate?"

The formal answer of Her Majesty was delivered by the right hon. Gentleman to the Legislative Assembly on the 5th of February, 1859. It was in these words—

> "Her Majesty has taken into her gracious consideration the prayer of the petition presented by the Legislative Assembly of the Ionian Islands, with reference to the interests of the islands themselves, of the states in their neighbourhood, and of the general (or federal) peace. Having regard to those objects, Her Majesty, invested as she is, by the Treaty of Paris, with the exclusive protectorate of the Ionian States, and constituted the sole organ of those States in the Councils of Europe, can neither consent to abandon the obligations she has undertaken, nor can convey nor permit any application to any other Power in furtherance of a similar desire. Her Majesty does not desire to impose new fetters on opinion, but she will enforce, wherever it is placed in her charge, the sacred duty of obedience to the laws. Her Majesty has adopted on her part the measures which she deems most conducive to the good of the Ionian people, and she awaits for the co-operation of their Parliament."

I do not know whether I am rightly instructed — for really I cannot say upon what information I can rely in the absence of these official documents which have been so long denied Parliament, owing to the Government's reticence, or the right hon. Gentleman's modesty—but I am informed that on the same occasion the right hon. Gentleman offered to the Assembly a new Constitution, enlarged popular powers, and great reforms. The right hon. Gentleman, however, left the Island immediately after, and Sir Henry Storks the next day assumed the duties of the office of Lord High Commissioner. Whether the proposed constitution was "a mockery, a delusion, and a snare," I know not; but this I do know—that it was indignantly rejected. Then commenced the troubles of Sir Henry Storks. A legacy of embarrassment was left to the ordinary Lord High Commissioner by the Lord High Commissioner Extraordinary. Alluding to this offer of a Constitution, it is rather curious to see that Russia, in 1803, offered and gave the Ionians a Constitution more liberal than that which they possess at this moment. In a celebrated pamphlet by an Ionian, published in London in 1851, I find the following statement:—

> "The Russian Protection, also by this Constitution of 1803, gave the vote by Ballot, the free election of a Representative assembly, consisting of forty members; threw open all the offices of the State to the Ionians solely"—

which England has not done and does not do—

> "instituted an Upper House of seventeen members, chosen by the Electoral Body, in whom were vested the Executive Power of the State, foreign or domestic, and the management of the revenue and expenses, according as they might be settled by the Legislative Body."

This liberal Constitution was given by Russia, at a time, too, when there was no demand for annexation; when, in fact, there was no country to which the Ionians could be annexed. I want to know what the character of the Constitution proposed by the right hon. Gentleman—what he did really offer the Ionian people as an equivalent for the nationality which they demanded; and I desire to have it, not from the right hon. Gentleman's own statement alone, because his memory may be fallible, but from the documents of the time. If an offer of a liberal nature were made, and it did not satisfy those to whom it was made, then it is obviously impossible to satisfy them with anything less than what they desire; and, therefore, as it is stated they are of no advantage to this country, why then, in God's name, let us get rid of them. An article upon the subject appeared in *The Times* a few days ago (*cries of* "Oh!" *from the benches below the gangway on the Ministerial side of the House*). I really do not know why some hon. Gentlemen murmur. If there were any other newspaper of equal authority with *The Times*, I would quote it. The Radical papers used constantly write on this question, but they have not done so lately; and if I want to see what is the expression of public opinion I am obliged to go to the only journal which has written a word upon the matter. That is a fair reply to the murmurs; but besides that, what I am about to quote just suits my purpose. The following is the opinion of the leading journal:—

> "There is no doubt that we can confer enormous benefits on the Ionian Islands by keeping them under our protection, and there is as little doubt that we receive none in return. Corfu is not, as has been so often asserted, the key of the Adriatic, or of anything else, except the treasury chest of England. It is not long since the whole French Fleet sailed passed it to Venice without being either seen or heard of, and we only enjoy this glorious possession because the other Powers at the Treaty of Vienna who could have held it were wiser than we, and would have nothing to do with so costly a possession. If the Ionians are weary of us we can assure them with all sincerity that we are quite as tired of them. For our part, we should see with great satisfaction the only course adopted by which the islanders could be brought really to appreciate their present situation. We should be glad to see them handed over to the kingdom of Greece, with the consent of an European Congress, and we doubt not that a few months' experience of the financial and police system of King Otho would instruct them better than all the homilies we can preach as to the true extent of the miseries they endure under the English Government. The change would be highly beneficial to us, and, as their representatives earnestly desire it, we cannot see for what reason it should be deferred. Let the islanders seek happiness where they believe they will find it, and where, if they do not find happiness, they will acquire the wisdom that never fails to come from experience."

The right hon. Gentleman, one of the most eloquent and persuasive of living men, could not satisfy the Ionians. If he could not do it, who could? But he failed, although he approached them with his hands loaded with gifts. The Ionians received him as the Trojans did the insidious offer of the wooden horse by the Greeks—

> "Timeo Danaos, et dona ferentes."

"We will not have British Protection even when accompanied by the most liberal institutions." I hope hon. Gentlemen like my free translation. It has been asserted, over and over again, that the feelings of the Ionian people are in no degree represented by the petitions of the municipal bodies, the declarations of the clergy, and even the resolutions of the representatives. I have in my hand a pamphlet just written by Signor Dandolo, in which, while condemning the arbitrary conduct of Sir Henry Storks in proroguing the Assembly in March last, he appeals to the right hon. Gentleman for assistance and sympathy, and calls on him to refute those who dare assert that the feeling in favour of nationality is not universal. The following passage is interesting, as it affords us a glimpse of the pleasant manner in which the right hon. Gentleman was occupied on his arrival in Corfu:—

> "The conduct of his Excellency, under similar circumstances, is in striking contrast to that of his very noble predecessor, Mr. Gladstone; who in 1859, when I proposed to the Chamber the union of our Islands with Greece, not only did not oppose the resolution or think of proroguing the Parliament, but went about the streets for several hours at night, delighted to behold the joy and enthusiasm of the people, as well as the general illumination. He stopped with pleasure to read in the transparencies the numerous inscriptions expressing the vows and hopes of the people, and their gratitude towards that distinguished personage himself."

But what was the reason why the Ionian Parliament was so abruptly prorogued this year? Because they were going to discuss—not some extreme resolution to which many members of the Assembly objected—but the principles of that dangerous despatch to the British Minister at Turin of which the noble Lord the Foreign Secretary is the author. The noble Lord in that despatch gave poor Sir Henry Storks a hard nut to crack. I ask, could there be greater degradation conceivable than that the representative of the British Crown should be obliged to ask what he was to do if the principles of that despatch were forced on for discussion in the Ionian Parliament? The poor unhappy military man—utterly bewildered with the rule of a people who hated and abhorred British connection—thus wrote to the Duke of Newcastle on the 18th of January, 1861—

> "If the principles laid down in the despatch of Her Majesty's Secretary for Foreign Affairs to Her Majesty's Minister at Turin, of date October 27, 1860, are brought under the consideration of the Legislative Assembly, am I at liberty to stop the discussion, and, if necessary, prorogue Parliament?"

"In the name of Heaven," cried that poor, bewildered military gentleman, "what am I to do with a bombshell of this kind? If I allow it to explode in the Ionian Parliament, there is an end to British rule in these islands." The Duke of Newcastle saw the danger, too; and so Sir Henry was empowered to prorogue the Parliament—of course, not because they were afraid of the principles of the despatch, but on mere technical grounds. No wonder the Government at home felt alarm; for the Foreign Secretary had distinctly laid down the doctrine that a people were the only true judges as to who were to rule them; and that, if they were discontented with their rulers, they had a clear right to rise and depose them. Nay, the noble Lord went farther, and said that in such a difficulty a people had a right to appeal for foreign aid—and that under certain circumstances (such as we have witnessed not many months since), the Power applied to was justified in responding to that appeal. Let us remember to what rulers and what people these principles were applied. It was not against foreign despots—for I suppose you will have them styled despots—but against native princes, born amidst the people over whom they ruled, that a native population was justified in rising in rebellion; and it was the yoke of a native ruler that they were to shake off. We are told that the principles which are applicable in the case of the Italians are not applicable in the case of the Ionians. Let us see. An Italian people may rise against an Italian Sovereign, and may call in the aid of another Power to further their designs; but the Ionian people, who have no connection with you, by sympathy, feeling, race, language, or religion, have no power to decide whether they are to be ruled or "protected" by England; and if they dare to propose the discussion of a resolution asking for foreign assistance, that moment their Parliament is to be prorogued; and, if they attempt to persevere in their appeal to the European Powers, who were parties to the treaty which placed them under the protection of the British Crown, the authority of the law will be severely and terribly enforced. I should like to have a rational explanation of the doctrines of the noble Lord as applied to these two cases. Signor Dandolo, in a special letter to the noble Lord, assured him that his famous despatch had filled the Ionians with confidence, and that they felt satisfied that he would apply his principles in her own case. When the right hon. Gentleman went to Corfu, he was received as the representative of a great and magnanimous people, whose boast it was that they were the friends and protectors of liberty throughout the world—that their country was the asylum, the shelter, and the bulwark of endangered freedom; and it was fondly imagined that he had come, in pursuance of the principles so often laid down by his present colleagues to give them, not a paltry, nibbling improvement in their Constitution, but that to which they believed they had a right—annexation to free Greece. English Ministers have said that this connection is not for the advantage of England. If such be the case, why not give it up? I am afraid that England is too selfish to keep what is disadvantageous to her. But it is said that this is a trust confided to her by the Powers of Europe. If, then, these islands be of no advantage to England, but rather the contrary, is it not possible to come to some arrangement with those Powers in respect to these Islands? Why not ask the European Powers to relieve England from the charge. The right hon. Gentleman is alleged to have said that union with Greece is the manifest destiny designed for them by Providence. If this be so, is it for man to stop the way? Does Providence decree that which is not just? How, then, can it be said that there is no justice in the demand of the Ionians? I call on the right hon. Gentleman to state what was his impression of the feelings of the Ionian people on this subject. I also demand the despatches themselves, giving a detail of what he witnessed, and his impressions, written while they were fresh, of the wishes and feelings of the people, of the clergy, of the municipal bodies, and of the Parliament of the Ionion Islands. Let not the House shrink from making this demand. It may not be, it is true, convenient for the Government to have published to the world a glaring contradiction to the principles which they have announced for other countries. In the name of justice, I ask that you, who proclaim liberty to all the nations of the earth—that you, who are the propagandists of rebellion in other countries—should not stifle the free voice of a people with whom you profess to have sympathy, and whom you are bound by treaty to cherish and protect. We have frequently denounced the vice and the folly of concealment. But was there ever a more glaring case of concealment than the present? For the sake, then, of the Government, of the honour and consistency of the right hon. Gentleman himself, and of those principles in which he so largely participates, and which his colleagues so audaciously proclaim, I call on the House of Commons to assist me in obtaining the information for which I now respectfully ask.

MR. CONINGHAM seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Papers and Correspondence relative to the Mission of the Right honourable W. E. Gladstone to the Ionian Islands, as Lord High Commissioner Extraordinary, in November, 1858:

"And, of Papers and Correspondence in continuation, namely, from the arrival of Sir Henry Storks in Corfu, on the 16th day of February, 1859, to the latest period, including those in relation to the Prorogation of the Legislative Assembly by Sir Henry Storks, in March, 1861."

THE CHANCELLOR OF THE EXCHEQUER: Sir, on grounds which are personal to myself, but with the approval of my colleagues, I shall beg to be excused from voting on the present occasion if the hon. Member should press his Motion to a division. But I am desirous also on grounds personal to myself to take the earliest opportunity of explaining my opinions with respect to his proposition. And I shall commence what I have to say by explaining to the hon. Member that I think he is under some degree of misapprehension with respect to the intentions of the Government. It is not the intention of the Government to accede to his Motion, but the grounds on which they feel it to be their duty to decline do not reach quite so far as he supposes. It is by no means their duty or their desire, as appears to be imagined by the hon. Member, to withhold all official information on the subject from this House. The information to which he refers, in point of fact, divides itself into two classes. There is a series of papers which it was my duty to send home from the Ionian Islands, and which bear immediately on the constitutional question of the mode in which they are and have been governed, and in which their relation to this country has been conducted. These are the reports which as Her Majesty's Special Commissioner I sent home; they are documents which run over a good deal of history, and contain much free comment on details, both as to men and as to things. Some part of them are of a nature which probably would make it inconvenient at any period to produce them. The greater part of them on the contrary, might perhaps, under other circumstances, be produced; but, on the ground of their containing comments of the nature I have described, and I will say, in the name of the Government, on account of the opinion entertained by those who who are now responsible for the peace, order, and government of the islands, we think it not desirable at the present period that these reports should be laid before the House. But it does not in the slightest decree follow that we should, therefore, withhold from the House all information. For example, the hon. Member thinks that correspondence of mine would be found to contain evidence with regard to the state of feeling in the Islands; he has also observed, with great truth, that proposals of great importance were made by me in the name of Her Majesty to the Ionian Assembly, and that the House is entitled to be informed of the nature of those proposals, and of the reception with which they met. Now, as to the first of these—namely, the correspondence—my hon. Friend the Under Secretary for the Colonies will explain that he is perfectly prepared, exercising a proper discretion, with a view to the public interests, in any casual particular, to produce the correspondence which will give the hon. Member the information he seeks as to the state of feeling in the islands. And as regards the proposals I made in the name of the Queen to the Ionian Assembly, I am afraid the hon. Member, great as has been the laudable pains he has taken to acquaint himself with the history and details of this subject, has been so unfortunate as to miss just one chapter of information, and that, perhaps, the most vital and most material of all, because both the proposals made to the Ionian Assembly and a very full address delivered to that Assembly on the part of the British Government by myself, containing the whole sum, upshot, and substance of my reports, and of the recommendations in which they resulted, not were produced, but were published in every journal at the very moment when they were made known to the Ionian Islands; and, unless my memory very much deceives me, they were also at the time made the subject of very free comment, not in this, but in the other House of Parliament. Although, therefore, we do not accede to the Motion of the hon. Gentleman, yet in substance out of what is contained in these reports, historical in their character, that which he principally desires, can and will be laid before the House.

The hon. Member has entered into matters of very great interest and importance in dealing with the Motion he has made;

and I quite agree with him that we are not to suppose that because the population of these seven Islands occupy a very small space in the public eye, therefore, we can afford to deal lightly with their concerns. The character and reputation of England must be dear to us alike in great matters and in small; and small as are the Islands themselves and the immediate interests connected with them, yet from a variety of circumstances a very considerable portion of historical interest attaches to them and their concerns, and undoubtedly their affairs have been and may be from time brought under the eye of Europe in general, as well as of this country, in a much greater degree than might be supposed from their own intrinsic importance. The hon. Member says that at the time when Sir John Young recommended that Corfu should be converted into colony a protest was issued by the representatives of the people at Corfu, and that the publication of that protest was probably the origin of the mission I undertook to the Ionian Islands. Now, there is one conclusive reason why that could not be the case, and the reason is, that the protest was not published—nay, the despatch out of which it grew was not published until after I had left England on that omission. The argument *post hoc, ergo propter hoc*, is not always a strong one; but the argument *ante hoc, ergo propter hoc*, must be a good deal weakened. It would have been absurd either in my right hon. Friend the Member for Hertfordshire (Sir Bulwer Lytton) to have projected or in me to have undertaken that mission after the feelings of the people of the Islands had been vehemently excited on the subject of the union with Greece by the publication of that despatch; but the publication took place not only after my mission was arranged, but after I was on my way and could not possibly relieve myself by abandoning the charge which I had undertaken. I must add, Sir, that I never repented of having undertaken that mission. In the first place, I should not lightly regret any proceeding which like this one had the effect of placing me in close relation with my right hon. Friend the Member for Hertfordshire (Sir Bulwer Lytton), of whom, I am bound to say, simply rendering the testimony which experience enables me to give, that even the brilliancy of his genius is, in my opinion, less conspicuous than the thorough high-mindedness of his character and his conduct upon every occasion. But, apart from the pleasure I had in all my dealings with my right hon. Friend as the representative of his colleagues—and, of course, when I speak of him I mean to make no invidious distinction, for I know no grounds for any, between himself and the Government that concurred in his proceedings — there was another and a main reason which appeared to me also greatly to recommend my accepting the offer, when it was made to me, of such a mission. I confess it was not my opinion, viewing the state of the institutions and government of the Ionian Islands antecedently to that period, that the position of this country with respect to them was altogether clear and satisfactory. I was not sanguine even at the outset in the hope that in the existing state of these islands it would be practicabie to do what might be desired, and the unhappy publication of the despatch of Sir John Young greatly diminished any hope that might have been entertained of immediate success. But I was sanguine in the hope and expectation that, through what was tendered by my right hon. Friend and the Government then in power, it would be practicable thoroughly to set right the character of England in the face of the Ionian people and of Europe by at least offering to the people of those Islands institutions undoubtedly and unequivocally founded upon those principles of freedom and armed with those guarantees of freedom which are so inexpressibly dear to ourselves. That was the object for which I undertook that mission, and whether the mission was effective for that object we may be hereafter, even if we are not now, fully able to determine.

I stop for a moment to notice a point to which I ought to have before adverted. The hon. Gentleman has seemed to think that blame was due either to the late Government or to the present one for not having produced those papers, because papers of a similar description were produced in the case of the mission of Lord Durham to Canada. But the cases were altogether different. Lord Durham went to Canada, not te consult a people possessed of free institutions, but rather to consider the circumstances of a country wherein all institutions had been brought to a standstill by the action of positive rebellion. The work of reconstruction lay in the hands of England. It was to Parliament, and to Parliament alone, in the first instance, that the appeal was made; and, of course, it was necessary at once to supply Parliament with the means of coming to a judgment upon the matters submitted for its decision. Canada was a colony owing allegiance to the British Crown, while the Ionian Islands are, by the law of Europe, a distinct and independent State. The Act of Union between the two Canadian Provinces was determined by debate upon this floor, and the legislative and political constitution of the Canadas was the result of that operation. But here, on the contrary, the result of the mission, whatever it may have been, was to be effected in the Islands themselves. It consisted of certain proposals made to the local authorities, and, inasmuch as those proposals were declined on the spot by those to whom they were made, nor was there any occasion or any room for a reference to Parliament, or for raising any issue in this country, the reasons which dictated the reports of Lord Durham entirely fail to apply to the present instance.

Now, Sir, the hon. Member spoke to-night as an enthusiastic advocate of what are termed nationalities. I really did not know to what heights of eloquence he was about to attain. He does me the honour to say that I am sometimes moved by feeling. That may be so, but I seem to myself cold as marble when matched with the fervour that the hon. Member has exhibited to-night. As we listened to him it was hardly possible to resist the contagion, or to withhold ourselves from inwardly resolving that we would cast all considerations of prudence and policy to the winds and follow this ardent, this almost ungovernable advocate of nationality and freedom to any point, however remote or extreme to which he might be disposed to lead us. And can it possibly be that the hon. Gentleman who addressed us with such conspicuous ability was the same person whom we have lately heard on the subject of Italian liberty, unity, and independence? There is no breadth of interval on a thermometer which ascends from zero to boiling heat that can for a moment avail to give an idea of the amount of difference between the hon. Member whom we have seen so hyper-fervid to-night as the representative of popular and liberal sentiments, and the hon. Member who has occasionally addressed us with not less determination in support of the sacred rights of the Papal Government and of all the other bad Governments, as we think them, of Italy. This is, I know, so far, merely the *argumentum ad hominem;* and the hon. Gentleman may say, in reply, "What you have urged against me does not justify you, for there is equal inconsistency on your part; you are for the Italians, what do you say for the Greeks? but there is also this difference, I speak individually, you are a servant of the Crown, associated with a Government, and I have a right to challenge you in this respect." Well, Sir, I do not think of evading the appeal, and as I proceed the House will judge between us.

The hon Member stated that great popular excitement prevaded these islands, of a nature to threaten the public tranquillity. Of course I have no minute information on the point at present, but as far as I have previously seen and have the means of judging I do not think it possible to convey a more gross and entire misapprehension. I do not hesitate to say that the sentiment of these populations when I was among them was one of general contentment. At the same time I will no less frankly state what I believe to be the fact as to their Hellenic sentiment—their desire to realize the idea of their own nationality. It is true, as has been stated by the hon. Member, they are the inhabitants of a set of Islands which have been politically grouped together on account of peculiar historical circumstances, but which do not form a geographical or natural whole. It was a saying of Prince Metternich, used for purposes of which I will not now speak, that Italy was a geographical expression, meaning that it was not and could not be a political expression. Now, the precise reverse of the expression of Prince Metternich holds good in this case. The Ionian Islands are not a geographical whole, they are only an accidental whole, and small, scattered, and remote from one another as they are, they bear witness, even upon the face of the map, that they must hope at some time to pass into new conditions of existence. A real unity of a political kind cannot possibly exist in these Islands, which are mere fragments scattered along the coast of Greece, brought together and also kept together by causes which are entirely exceptional. Under these circumstances, their people value the connection in which they stand towards one another, provisional though they may think it to be, because it binds them together as Greeks; for it is a palpable fact that they do entertain a strong sentiment of nationality, and do desire that the day may come when the

Greek race shall be again united and powerful. And, Sir, I confess it grieves me to the last degree when I see, as I occasionally do see, that sentiment on the part of this long unhappy and often oppressed people treated in this country with ridicule and scorn. We assume the care of a people who have been for centuries in the most unfortunate circumstances, and who have always been subject, in one form or another, to foreign domination; we couple that assumption with an express recognition of their independence; we find that they retain the memory of the glorious origin from which they sprang; and then that very sentiment, which is in truth the very proof and badge of national, political, and moral life among them, and their best hope and pledge for the future, we set up and expose as the butt for wanton, cruel, and, I must say, dastardly ridicule. Sir, that is not the tone in which I for one can venture to speak of that sentiment. But let me tell the House what I believe to be the exact state of facts with regard to its prevalence. It exists among all ranks and all classes, it exists perhaps almost without an exception, but it exists in very different forms. It is entertained by the people, not as a sentiment which makes their present condition miserable, but as a hope which they cherish for the future, and of which they would gladly find that occasion would enable them legitimately to avail themselves. It is traded upon accordingly by the worst and most corrupt part of the population; and the worst and most corrupt part of the population of the Ionian Islands are not the masses of the people. I must say that, as far as I am able to judge, they are an amiable and a good people, singularly refined and courteous, not difficult to govern, anything but estranged in sentiment and feeling from the English throne and nation, but, on the contrary, entertaining a warm respect, regard, and even a strong sentiment of gratitude towards them, because they regard England as having been a benefactress to the Greek race. It is a mistake, in my opinion, to suppose that foreign agitation has had power either in former years or at this moment over these islands; that there were or are intrigues for uniting them to Russia or to France. I believe they prefer by far a connection with England, notwithstanding their identity of religion with Russia, to a connection with any foreign country whatsoever. For they desire the blessings of political freedom, and they look upon this country as the chosen seat and principal fountain of those blessings.

Sir, under the circumstances which I have described, there being a natural prevalence of national feeling, its existence affords obvious room and facility for the operations of demagogues. And here I must observe that the demagogues of the Ionian Islands are by no means exclusively those who hold popular opinions respecting freedom and nationality. On the contrary, I am sorry to say that, in my judgment, the very worst of them are certain persons who profess a particular attachment to England. The demagogues of this most mischievous class, and of all classes, trade largely though differently on this sentiment of nationality, and use it as a means of producing excitement whenever a favourable opportunity offers. But let it not be supposed that I seek to stigmatize the upper class as a class. Among the upper class are many gentlemen of much respectability and high character and accomplishments. I have never seen one of these who did not say that he hoped the time and circumstances might come in which the Ionian people might be reunited to the stock from which they sprang. On the other hand, I have never seen one of them who did not also say he believed that that period had not yet arrived. Prudence teaches them that there are practical objections of an insurmountable kind to their union with the Kingdom of Greece, or with the Greek race at large, existing at the present moment. And those gentlemen deprecate in the highest degree those precipitate measures which, under the influence of popular zeal, fomented by selfish men for selfish purposes, are recommended in other quarters. That I believe to be the real state of the case with respect to the prevalence of a sentiment of Hellenic nationality in the Ionian Islands.

The character of these people is certainly a very mixed one, especially as regards the upper classes. There is one fault by which it is strongly marked, and it is a fault which almost invariably attaches to a race that has long been in a subordinate position. It is what may be called moral cowardice. It is peculiarly difficult to obtain a free, genuine, honest expression of opinion in these islands; and of course that difficulty becomes stronger in proportion as popular excitement may prevail. The hon. Member has alluded to the character and condition of the Greek clergy in the Ionian Islands. That allusion leads us to a very curious portion of the case. The hon. Gentleman stated, and stated truly, that in the month of January, 1859, the Greek Archbishop of Corfu had with his clergy expressed a desire for the union of the Islands with Greece. That is, I believe, quite accurate. How came they to express that desire in the month of January, I having arrived in Corfu, and the despatch which was the occasion of the excitement having been published in the previous November? The fact was, at least such is my opinion of it, that the Archbishop and his clergy did not wish to enter into that movement, but that the pressure of popular feeling, being employed as it was by what I may term the professional politicians of the place, certainly left them no choice. The position of the Greek clergy in these Islands is very singular. I know not how many Members of this House may belong to that important association called the Anti-State Church Association, but if those hon. Gentlemen would only transplant themselves to the Ionian Islands they would find themselves with absolutely nothing to do. I do not believe there is so pure an example of a voluntary church on the face of the earth as that which exists in these Islands. As pure an example is by no means to be found in Ireland. In the Ionian Islands, with the rarest exceptions, there are no endowments whatever; there are no parishes, and the organization is simply congregational; the priests are elected to their parishes without any intervention of the bishop, and they are chosen, except in very few instances, by the votes of certain lay bodies, I think termed confraternities, which are attached to each church, and which are sometimes very numerous. In certain instances where there are endowments there is also patronage, but these cases are very few. Those priests, with the exception, perhaps, of those filling high offices or engaged in the work of instruction, are in general persons of small attainments in point of education, but they are intensely identified in feeling with the people. I do not believe they have ever been leaders in the matter of an union with Greece or have spontaneously provoked the sentiment of nationality, for I think they have no desire to mix themselves unduly in political affairs; but when the popular sentiment leads in that direction it is for them to follow, and, sooner or later, follow they must. And here, Sir, in passing, as to the speech which the hon. Member says I addressed to the Bishop of Cephalonia, I can only say that I made no such speech as he has quoted, and that which he has read must be some unauthorized gathering from what was, in fact, a conversation by whom made I cannot say, and with what assistance or what guarantees for accuracy I do not know. I cannot, therefore, be responsible for the document; but at the same time so far as concerns what the hon. Member has cited respecting importance of the considerations connected with the state of Thessaly, and of Albania, and their bearing upon the Ionian question, I adopt the sentiments expressed in the passage which he has read.

The hon. Member has made a grave attack upon my noble Friend the Foreign Secretary, who, he says, has one set of weights and measures for Italy, and another set to govern the policy of England towards the Ionian Islands. It is not for me to enter upon a defence of my noble Friend, especially as we have been reminded within a very few days by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) that the policy of my noble Friend upon the vital and all-important questions connected with the state of Italy has not been challenged in this House, the free and open assembly of the representatives of the people. But without entering upon a defence where I cannot admit that any is needed, and where if it were needed my noble Friend would wield his own weapons with a master's hand, I must venture to disclaim, on my own part, the admission of any selfish or separate interest on the part of England in this Ionian question. In my opinion, we must be prepared firmly and steadily to apply in our own case the same principles which we urge for the adoption of others. But, though the principle be the same its application may out of regard for the very principle itself require to be varied. It ought not to be varied for considerations of selfish or separate interests, but it must be varied according to the wider considerations of prudence and policy in connection with great European interests, and the question here to be weighed really is, what is the bearing of those considerations of policy upon the position of England in her relations with the Ionian Islands. The hon. Gentleman finds an article in a newspaper which says the Ionian Islands are of no advantage to England, and then he thinks he has proved his case and says, if they are of no advantage to us, why do we not give them up? Now, as to the question whether they are of no advantage, there are, I believe, differences of opinion. Some persons think that Corfu is of great value as a military position. Others think that there is great political influence in Eastern or other affairs attaching to the possession of the Protectorate. I must confess I am rather disposed individually to agree with the views of the hon. Member, and to say that, as far as I can see, England has no separate, or selfish, or peculiar interest whatever in maintaining that protectorate. It is in my view entirely a matter of that kind of interest only which is in one sense the highest interest of all, and in another sense no interest at all—namely, the interest which is inherent in her character and duty, and her exact and regular fulfilment of obligations which she has contracted with Europe. The obligation she has contracted with Europe was for the benefit of Europe. She undertook that protectorate because it was deemed to be safest in her hands; she contracted, then, an obligation which she can never surrender until it can be surrendered in a manner that is likely to conduce to the benefit of Europe. The hon. Member asks why do we not apply to the other Powers and see whether they will agree to release us from our obligation? But, Sir, there are conditions preliminary to any such application. You must be convinced in your own mind that it is desirable in the interests of Europe that you should be so released. That is a question which the hon. Member has entirely overlooked. He thinks that when once the admission is made that England has no separate interests in maintaining her present relation to the Ionian Islands, the whole question is disposed of. He quoted from me a sentence, the substance of which I dare say may have been spoken by me, although I do not remember the words, that as long as Thessaly, Albania, Candia, and the Greek islands were in political relation with the Turkish empire it would be a matter of great and serious risk to remove the Ionian Islands from the British potectorate. I must say that it appears to me, both upon that ground and also upon another and more specific ground, it is a serious question to adopt the advice of the hon. Member forthwith to unite the Islands to the Kingdom of Greece. I am bound to say that I have no evidence of any great wish on the part of the Kingdom of Greece for such an union. Though with imperfect means of information, I am inclined to believe that opinion in Greece is divided upon the question of an immediate union with the Ionian Islands, and no one who considers the differences of laws, usages, and social condition between Greece and those Islands will be disposed to think that there is any very strong *primâ facie* case for such union. But has the hon. Member considered the condition of affairs in free Greece itself? I am not going to indulge in general invectives against Greece. She has had great difficulties to contend with. The establishment of the Greek kingdom is closely connected with a name which must ever stand among the most illustrious in the history of the foreign policy of England—I mean the name of Mr. Canning—and that name is almost as much revered in free Greece and the Ionian Islands for services rendered to Greece as it is in England, the country of his birth. I need not enter into the question of the establishment of that kingdom which I conceive to have been a most happy event in the interest of Europe. I need not attempt to examine the history of its progress, or the state of some political questions intimately affecting its condition, or the conduct of its Sovereign, or its Government. But I am bound to say that such information as is at my command does not give the belief that the political condition of free Greece is so consolidated, her laws and institutions so matured, that it is at the present moment in a condition to offer itself as a nucleus and rallying point for the scattered members of the Greek race. It is my belief that for the present it is better for free Greece to confine herself to looking after her own concerns than to undertake the concerns of other people. And I believe it would be nothing less than a crime against the safety of Europe—I might even say against its immediate tranquillity—as connected with the state and course of the great Eastern question, if England were at this moment to do what the hon. Member recommends, that is to say, if they were to apply to the Powers of Europe to be allowed to surrender the protectorate of the Ionian Islands for the purpose of uniting them to free Greece. Consider, again, the bearing of this union, if it took place, upon the condition of what I may call the Greek provinces of Turkey. What! are we to say to the people of the Ionian Islands, "It is so intolerable that you should remain apart from the kingdom which has its capital at Athens, that we will disturb the European arrangement, and remove forthwith the protectorate of England, in deference to the principle of nationality ?" And could we at the same time say to the people of Candia, of Thessaly, of Albania, "You shall remain, not under a Christian protectorate, but under a Mahommedan sovereignty, and your desire for nationality shall remain ungratified? A Christian protectorate was too bad for others a Turkish domination is good enough for you." In point of fact the closeness and urgency of their high political considerations, immediately inherent in the question, have been wholly overlooked by the hon. Member in his zeal for nationality. That zeal undoubtedly is but of recent development, for I think we have only seen it upon this occasion ; but it has made such rapid progress, and the hon. Member is so promising a pupil, that when the Italian question comes again under debate I entertain most sanguine expectations that we shall have the gratification of adding the hon. Gentleman to the number of Friends of Italian unity and freedom in this House. But, again, let us for a moment advert to the situation and state of Corfu, from which I may add you can hardly separate the small Island of Paxo, which, though it has a separate civil organization, is little more than a dependency of Corfu. Corfu itself is only separated by a narrow channel—in one place not wider, I think, than two miles from the Turkish territory; and I must confess I think there would be great risk indeed, nay, that it would hardly be compatible with good faith to Turkey, if we were to allow Corfu to become, under present circumstances, a portion of the Greek territory. Men may differ as to the practicability of maintaining the Ottoman dominion in Europe ; they may differ as to whether it is desirable to maintain it ; but all will agree that whatever is done upon this question should be done above-board upon principle, and with forethought; that we should not by any piecemeal measures bring into operation unawares any source of disturbance which might tend to perplex and break up a great European question, and might have a most detrimental influence upon the future not only of Corfu and Turkey, but of the entire East, and of all Europe, as connected with the great problem of the settlement of the East. If I, for my part, have declined in any way to recommend that the question of union with Greece should be entertained, it is not because I deny the application of the principle of nationality to the Ionian Islands ; it is not on the ground of the interests of England, for I think England has none but those of character in this matter—it is because, in respect to that protectorate, we are stewards and guardians of the general peace of Europe, and must do faithfully and courageously whatever the general peace requires to be done.

I should now like to say a few words on the actual condition and the political institutions of the Ionian Islands. Here, again, considering that at the time we assumed the protectorate full power was given into our hands, the character of England is materially at stake. As far as I can perceive the common and popular opinion in this country is that the Ionian Islands enjoy at this moment in spirit and in substance if not in every minute detail, a free government. I am sorry to say, that, in my opinion, this is far, indeed, from being the truth. I do not think that any Englishman thoroughly acquainted with the laws and the system of the Ionian Government would ever dignify it with the name of a free Government as we understand the term ; at the same time it is very far from being the consistent and intelligible opposite of a free Government. It is a strange and extraordinary mixture of incongruous elements that are always, and must continue to be, hopelessly in conflict with one another, till they have undergone a reform amounting almost to reconstruction. Let me mention, first, in what way it is and in what way it is not a free Government. There is perfect liberty of the press, that is a great item of freedom, and I am far from desiring that even under the present circumstances it should be withdrawn ; but it is an item which ought to come in its own place and time, and the possession of entire liberty of the press when it does not stand side by side with effective Parliamentary institutions, I must say, a very doubtful and a very mixed benefit. With respect to the franchise it is a great mistake to say—as it is frequently said in this country—that the people in the Ionian Islands have a franchise amounting nearly to universal suffrage. On the contrary, the population of the seven Islands is nearly 250,000, and the number of those who are enfranchised, or possess the Parliamentary vote, is not, I think, more than 6,000 or 8,000. If the Islands, therefore, go wrong it cannot be said that they are ruined or corrupted by the influence of universal suffrage. There is case. The political life of the people is little developed, and the very same men—I beg the House to remark this, for it is of the first importance—the very same men who adhere the most closely to this system of corruption, and who as long as it is left undisturbed proclaim themselves the fast friends of England, are the first to assume the garb of the demagogue and to raise and inflame the cry for union with Greece the very moment you attempt to introduce those practical improvements which would do something to lay waste the rank pastures whereon they fatten. Such is, I believe, Sir, a true statement of the case of the Ionian Islands. I shall not enter into details of the nature of the Constitution which was offered to the people, but shall simply say that it was one which afforded a full and absolute power over the public purse in the sense in which we understand it, and that it, likewise, assigned to the Election Assembly of the Islands at all times a large, and ultimately a commanding influence over the composition of the executive Government, with entire guarantees for personal liberty under all circumstances, and with adequate means of bringing public functionaries to justice in case of malversation. That was in substance the offer which was made with the Executive Government of this country. It was made, both because we desired—I certainly desired it, and I may say the same for my right hon. Friend—to promote the welfare of the people of the Ionian Islands, and, likewise, because we felt the matter to be of great importance in reference to that which we prized still more—namely, the honour and character of England, which we believed to be at stake even in her dealings with that very limited people. Having trespassed thus far upon the patience of the House, I shall not detain hon. Gentlemen for a moment by saying anything that is personal to myself. If it is deemed even ridiculous—I do not mean by the hon. Member for Dungarvan, for nothing could be more kind than his speech—that I should have undertaken so small and limited a mission, and that I should have been obliged to retire from it baffled and disappointed, without any visible result, I am willing to bear without complaint any comment, any criticism, or any ridicule that may attach to my finding myself in that predicament. The object which I had in view, if it has not been gained so far as the advantage of the Ionian Islands is concerned, has been gained at least in one respect—namely, that we have effectually placed England in her right position as the friend of free and constitutional laws and institutions, and have thus enabled ourselves to look Europe in the face and say, that if evils and abuses still prevail in the Ionian Islands, they prevail not by our fault, but in despite of our honest endeavours to cure and to remove them.

Mr. CONINGHAM said, he heartily thanked the right hon. Gentleman for the disclosures he had made with respect to the condition of the Ionian Islands. The picture which the right hon. Gentleman had drawn of the Government which existed in those Islands afforded ample justification for the deep-seated discontent which prevailed among the people. Nothing could excuse the continuance of a Government so hateful to the people who lived under it; and now that the irresponsible head of a great and powerful country seemed disposed to lead the movement in favour of nationalities it was time for free and constitutional England to place herself in her true position, to abandon the obsolete doctrines of diplomacy, and to identify herself with the ideas and aspirations of the age. He trusted that after the speech which had just fallen from the Chancellor of the Exchequer Her Majesty's Government would reconsider their determination on the question, and not refuse the proposition of the hon. Member for Dungarvan.

Mr. LAYARD said, the question of the Ionian Islands was a very troublesome and mischievous one, and on that account he thought the opinion of the House should be expressed upon it, in order that a term might be put to an agitation mainly promoted by a factious minority, and that the people might be permitted to turn their attention to the development of their resources. If those who, like himself, were known to have raised their voices in favour of oppressed nationalities, without reference to country or creed, should express opinions unfavourable to the existing movement in the Ionian Islands, he could not help thinking that a good effect might be produced among the people. He regretted that the hon. Member for Dungarvan was not prepared to give a little of the sympathy which he had expressed towards the Ionian Islands to the Italians; but if the speeches of the hon. Gentleman proved one thing more more than another, they showed the mischief of hon. Members discussing questions of foreign policy in relation to countries with which they were not acquainted. Only a short time ago an hon. Member addressed the House on the affairs of Italy after a few weeks' residence in Rome, where he was not allowed to see anything which he was not wanted to see, and with little or no knowledge of the Italians as a people or of their language. The hon. Gentleman the Member for Dungarvan, (Mr. Maguire), in like manner had never visited the Ionian Islands, and had no knowledge of them beyond what he had gained from books or newspapers; if he had been as well acquainted with the islands and the country adjacent as he (Mr. Layard) was, he would not have expressed such opinions. The hon. Gentleman had endeavoured to make out a case for the Ionian Islands, but he had in reality shown the opposite of what he intended to prove. It might really be supposed from the language held on the subject that the Septinsular Republic had existed from all time, but the fact was that the Republic was only constituted in 1800. The result of the creation of the Republic was that in two years the island was in such a state of anarchy, and assassination was so rife, that the Ionians were obliged to appeal to the Emperor of Russia to defend them against themselves. In 1815, after mature deliberation, it was considered that, for the prosperity of the Islands, and for the peace of Europe, there should be an English protectorate. For many years afterwards, no doubt, the government of the Islands was not very good. We were inclined to govern them more for our own advantage than for theirs. But this state of things did not now exist. The hon. Gentleman assumed that they were governed now as they were governed thirty years ago. That was not the case. Yet, even during those thirty years, the inhabitants had experienced great prosperity. Lord Guildford gave them a magnificent university; Sir Howard Douglas covered the island with roads; and, in fact, notwithstanding certain periods of misgovernment, nearly every Lord High Commissioner had been a man of liberal opinions, desirous of promoting, as far as lay in his power, the prosperity of the people committed to his charge. Lord Seaton introduced to a certain extent a liberal form of Government, and gave the Ionians vote by ballot. That did not satisfy them; and then the right hon. Gentlemen the Chancellor of the Exchequer was sent out to see what additional concessions could be made. He (Mr. Layard) confessed he had feared at the time that the result of this mission would be a mischievous one; and what he foresaw had really occurred. The right hon. Gentleman, whose broad sympathies were well known, and whose reputation as a Greek scholar was also known, was received in the Ionian Islands, not as a great English statesman, but as a Phil-Hellene, favourable to their annexation to Greece, and when the inhabitants were disappointed they turned upon him. He made as generous a proposal as the protecting Power could offer, and if the Ionians had accepted it they would have been in a position in which no nation in Europe was placed. Indeed, their liberty would have been so great that the Lord High Commissioner could scarcely have had any jurisdiction. The right having been conceded to the Ionian Assembly to send an agent to England to complain of the Lord High Commissioner, wherein they considered that they had cause to do so. A party in the Chambers, however, not only rejected the constitution but refused to take it into consideration. They might have pursued their plans for annexation with Greece and at the same time have ameliorated the condition of their own country, but they preferred to take the course he had stated. Signor Lombardo, among other things, complained that the finances were badly administered, and that public instruction was impeded, but the responsibility of this rested upon the very persons who complained of the present state of things. As to the statement that the Ionians had no liberty for the expression of ideas, the fact was that in no country in Europe would the press have been permitted to publish such articles as were published in the Ionian Islands; and though the Lord High Commissioner had the power of resorting to the extraordinary measures described by the right hon. Gentleman, in no case of late years had he exercised those powers. Then there was a statement that the Ionians had not received the protection to which they had a right under the English flag. That was false. When he was Secretary to the Embassy at Constantinople he had to go to the Porte with claims on the part of Ionians which he was often heartily ashamed of advocating. The Ionians received from our consular agents in the East equal justice with British subjects, and sometimes more.

The English flag protected their commerce (and the Ionians were now becoming the carriers of the East), and wherever they went they enjoyed the protection of English consular officers and of English treaties. But what they wanted was annexation to Greece; and why? It was really absurd to represent this as a question of nationality on the same footing with a country like Italy, which had common boundaries, a common language, and one great common literature. There were here seven small islands, containing a population of some 240,000. If they could assert their nationality, might not Malta and Gibraltar do so too, or even some island which it might be still more inconvenient for us to part with? He certainly did not deride what was sometimes called "the jargon of nationalities." He regarded it as the important question of the day; but they ought first to define in what nationality consisted. Did it mean identity of race, of language, of religion, and of geographical limits? If identity, on all these points, were required, the Ionian Islands had no right to claim nationality with Greece. The Greeks were fond of talking of planting the Cross upon St. Sophia's, at Constantinople, and asserting a nationality extending over all Turkey. The thing was perfectly monstrous. In European Turkey, out of 15,500,000 inhabitants, only 1,000,000 were Greeks; and in Asiatic and European Turkey together, out of 31,000,000 inhabitants, only 2,000,000 were Greeks. In Constantinople there were 891,000 inhabitants, of whom 130,000 were called Greeks, though more than one-half were Sclavonians. Thessaly, no doubt, formed a part of Greece, and he regretted it was not added to that kingdom when Greece was made independent. But in Albania there were only a few Greek families, and it had nothing to do with Greece, while the Bulgarians, the Bosnians, and the inhabitants of Roumelia were Sclavonians, who had no sympathy whatever with the Greeks. But were the Greeks themselves Greeks? Even this fact has been questioned by a distinguished German writer who had endeavoured to prove, and to the satisfaction of some, that there was not a single Greek in the whole of Greece. Nay, more, those gentlemen who took so prominent a part in the agitation which was the subject of discussion were not Greeks, but Italians by descent as well as by name, while in point of geographical position Corfu was not Greek, but Albanian, and if given up to any Power ought to be surrendered to Turkey. It would, however, in his opinion, be preposterous to give up Corfu at the present moment. If we were to do so that island would become a nest of pirates and the home of disaffected spirits of all kinds, who might eventually involve this country in a war and bring about that state of things in the East, for the prevention of which we had spent thousands of lives and millions of treasure. He did not think, therefore, any feeling of fancied nationality ought to be allowed to weigh with us in the matter. For his own part, he was anxious that the Ionian Islands should be as prosperous as possible, and if their inhabitants would only turn their attention to working out their own resources, and avail themselves of all the advantages which their beautiful climate afforded they might be as happy as any people in the world. He might observe before he sat down that he regretted very much to hear the hon. Member for Dungarvan speak in disrespectful terms of Sir Henry Storks, who was eminent not only as a military man, but who possessed civil and administration qualities of the highest order. Sir Henry Storks had long resided in the Ionian Islands; he was well acquainted with the language and customs of the native population; and no one, he would venture to say, could have behaved towards them in a more liberal spirit. To that population—if the words of one who loved the Ionian Islands could reach them—he would repeat the advice to strive to develope their great resources, and to set agitation aside. The time might come when there would be a really free and well-governed Greece, and when it might be the interest of England as well as to the true interests of the Ionians to part with those Islands, but that time had not yet arrived. Meantime, he would make two suggestions of a somewhat practical character; one was that the pay of those gentlemen who put themselves forward so prominently in the cause of agitation should be stopped so long as they were not legislating in the House of Assembly; the other, that Santa Maura should be handed over to Greece for five years, and if at the end of that time she wished to continue in the same position, why, in God's name, let her remain annexed. If those steps were taken, agitation would, in his opinion, be soon at an end, and a great source of mischief to the Ionian Islands removed. He recollected having spoken to a Greek gentleman, who had once held office in Greece, on the subject, who said to him, "You do not know how to govern these people. If they belonged to us we should send a few Albanian regiments two years in arrear of pay, and you would soon see that they would keep them in order." What was the present condition of Greece? With the exception of Athens there was no security for life or property in any part of the country. There was no liberty of speech, no one dared to write or say anything in opposition to the Government, and the despotism which existed was painful to those who, like himself, were in favour of Greek regeneration. If the Ionians felt that they could expect no support from that House to the movement for an union with Greece, he believed the agitation would cease, and they would be led to direct their energies to some more profitable pursuit.

Mr. WHITESIDE said, the discussion in which the House was engaged was—as often happened in the case of debates in that House—of a nature to leave an attentive listener in a state of greater perplexity than he had been before it commenced. No Gentleman in that Assembly possessed in a higher degree those qualities for which the true Greek was remarkable — brilliant eloquence, fine imagination, and, he might add, all the gifts of nature—than the right hon. Gentleman the Chancellor of the Exchequer, and when the right hon. Gentleman had been sent out on his mission to the Ionian Islands he, for one, felt confident that, whatever the troubles might be which prevailed in that quarter of the world, they would be, under such distinguished auspices, arranged with more than the wisdom of Nestor and the cunning of an Ulysses. It was, therefore, no less with surprise than concern that he learnt the mission of the right hon. Gentleman had been marked by a failure so conspicuous. Never had a person of such gravity of character and of powers of eloquence so great as the right hon. Gentleman addressed an audience in the hope of reducing chaos to order, and out of confusion creating method and regularity in Government. That evening the right hon. Gentleman had made an able and interesting speech, in which he sketched the people of the Ionian Islands at first as being a docile and amiable race, and easy to govern; but, having laid down that position, he had proceeded, as was not unusual with him, to show how really ill-founded was the picture which he had drawn, and sought to prove to the House that there was scarcely a vice or a bad quality, whether public or private, which might not with justice be attributed to the interesting people in question. That being so, he ventured to say that if Government were before difficult in the Ionian Islands it would after the speech of the right hon. Gentleman be found impossible. Nay, more, whatever the popularity of the right hon. Gentleman might have been in those islands, it would, as soon as his speech had reached them, at once and for ever terminate. He had spoken of the Ionian Parliament as being composed of men who were all bad and corrupt, and had gone on to point out the remedies which he had suggested for those evils which he had so graphically described. The result, however, was, that he left matters in a state of greater perplexity than they were in before, except, indeed, that he had pointed out the impossibity of doing anything effectual. The right hon. Gentleman had failed to show what could be done with the Ionian Islands, seeing that they were not to be given up to Greece, and were not, according to him, fit to govern themselves. He contended that the people of those Islands were absurd and corrupt, and there he left them. Nor did the hon. Gentleman who had just spoken seem to know what was to be done under the circumstances, so the House must appeal to the noble Viscount at the head of the Government, who might not give expression to his opinions with so much eloquence as the Chancellor of the Exchequer, but who, nevertheless, might deal with the subject under discussion with more of common sense. For his own part, he believed that the inhabitants of the Ionian Islands had, so far as their personal liberties were concerned, no complaint to make against England; but he must, at the same time, observe that he believed the question of nationality which the hon. Gentleman who had just sat down had disposed of so summarily, was, after all, the real question they had to address their minds to; for he understood the right hon. Gentleman to say, that the Ionians were everywhere in favour of the nationality of Greece. The hon. Member for Dungarvan had said, that that was not a matter to be got rid of upon the materials contained in the despatch of the noble Lord the Foreign Secretary of the 10th October; for that despatch led to the conclusion that a people, no matter what were the principles of their Government, were to be masters of their own form of Government, and that when they decided what that form of Government was to be they were to be at liberty to build up the edifice of their constitution as they thought fit. When he read that despatch he knew what use would be made of it. It was immediately laid hold of and applied to Ireland and the Ionian Islands. The noble Viscount knew very well that he could not apply one law to a strong state and another to a weak one, and one principle to one state and another principle to another state. However true it might be that a nation like that of Italy had a right to choose its form of Government, it was not politic for the Foreign Minister to write an essay to that effect, any more than to say that it would be right to sanction the Poles in endeavouring to throw off their allegiance to their present rulers, although he disapproved of the iniquitous means by which the partition of Poland had been brought about. One thing had struck him very forcibly during the debate, and it was that there was a case very much in point. An Irish Gentleman, Mr. Smith O'Brien, was once prosecuted for his life, and the Whig Crown lawyers wished to give a particular colouring to acts he had committed in the county of Tipperary and the adjoining district, his life or death depending on the question of treasonable intent. They alleged that he, a British subject, had paid a visit to Paris and asked Lamartine to interfere in the internal affairs of this country, and that whatever might be the political abstractions on such a subject, in the case itself he (Mr. O'Brien) must be hanged on the ground that to ask a foreign power to interfere in the internal concerns of another country was, on the part of a subject, an act of high treason. Mr. S. O'Brien was tried, not for his speeches, but for his acts. The Judges admitted the evidence, which was relied upon as evidence to explain the motives of all his actions, and to justify his condemnation to the scaffold. But had the noble Lord ever read the answer of Lamartine? It was a recorded fact that it was placarded all over the south of Ireland with a view of allaying the political fermentation which prevailed there. And why? Contrast that despatch with the answer of the noble Lord of October 10, and then they would see how a gentleman, a literary man—though not skilled in diplomacy, though not provided with Vattel, though not one of the school of international law of which the noble Viscount opposite was the founder, and of which another noble Lord near him was the most eminent professor—dealt with the same question. Lamartine answered—and on the answer depended, it was thought, whether or not the south of Ireland would be deluged with blood—that his ambassador was in England and the English ambassador in Paris, that the two countries were at peace, and that no matter how great the oppressions under which the Irish laboured might be—and Lamartine did not pretend to deny them—the inflexible principle of the law of nations made it impossible for him by any inducement or promise of assistance to excite or stimulate against a friendly Power an internal insurrection. It was the true principle which the Republican asserted, and while everybody might maintain the right of an oppressed people to judge of their own oppression, it was not proper for the Foreign Minister of England to write essays to show in what particular case subjects might rise against the authority that governed them, it if was desired to keep this country at peace with the world. He trusted that the hon. Under Secretary for the Colonies would acquaint the House with the scheme by which, as anticipated by the hon. Gentleman who spoke last, the population of the Ionian Islands would be restored to that state of contentment and happiness which the Chancellor of the Exchequer wished to give them, but which the right hon. Gentleman had most unfortunately failed to impart.

MR. MONCKTON MILNES said, that the position of the Ionian Islands at the time of their union with this country was somewhat peculiar. They had been the great frontier between the Christian and the Mahometan world for many years. They had been governed by Italian rulers in an irregular form, as a sort of Italian colony, and all their sympathies were with those people on the mainland of Turkey whom they believed to be of the same race and knew to be of the same religion with themselves. What could be more natural than that, when placed under the British protectorate, they should take a deep interest in that Phil-Hellenic movement, which he remembered so well occurring at an early period of his life, when political subjects first began to attract his attention? The noble Lord at the head of the Government took a part in that great movement, and he asked the noble Lord whether he did not see in the history of those times the germ of the principle of nationality which had now grown up in the Ionian Islands to be so troublesome in this country and so useless to the inhabitants themselves? If the Greek kingdom had progressed rapidly to a successful condition this matter might now present a different aspect, and the Greek Government might, perhaps, have been allowed, when able, to incorporate with their kingdom these portions of adjoining territories sympathizing with them. But the question was now complicated. The Greek Government had shown no disposition hitherto to appropriate the Ionian Islands, and he believed he was justified in stating that the Greek Government regarded as strangers the people on the islands in their possession, and did not allow to them all the privileges of Hellenic citizenship, not even to the inhabitants of the magnificent island of Hydra. Therefore, it would be very difficult to proceed by any formal Act to incorporate the Ionian Islands with Greece. But something might be done to show to the Ionian people that this country respected their feelings in the sense explained by the Chancellor of the Exchequer, and, he believed that, if their feelings had been treated with the same regard and sympathy as had been exhibited by the right hon. Gentleman, matters would not have reached the inconvenient position in which they now were. It was because their feeling for nationality had been treated as something hostile to England that they were so difficult to govern. But that feeling was irrepressible; and he utterly denied that it was of a mere transitory nature. It was thoroughly internal and permanent, arising out of our historical past, and growing up to an historical future; and he trusted that the Government, whatever measure they might take, would remember that they had no right to treat the Ionian people as belonging, in the ordinary sense, to a British possession. Our business with them was to protect them from the assumption of other Powers, and it was a fact that it was only after the protectorate had been refused by Russia and Austria at the Treaty of Vienna that it was forced upon us. He had long been desirous to have the subject discussed in Parliament, because he had always felt that after a man of the high position and character of the right hon. Gentleman had been sent on so important a mission it was neither respectful to him nor in accordance with the usages of Parliament that no other information should have been laid before them as to the results of his labours than could be gathered from the newspapers or private sources of information. He could not understand what advantage was to be gained from keeping the right hon. Gentleman's reports so long shrouded in secrecy, when every statesman connected with the administration of our foreign affairs must have known that sooner or later the gist of it must creep out. The concealment of these transactions had been injurious to the character and position o the country in Europe. In every little German newspaper the story of the Ionians had been repeated to the disadvantage of England; but if this debate had taken place at an earlier period none of these accusations would have been heard. The Ionians must be governed on the principles of justice, and at the same time we should do well not to disregard those expressions of political feeling which, so far from being objectionable, were, as the right hon. Gentleman had well said, the very salt of their character, and the groundwork of that energy of character which at some future period would enable them to dispense with our protection. No one could have remarked the elasticity, energy, and activity of the Greek character without acknowledging that the nation was destined to play a great part in the world's history, and to that result he believed the Ionians would in due time contribute.

MR. MONSELL said, he had listened with the greatest pleasure to the speech of the right hon. Gentleman the Chancellor of the Exchequer, who evidently desired that, by the improvement of their institutions, the Ionians might be gradually educated so as to fit them to become part of that great people to which the hon. Member for Pontefract had just referred. And if the debate had closed with that speech, he should have been satisfied to have remained silent. The hon. Member for Southwark, however, in a speech which jarred harshly with the general tone of the discussion, had laid down several propositions in the dogmatic manner peculiar to him, to which he completely demurred. He said that though in former times the Ionians might have had something to complain of their Government now was a very good one. But was the hon. Gentleman aware that an arrangement made by Sir Thomas Maitland, by which the High Commissioner obtained very considerable influence over the archbishops and bishops, had recently been taken advantage of to banish to a small island two priests who had been guilty of no other offence then the getting up of an address from the clergy to the Chancellor of the Exchequer? That was an act which every hon. Gentleman in the House he was sure would reprobate. He spoke in high terms of the roads in Corfu, but was he aware that the roads in Zante had been allowed to go entirely out of repair, and that it was almost impossible to traverse them except on horseback? The speech of the Chancellor of the Exchequer was calculated to sooth the pride of the islanders, and to lead them to acquiesce in the offers which the Government might think it expedient to make them. The speech of the hon. Gentleman, on the contrary —if the Ionians should unfortunately think that his opinions were generally shared by the people of this country—were calculated to alienate them still further. Nothing could be more to be regretted than that, for he looked forward to a gradual improvement in their position without that union with Greece which they desired at present. At some future time he hoped they would be united with the Greek people, who, by their energy and abilities as a commercial people, had vindicated for themselves a great national position. Every friend of the progress of civilization in the East must look forward to that day. The hon. Gentleman was a great admirer of the new doctrines laid down by the noble Lord the Foreign Secretary, who, by the way, was not present that night, thinking, probably, that the discussion might be an awkward one. The noble Lord had laid down the principle that when a people considered themselves to be badly governed they had a right to throw it off. They were to be the sole judges. On that principle the noble Lord would be unable to deny the Ionians the right of joining themselves to Greece or any other country if they thought fit. It was the doctrine laid down by all revolutionists for the last seventy or eighty years, and carried to its legitimate extent by Mr. Jeffreson, who maintained that every people ought to have an opportunity of revising its Government every twenty years, as the sons might not be satisfied with the institutions of their fathers. His main object in rising was to protest against the unsympathizing tone in which the hon. Member for Southwark (Mr. Layard) had spoken of the inhabitants of the Ionian Islands. He rejoiced to think that the hon. Member stood alone, and that Ionian people would learn from the debate of this evening that the English Parliament sympathized with them, and were not averse to the ultimate realization of the national desires and aspirations. He trusted, however, that they would not go faster than reason, justice, and policy, prescribed, and that they would be satisfied with accepting the liberal propositions of the Chancellor of the Exchequer, whereby they might train themselves in due time to be a part of the great nation which would one day, he trusted, be established in that part of the world.

Mr. LAYARD said, he wished to explain. He denied that he had said anything calculated to irritate or wound the feelings of the Ionian people. His intention was quite the reverse.

Mr. CHICHESTER FORTESCUE said, that after the admirable and exhaustive speech of his right hon. Friend the Chancellor of the Exchequer he only rose to explain somewhat more fully the nature of the Papers which the Government were willing to present to Parliament on the subject. The Papers were of two classes. Three or four reports were sent home to the Crown by his right hon. Friend (the Chancellor of the Exchequer) during his mission at Corfu, which the Government in their discretion, supported by the House, did not think it expedient to present to Parliament. These were documents of a very peculiar kind, and not at all of the nature of Lord Durham's report on the Canadas to which allusion had been made in the course of the debate. The Ionian Islands were not colonies, and Parliament had no power of legislating for them; whereas the result of Lord Durham's mission and report was the passing of an Act of Parliament for the government of the Canadian colonies. Nor were these reports in the nature of diplomatic negotiations with a foreign Power, such as were frequently laid before Parliament. They were reports of the most confidential character addressed to the Crown, the result of which had been embodied by his right hon. Friend in an Address to the Legislature of the Ionian Islands and in a number of Resolutions containing the plan of constitutional reform he proposed. There were, however, many suggestions that had not been adopted—many discussions of a free character which might be of use at some future opportunity, but to publish which at present would do no good, but only furnish texts for a violent press and for political agitators in the islands. On the other hand there were Papers which the Government were both willing and ready to lay on the table. There was correspondence of a public nature that would explain the character of his right hon. Friend's mission, its result, and the reasons why his plan of reform had been rejected. A great deal of the information had already been made public, but it would be now laid upon the table in a Parliamentary shape, and some of the facts might add to the knowledge already possessed by the House. He thanked the hon. Member for Southwark for the way in which he had spoken of Sir Henry Storks, who deserved every word of the eulogy which had been passed on him. He could answer for Sir Henry Storks, that he had carried forbearance to the limits of duty, and that nothing would have induced him to terminate before the proper time the Session of the Assembly but the adoption of violent and unconstitutional measures by an unscrupulous minority, encouraged by a turbulent and disorderly crowd in the galleries. But, although that had been done, he trusted that the House would not be led to suppose that the Ionian Islands were at the present moment governed by force. The state of the case was that the Ionian Assembly had by its own act deprived the Ionian Islands of the full enjoyment of free institutions for the time being. He could himself bear witness to the fact that valuable measures of improvement would have been laid on the table of the Assembly but for the unconstitutional measures which had rendered the interference of Sir Henry Storks necessary. At present the islands were governed by the Ionian Senate, assisted by the Lord High Commissioner. The Senate was virtually, though indirectly, an elective body drawn from the body of the Assembly, and comprising some of its most eminent members, so that the utmost hardship the islands could suffer was that they would be governed by that eminent Ionian Council. As to the Ionian Islands being in a state of turbulence and agitation, nothing could be further from the truth. They were, on the contrary, in a state of the most profound tranquillity. No repressive measures had been found necessary. The agitation was merely on the surface, and was, indeed, to a great extent, factitious. No doubt the agitators and some honest enthusiasts had a real national sentiment to work upon, but that sentiment was one of the most mild and peaceful character, which did not interfere with the happiness and tranquillity of daily and family life. The echo of these storms was, in fact, louder in London than in Corfu, and he doubted whether so much had been said about the feeling of nationality in six weeks in the Ionian Ialands as had been uttered that night in the House of Commans. He felt a sanguine belief that the discussion which had just taken place would do good in the Ionian Islands. It would convince the inhabitants that not only the British Government, but that the liberty-loving Parliament of this country was determined, in the interest of Europe, to retain the protectorate over these islands—a link so light that it need scarcely be felt, and which might be consistent with the enjoyment of the fullest domestic freedom and order in those islands.

Mr. MAGUIRE said, he should accept the offer of the Government, and appeal to their liberality to give the fullest possible information on the subject. It was far from his intention to say anything disrespectful of Sir Henry Storks. He meant only to remark that it was a scandal that the gallant Gentleman should have been placed in such a difficult position as to be obliged to apply to the Colonial Government for advice on such a subject. The description given by the Chancellor of the Exchequer must have made a painful impression on the House, and vindicated many things which he had said. The Government might, according to their belief, be perfectly right in laying down the doctrine that, no matter what was said to other countries, the protectorate of the Ionian Islands must be maintained at all hazards. But when it was said, some time since, that the great interests of the Catholics required that the temporal power of the Pope should be maintained, the hon. Member for Southwark, and other Gentlemen were ready enough to exclaim, "We do not care for those large interests—what do the Roman people say?" He retorted now, "What do the Ionian people say?" Wriggle out of it as they might, the same broad principle should be made to apply to one country as well as to another. It was insinuated that he was a recent convert to liberal opinions. It was not so. His sympathies extended to the whole world. He wished every man to be free—black or white, civilized or savage—and he wished the Italians to enjoy true freedom. But what he objected to was that, under pretence of leaving people to manage their own affairs, the Government had done their best to excite the people of other countries to revolution. If the Government maintained a dignified neutrality he should be quite satisfied. Let foreign Governments and their people fight it out, but let not the Government use the influence of England to crush feeble monarchies and destroy the dynasties of small States. There was no inconsistency between what he had advocated during his whole life. The Chancellor of the Exchequer seemed to think that he had described his offers as very small. On the contrary, he said the right hon. Gentleman went with his hands full of gifts, and as they were rejected, the fact of their being large proved how strong was the feeling of the people in favour of annexation to Greece. He should be sorry if he had injured the cause of the Ionians; but he did not believe that he had, and he was quite satisfied with the result of the debate.

VISCOUNT PALMERSTON: Sir, I will just say that the hon. Gentleman has shown a very fair and candid spirit, and on the part of the Government I thank him very much for it. I am convinced that he will find in the papers to be presented all the information which he is justly entitled to ask, or which it would be expedient to give. I also concur in thinking that the course which this discussion has taken must do good in the Ionian Islands. It will, I trust, convince the people that on the part of Her Majesty's Government, of Parliament, and of the people of this country there is no feeling with regard to them except that of an earnest desire to contribute to their happiness and prosperity, and I hope that they will be impressed with the conviction that we are so strongly anxious to promote their happiness and prosperity that nothing will induce us to consent to inflict on them the serious injury and evil which would arise from annexation to the Kingdom of Greece. Of course, it is all very well to talk of that as an object of desire to the people of the Ionian Islands; but if hon. Gentlemen knew the present condition of Greece, the discontent which there prevails and the indication of events which are inconsistent with internal tranquility, I am sure they would think that, in the interest of the Ionian Islands, Her Majesty's Government have judged rightly in declining to comply with the wish expressed for a junction with Greece. We are discharging a duty imposed on us by treaty, and at the same time by a due sense of regard for the best interests of the people of the Ionian Islands, in steadily refusing to comply with that request. I trust that the people of those islands will concur with Her Majesty's Government in endeavouring to effect those internal improvements in their condition of which that condition is susceptible, and I can assure the hon. Gentleman and the House that if this discussion should, in any way, contribute to facilitate such an arrangement, we shall thank the hon. Gentleman for having originated the discussion this evening.

Motion, by leave, *withdrawn.*

JERSEY COURT.—LEAVE.

MR. SERJEANT PIGOTT said, he rose to move for leave to bring in a Bill to amend the constitution, practice, and procedure of the Court of the Island of Jersey. He should not have ventured on such a step had he not ascertained that there was no probability of the Crown taking the initiative in such a reform during the present Session, and there was not the least likelihood of any reform ever proceeding from that Court itself. The Court consisted of the bailiff, a salaried officer appointed by the Crown, and twelve jurats, who were elected by the parishes. The bailiff was the only member of the Court who had any legal education. The only qualification for a jurat was a rental of £30 a year, and the only disqualification the trade of baker, butcher, or brewer. Such was the Court which decided the most difficult cases. In 1846 a Commission inquired into the working of the Court as a court of criminal law; for the administration, both of the civil and criminal law, was in its hands. That Commission expressed its entire disapprobation of the Court, which it stated to be unfit, from want of legal knowledge, to administer the law; as being often guided in its decisions by party feeling; and as neither possessing nor deserving the confidence of the inhabitants. Since that time another Commission had gone fully into the subject, and in their Report they also described the Royal Court as incompetent, as characterized by a disregard of many of the functions confided to it, and as a tribunal in which "extortion, oppression, and injustice seemed to be an ordinary course of proceeding." The position of the bailiff was described as essentially vicious, the jurats as frequently judges in their own case as managers of the impôt, and the inhabitants regarded the Court as too weak to prevent "indecent conflicts of language and even personal violence" from being committed within it. As an illustration of the kind of injustice and oppression perpetrated under the existing system, he might cite the case of a gentleman named Dodd, who went to reside in Jersey a few years ago, and was wrongfully arrested for a debt of £800, alleged to have been incurred by him in England as trustee of an estate. He made numerous and unavailing efforts to procure his liberty—procured even an injunction from the Court of Chancery, which was disregarded—and was not discharged till three years had elapsed, when the Royal Court at length declared that he had been illegally arrested. Another case was that of Mr. Blunt, who went from Birmingham to the island, was arrested for a debt which he no doubt owed; he acknowledged the claim and endeavoured to obtain his discharge by passing through the Jersey Insolvent Court, and giving up all his possessions, but, because he was unable to give up a settlement which his wife had upon some property—a settlement which was not in his keeping, and which it was not in his power to deliver up—he was still a prisoner, and might remain so for life, or at least till released by the passing of such a remedial measure by that House, as he was about to ask leave to introduce. Any Englishman visiting the island might be treated as these two men had been; but, however great the injustice, there was no proper tribunal to which they could appeal for protection. He had presented a petition from an hon. Member of that House (Mr. Packe) who was entitled to a considerable tract of land in the island, which had come down to him from an ancestor who acquired it in the reign of Charles II. A house had been built by a taxpayer on a piece of waste land belonging to the estate, and had been let to a tenant. A writ of ejectment was brought to regain possession of the property, and in six months a judgment was obtained; such as it was. The judgment was that a number of persons had obtained a right of common over the waste land, and that all these must be made defendants in the suit. As the number of persons who claimed the right of common amounted to about 400, and as they were unknown to the petitioner, who could not tell who they were, he was thus prevented from prosecuting his suit for the recovery of the property. There was what was called the process of *partage* in Jersey. It consisted in dividing among the children the property left by a father. The Commissioners stated that ten years was an ordinary time to be spent in this process, and one case was mentioned which they said might well have been decided by an arbitrator in twenty-four hours, but which had already occupied the Court for seventeen years. The only question to be considered at present was whether the reformation of such a system as existed in Jersey ought to be taken in hand by the Imperial Parliament or left to the States themselves? He ventured to think that the House would not leave it to the States to reform themselves, seeing that they had allowed those abuses to exist for so long a time. If the States had the least wish for reformation, they would have adopted some line of action long before the present time. It was quite evident that they had no intention to move in the matter; and his opinion was that, if the House of Commons did not give him leave to bring in this Bill, those oppressions, extortions, and acts of injustice would continue. If the House gave him permission to introduce his Bill, it would be the easiest matter in the world to constitute a Court founded in accordance with recommendations of both sets of Commissioners. The hon. and learned Member concluded by moving for leave to bring in a Bill to amend the constitution, practice, and procedure of the Courts of the island of Jersey.

MR. HADFIELD seconded the Motion. He presumed that there would be no opposition to the first reading, and he trusted that before the Motion for reading the Bill a second time Her Majesty's Government would lay upon the Table Returns which he had moved for in the present Session, but which had not yet been produced. Those returns would reveal a state of things which would astonish the House. It was time that the petition of the inhabitants of the island should be complied with. At the present time some of the offices in Jersey were matters of sale. His hon. and learned Friend had stated sufficient to show the abuses in the administration of the law, and it was notorious that there was no protection for trust property. The land system was also very defective. He believed that if some such machinery as that of the Irish Encumbered Estates Court were set in motion in Jersey the value of land would increase 50 per cent.

Mr. SOTHERON ESTCOURT said, he presumed that there was no intention on the part of the Government to object to the Bill being brought in. Any one who took the trouble of reading the admirably drawn report of the Commissioners would find in it a mass of astounding facts, with regard not only to the law but also to the Court which administered the law in Jersey. These facts called loudly for the interference of the supreme authority of this country. Before the last Commission issued he had received representations from various parties in the island disclosing a state of things which would appear almost incredible. These representations stated that suits were continued for a number of years, and continued under circumstances that left no hope to the parties of there being any decision within a reasonable time; that persons were put in prison without owing a farthing, and that there was no fair opportunity for resisting such proceedings. The rules of the Court were such as to put it out of the power of any person to interfere. Without intending any disrespect to the hon. Member by whom this subject had been opened, he hoped the Government would take the matter into its own hands, for it was really of a nature too important to be intrusted to any single individual. If a remedy were not at least attempted in the present Session, it would be a disgrace to the Legislature; and legislative interposition was especially called for at the present juncture, because, not only were the laws and judicial system of Jersey defective, but the supreme authority of Parliament was disputed in that island. Even if the existing evils were successfully dealt with, the Report of the Commissioners would remain an interesting and most curious record of a state of the law which was altogether anomalous.

Sir GEORGE LEWIS said, he was not about to defend either the constitution or the procedure of the Court of Jersey, or the similar Court in the island of Guernsey. They had been condemned by more than one Commission, and if ten Commissions, composed of competent men, were appointed, he believed they would all be obliged to arrive at similar conclusions. If Jersey were an integral part of the United Kingdom, and the matter were ready for legislation, he should not hesitate to lay on the table a Bill dealing with the question. But the difficulty lay in the fact that Jersey was only a dependency of the Crown. It was a separate appanage from the United Kingdom, and it had not been the custom of Parliament habitually to legislate with regard to that island. He could not suppose that any inhabitant was so little master of his sense or understanding as to deny the power of Parliament to legislate with regard to it; but what was disputed was the power of the Crown by Orders in Council to make constitutional changes in the laws of the island—a point as to which doubts might be reasonably entertained. The residents were undoubtedly animated by feelings of great loyalty to the Queen, and of attachment to Great Britain; but they were also strongly attached to their ancient laws, absurd and inconvenient as these might appear in the eyes of others. The House had heard that evening of some islands to which the offer of an amended constitution was made, which they, nevertheless, unanimously rejected. Was it by any means certain that the measure of reform proposed by the hon. and learned Gentleman would meet with a more favourable reception than had been accorded to the proposals of the right hon. Gentleman by the Legislature of Corfu? Of course there was a limit to the forbearance of Parliament; and, owing to the increased number of English residents in the Channel Islands, consequent on the increased facilities of communication, the attachment to old customs no longer prevailed there to the same extent. He, therefore, regarded the question mainly as a question of time. A year had not elapsed since the report of the Commissioners was issued, and immediately on its publication he caused a letter to be addressed to the Lieutenant-Governor of Jersey, requesting that he would bring the matter formally under the notice of the States. No definitive step had yet been taken by the States, and his feeling was that if, after a due interval had been allowed for deliberation, the States declined to adopt any remedial measures, Parliament would then legitimately be called on to interfere. The introduction of the present Bill, to which he should offer no objection, would act as a seasonable hint; but he very much doubted whether the time had not yet arrived for peremptory action.

Mr. COLLIER said, that having spent

some time in Jersey, and having made himself acquainted with the laws of the island, he must state his conviction that the laws in Jersey were worse administered than in any civilized country in the world, and that the Government might be called upon before the lapse of very considerable time to deal with the abuses.

MR. O'BRIEN said, he had never heard a word urged in defence of the local tribunals of Jersey. Once when a native resident was defeated by the unanswerable case made out by an Englishman, he exclaimed—"Is it come to this, that a Jersey man is not to succeed in his own court?"

CAPTAIN JERVIS said, he would only ask the House to remember that the Channel Islands had no representative in Parliament, and that they were consequently bound to deal tenderly with them. With regard to the islands, to which the right hon. Gentleman had alluded, power was given to England by the treaties of 1815 to amend their constitution; and if it were not altogether what it ought to be, it was entirely the fault of this country.

Leave *given.*

Bill to amend the Constitution, Practice, and Procedure of the Court of the Island of Jersey, *ordered* to be brought in by Mr. Serjeant PIGOTT, Mr. HADFIELD, and Mr. COLLIER.

TURNPIKE ROADS AND BRIDGES.

COMMISSION MOVED FOR.

MR. ALCOCK said, he rose to move that an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Royal Commision to inquire and report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the turnpike roads and bridges in England and Wales by tolls. He only asked the Government to follow out the course which had already been adopted in Scotland and Ireland. In his opinion the best plan would be to abolish the gates and tolls at once, and to raise by highway rates a sufficient sum to pay the interest of the debts for which they should be mortgaged. He had already submitted such a plan to the trustees of the Reigate road, with which he was connected, and it had been very favourably received. He, however, did not intend to make any suggestion to the House as to what was the best to be done; all he required was a Commission to inquire into the whole subject, with a view to some definite plan by which to secure the object he had in view. There were trusts in Essex receiving as much as £4,000 a year, and yet they had not got a penny of debt. The chief obstacle to turnpike toll reform was the surveyor's interest, as he might call it. The surveyor of roads had great influence over the country gentlemen, and thus the present system was maintained. There were 23,000 miles of turnpike roads in the country, and the bonded debt on those roads was about £5,000,000; and the whole cost of carrying out the scheme he proposed with regard to all the turnpikes and toll-paying bridges of the kingdom would, according to calculations which he defied the right hon. Baronet the Home Secretary to question, amount to only £790,000 per annum. A rate of 1¾*d.* in the pound on the real property of the country would provide that amount and more. He had been told by the Leatherhead trustees that they were anxious to get rid of their tolls, but the Secretary of State compelled them to renew their tolls for twenty-one years. Now, all he asked of the right hon. Gentleman was to do that for England which he had thrice done both for Ireland and Scotland, and he trusted, therefore, that he would not oppose the Motion.

SIR GEORGE LEWIS said, that he could not vote in favour of the Motion. The question was, as the hon. Gentleman said, a very simple one; and he did not for a moment doubt that his calculations were all accurate, and that his plan if adopted would produce the results which he had promised. If that was so, however, there was no occasion to have recourse to the expensive, circuitous, and dilatory proceeding of issuing a Commission. All the facts were presented to Parliament in an annual statement prepared in the Home Office, and if there was a general opinion that turnpike tolls ought to be abolished, the materials for legislation were at hand, and there could be no difficulty in framing a measure to do away with them. Before adopting such a course, however, it might be wise to inquire what had been the result of the existing system. The revenue in 1837 was £1,500,000, and in 1858, the last year of which they had the accounts made up, it was only £1,000,000. The revenue was, therefore, diminishing, in consequence of the great diminution of receipts along the main lines of communication. Looking, on the other hand, at the charge, it was found that the repairs, which in 1837 cost £938,000, had diminished to £537,000, and the improvements, which in 1837 cost £202,000, had diminished to £36,000. Therefore, although the revenue had fallen off, the charge had diminished at least in in a corresponding degree. The bonded debt, which in 1837 was £7,000,000, was last year reduced to £4,900,000. That was a most satisfactory state of gradual reduction. The unpaid interest, which in 1837 was £1,000,000, had been reduced to £780,000. The financial state of turnpike trusts, therefore, was by no means unfavourable. Certainly the tax was an unpleasant one. It had unpleasant reminiscences for travellers,—

> "Onward as we roll,
> "*Surgit amari aliquid*, the toll."

He did not think, however, that the House would be prepared to vote for the issue of a Commission, or to act upon the conclusion that the whole system of maintaining the roads by means of tolls ought to be abolished.

MR. J. H. PHILLIPS said, he was glad to hear that the right hon. Gentleman would not assent to the issuing of the Commission of Inquiry, for there really was nothing to inquire into. He had no objection to the abolition of tolls, but he certainly objected to that being accomplished by the process of paying for them by the people of one district putting their hands into the pockets of another.

MR. PACKE said, he would remind the hon. Member that roads and bridges were maintained from two different sources— the roads by tolls, the bridges by the counties, so that the Commission he proposed would have two different subjects to inquire into. He was glad the right hon. Gentleman was disposed to refuse an assent to the Motion.

Motion made, and Question,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Royal Commission to inquire and report how far it may be desirable and practicable to substitute an equitable system of assessment in lieu of the present mode of maintaining the Turnpike Roads and Bridges in England and Wales by Tolls."

Put, and *negatived*

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2,

COLONEL DUNNE said, that he objected to centralization, and did not see why the counties should not decide for themselves in respect to tramways as well as with regard to common roads. He would have the tramways put on the same footing as common roads. If they gave the county the power of making short tramroads he did not see why they should not manage that matter as well as the matter of ordinary roads.

SIR EDWARD GROGAN said, they were arguing the principle of the Bill of last year on the clauses of the Bill before them. The clause under consideration would do away with all the securities of the Bill of last year, which had been well and carefully considered in Committee. It was true that the Bill of last year was altered in "another place," but the second clause of the present Bill did not apply to anything which had been so altered. Its effect would be to deprive the country gentry of the only protection they had against private speculations. He hoped the House would adopt the Amendment and reject the clause.

MR. CARDWELL said, Ireland was well furnished with trunk railroads, but not with branch railways, and the object of the Bill of last Session was to enable small towns which lay at a certain distance from railways, and which could not afford to have a Bill of their own for the construction of a railway, to have such railway constructed, and the plan was, as in the Health of Towns Act, for the Secretary of State to make orders for these railways, which had no legal effect till they received the sanction of the House in a general Bill. The question was whether the matter should come before the grand jury twice? It appeared to him that by the Bill the landowners would be placed with regard to those roads in the same position that they were in with regard to ordinary roads, and that the clause should not be expunged, but that another clause should be inserted to give the landowners the protection of the grand jury and the privy council in Ireland.

MR. LONGFIELD said, that the Bill would require to be considerably altered before it could meet with general adoption.

MR. BUTT said, he would undertake, if the Amendment were not pressed, to alter the clause as suggested by the right hon. Chief Secretary for Ireland before bringing up the Report.

COLONEL DUNNE said, he thought that the best mode would be to refer the Bill to a Committee, where the details could receive that amount of consideration which they could not receive in the Committee of the House.

Question put, "That Clause 2 stand part of the Bill."

The Committee *divided*:—Ayes 157; Noes 106: Majority 51.

Clause *agreed to.*

Clause 3,

Colonel DUNNE expressed a hope that the third clause would be omitted. He was anxious to place the powers under the Act in the hands of a Grand Jury, instead of the Lord Lieutenant in Council, and he hoped the right hon. Gentleman, the Secretary for Ireland, would endeavour by this and other Amendments to render the measure more perfect than was unfortunately the case at present.

Mr. BUTT moved that the Chairman report Progress, and ask leave to sit again.

Mr. HENNESSY observed, that he had never seen Irish Bills promoted in any satisfactory manner by right hon. Gentlemen sitting on the Treasury Benches. They had the misfortune to be ruled in Ireland at present by a gentleman who knew nothing whatever of the country, and whose conduct of Irish business, as evidenced by his proceedings with reference to the Bill under consideration, had struck him (Mr. Hennessy) with astonishment. He, for one, protested against reporting Progress. The hon. Member for Youghal (Mr. Butt), who was a sort of unofficial Attorney General, might think proper to make an arrangement with the Government in order to facilitate the progress of Government business, but that was no reason why they should report Progress. Night after night the Committee on the Bill had been postponed; and now, in presence of a full House, when the best possible opportunity was afforded for the discussion of the Bill, they were, forsooth, again to postpone the Bill to suit the convenience of the Government.

Lord NAAS said, he thought that there was no such urgency in regard to the business before the House to justify the postponement of notices of Motion on a Tuesday night in favour of the Orders of the Day. Tuesdays were always devoted to the business of private Members, and it was very hard that their privilege should be attempted to be abrogated. If the hon. and learned Gentleman did not persevere with the measure now, he could not hope to carry it through this Session.

Mr. BUTT said, he was exceedingly anxious to go on with the Bill. He had moved that the Chairman report Progress, not because of any understanding with the Government, but because he owned he had lost his temper, and felt that the Committee on their part were hardly in a temper to consider the Bill.

Mr. WHITESIDE said, he thought the hon. and learned Gentleman ungrateful. In his experience he had never seen the House in so amiable a mood, and he had no doubt if the right hon. Gentleman the Secretary for Ireland threw his usual energy into the matter they might get on with the Bill.

Captain JERVIS said, it was bad encouragement to private Members, after assenting for the benefit of the Government to the new arrangements for facilitating public business, to find that on the very first night afterwards the Bill of a private Member was to be thrust aside for the purpose of Government business.

Sir FRANCIS GOLDSMID said, he wished to know whether the extraordinarily full attendance of hon. Gentlemen on the benches opposite was for the purpose of discussing an Irish Tramway Bill?

Mr. LONGFIELD said, he for one could assure the hon. Baronet he had come down solely for the purpose of discussing the Irish Tramway Bill.

Colonel DUNNE said, from the nature of the business before the House, he did not expect the Bill would be brought on that evening; and he was, therefore, unprepared to discuss the Amendments of which he had given notice.

Lord ROBERT CECIL said, that the point at issue had gone beyond an Irish question. It was from what had occurred that evening evident that a great deal more than met the eye underlay the changes in the proceedings of the House which had a few nights ago been introduced. The policy of the Government in making those changes was now apparent. They hoped by their means to seize for their own purposes all the valuable hours of the Tuesday nights, leaving the hours when hon. Gentlemen were occupied in dining, and the House was comparatively empty to private Members. That was an attempt which, in his opinion, it became the interest not only of Irish Members, but of private Members generally, to resist at the very outset. It had reference to ulterior steps to be taken with respect to the Budget, and was of a piece with the devices by which that scheme had been characterized from beginning to end—devices by which it was proposed to wreak the vengeance and spite of the right hon. Gentleman the Chancellor of the Exchequer on the House of Lords—devices, he might add, more worthy of an attorney than of a statesman. If the right hon. Gentleman sought to force his Budget on before the proper time it was, of course, open to him, backed by a majority, to do so; but he was sure such tactics as those to which it would seem he was condescending to resort for the purpose would neither advance his own reputation nor tend to expedite the progress of his measures.

Mr. CONINGHAM said, he ventured to say that a more unjustifiable or more unwarrantable attack than that of the noble Lord (Lord Robert Cecil) upon the right hon. Gentleman had never been made in that House. It was perfectly true that the Government was anxious to bring on the consideration of the Budget, but it was equally evident to every dispassionate person that hon. Members on the other side were doing all in their power to prevent it.

Mr. DISRAELI observed that the discussion appeared to be characterized by a great deal of unnecessary heat. He did not find fault with the Government for desiring to advance the public business intrusted to their charge by every legitimate means which the course of Parliamentary proceeding enabled them to adopt. He had pointed out to the right hon. Gentleman the Chancellor of the Exchequer on the previous evening, in no spirit of hostility, the course which he thought, upon the whole, it would be most convenient the House should adopt in reference to the progress of his measures, consistently with affording hon. Gentlemen those occasions for the due discussion of business—especially business of great importance, which no Minister ought to grudge the House of Commons. The right hon. Gentleman had not, however, concurred in the suggestions on the subject which he had thrown out, as it was perfectly competent for him to do; but, it nevertheless, behoved hon. Members to consider the peculiar circumstances under which they were assembled that evening. It was the first evening on which the new rules regulating the mode of proceeding with the business of the House had come into force, and it was, therefore, both for the interests of the Government itself, and the maintenance of that good feeling and temper which, notwithstanding party conflicts, it was the duty of every hon. Gentleman to uphold who valued the character of the House of Commons—most desirable that those rules should not be misunderstood or the conduct of the Government in taking advantage of them open to suspicion. For his own part he was quite willing to take his share of the responsibility of having supported the new regulations in the Committee, while he acquitted the Government of any preconceived intention of bringing about the particular state of things in which the House now found itself. He could not at the same time help regarding it as a somewhat unfortunate circumstance, that changes which had been framed with the view of carrying on the public business for the public advantage should seem, on the first occasion on which they were brought into operation—and on a Tuesday night too, which it had been constantly urged in the Committee was a night on which the privileges of private Members were never to be interfered with—give rise for a single moment to the feeling that the Government were disposed to avail themselves of those opportunities to advance the Government business, and that too in dealing with measures which necessarily created great excitement. He was ready to admit that it might have been perfectly fair for the Government to whisper into the ear of the hon. Member for Dungarvan that he had better not bring on the subject of the Ionian Islands that evening. Had they even, by some contrivance, saved the House from travelling to Jersey he would have been disposed to pass over the arrangement without comment. The postponement of the discussion on belligerent rights was, indeed, urged for reasons in which he could not concur; and he could not help thinking that it was unfortunate that his Motion on the subject had not been brought forward by the hon. Member for Liverpool, for the debate upon it would, in his opinion, have tended to the advantage of the country and to the reputation of the House of Commons. He did not, however, mean for a moment to contend that the Government, in expressing an opinion favourable to delay in the matter, had been actuated by any other motive than a sense of public duty, while he could pardon any Minister who might have recommended the hon. and learned Member for Tiverton (Mr. Denman) not to submit to the notice of the House the claims of the Baron de Bode, or the Danish claims which had been made the subject of discussion for the last thirty years. But when he came to a practical subject such as that before the House, which involved a reform important to the Irish people, which was brought forward by an hon. and learned Gentleman who seemed to possess the confidence of the Government, and brought forward, too, with such general sympathy on the part of the House that upon a division a commanding majority expressed the high favour with which it was regarded, he could not help regretting the course in reference to it which had been pursued. He hoped the House would not under the circumstances sanction the Motion to report Progress which the hon. and learned Member so deeply concerned in the fate of the Bill had made; but, on the contrary, would proceed with the discussion in Committee, and permit a valuable measure to be advanced a stage.

SIR GEORGE GREY said, that he wished to remove a misapprehension which seemed to exist in the mind of the right hon. Gentleman as to the regulations which had been recently adopted with reference to the conduct of public business. The right hon. Gentleman seemed to intimate that, in consequence of the new regulations, the Report of Ways and Means was to be brought on that night; but the right hon. Gentlemen must remember that it was the usual practice, when a Committee of Supply or Ways and Means had been taken on a Monday, for the Report to be fixed for the following day. That was a practice sanctioned by the House from time immemorial. It might be a question whether, if a discussion was likely to arise, the Report should be brought on at a late hour; but Tuesday was quite as open for the purpose as any other day, and the Government had not availed themselves of any new privilege in fixing the Report of Supply and of Ways and Means for that night; nor was there, as the noble Lord had said, something more in the proceeding than met the eye.

MR. BENTINCK: It is not often that an hon. Member who has been in a minority of, I think, ninety-eight against two hundred or more, finds himself in so short a time in a position which clearly proves that the minority were right and the majority wrong. I cannot agree with the right hon. Gentleman the Member for Buckinghamshire that the Government are entirely free from blame in this matter, but I think the observations which have fallen from my noble Friend the Member for Stamford (Lord Robert Cecil) are perfectly justified. The case is simply this:—The hon. and learned Member for Youghal has brought forward a measure which he was able to carry through the House by successful majorities, yet at half-past eleven o'clock the hon. and learned Member, without the slightest reason, suddenly proposes that the Chairman should report Progress. It is not for me to say what were the arrangements which led to this proposal to report Progress; but this I will say, that it is quite unprecedented for any hon. Member sitting immediately behind the Treasury bench to make the proposition which the hon. Member opposite has done. I hope that hon. Members on this side the House are determined to maintain the right of private Members, even of those Members who were ready themselves to abandon their rights, and not permit a course of proceeding at variance not only with the practice of the House, but with the rule laid down by the noble Lord at the head of the Government when he proposed the Resolutions relative to the business of the House.

VISCOUNT PALMERSTON: I very much agree with what has just been stated by the hon. Member (Mr. Bentinck) that the proceeding now going on is totally unprecedented. I have often seen at a late hour of the night that the Gentlemen on that side of the House have insisted upon reporting Progress on a Bill the promoter of which wished to go on with it; but I never have met with an instance in which, at a late hour of the night, on the mover of a Bill proposing to report Progress, the zeal and enthusiasm in its favour should be such as completely to overpower all the tendencies of hon Members to retire to their respective homes at a certain hour, and lead them vigorously to resist the proposition of the mover to report Progress and to continue the proceedings on another occasion. I quite agree that that is quite unprecedented. It has been observed that there must be, indeed, a great interest in this Bill to have brought so large an attendance together. It cannot be said that the House cares nothing for the interest of Ireland. But still, as my hon. Friend is desirous of postponing till another evening the long discussion which is announced by the Amendment upon the Paper, I should hope that on another evening we shall have the same attendance to debate the measure which stands in the name of my hon. Friend.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided:*—Ayes 181; Noes 79: Majority 102.

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

WAYS AND MEANS.—REPORT.

Resolutions *reported.*

Motion made, and Question proposed, "That the said Resolutions be read a second time."

Mr. DISRAELI said, I hope the noble Lord does not intend to press this matter at this late hour. (Twenty minutes past twelve o'clock.) ("Oh, oh!") If hon. Gentlemen are prepared to go on with the discussion, it makes no difference to me. I do not care how late we sit, as far as I am concerned. I leave it to the noble Lord to decide whether it is convenient that we should proceed now.

Viscount PALMERSTON: I think this matter is quite as important as the Irish Tramways Bill, and I do not see why we should not go on with it.

Lord JOHN MANNERS: Some little time ago I think the noble Lord said the Irish Tramways Bill was much too important a subject to be proceeded with at so late an hour as half-past eleven o'clock. I hope he is prepared to carry out that principle in regard to this matter.

Mr. R. P. LONG: I beg to move that this House do now adjourn.

The CHANCELLOR of the EXCHEQUER: After what has fallen from the right hon. Gentleman, it is right that the House should understand that the course which the Government propose is the regular, usual, and, I believe, the invariable course. I do not recollect any occasion on which, when a Resolution had been agreed to in Committee of Ways and Means, the practice has not been to propose to the House to proceed with the Report on the next evening, and that proposal has never been resisted, I believe, whatever might be the hour at which it was brought on. Of course, if we had proposed to diverge in any respect from the usual proceeding at this stage, that would have been a fair reason why we should have taken care to make our Motion at an early hour. I do not deny that it is the right of the House, if it thinks fit, to discuss all measures, and particularly financial measures, at any stage, but, at the same time, it is usual for the House to have some regard for the public convenience, and for the interest of trade and commerce in dealing with these matters. Acting on that principle it has been the custom of the House to allow the Report of Resolutions which have been fully discussed in Ways and Means to be proceeded with even at a late hour of the night, in order that the Bill may be introduced and placed on the notice paper. It is perfectly true that an hon. and learned Member has given notice of his intention to call attention to the course which the Government proposes to pursue, but that notice raises no particular issue, and has no particular relation to the stage with which we are at present concerned. It is entirely in his power, if he thinks fit, to call the attention of the House to the subject at any future stage. I trust, therefore, that the House in the division which is about to take place will mark its sense of the fact that the Government are not departing from the usual course.

Lord ROBERT CECIL: Sir, often as I have heard the strongest and strangest statements from the right hon. Gentleman the Chancellor of the Exchequer, I am absolutely aghast at the audacity which he has exhibited on the present occasion. What the Government are now proposing is to subdue the House of Lords. This is the stage at which the Government intend to obtain power to take a course hitherto unprecedented in our financial legislation for half a century. It has been the practice, hitherto, to divide all measures of finance into separate Bills, and to send them up separately to the House of Lords; but now, for a special political object, to avenge a special political defeat, to gratify a special pique, and to gain the doubtful votes of a special political section, it is proposed to vary the practice of half a century, and yet the right hon. Gentleman stands at that table and tells us he is proposing to take the usual and invariable course. At this hour—half-past twelve—it is not the proper time to discuss whether the right hon. Gentleman has taken the proper method to override the independent judgment of the House of Lords, nor whether that attempt is likely to succeed, or to reflect credit on the House of Commons, or the Government that proposes it. This, however, is the lever that is to alter the Constitution. I believe that the measure will be utterly futile, that it will leave the Constitution exactly as it finds it, and that the power of the House of Lords to check the infatuation of the House of Commons will be entirely unaltered. Whether the course we are asked to take is wise or not, it is too important, and goes too deeply into the principles of the British Constitution, to be discussed at this late hour of the night. I, therefore, only rise to protest against the right hon. Gentleman's attempt to impose this proceeding upon us as the ordinary routine financial proceeding. He is, on the contrary, taking a course which is perfectly unusual, and to which I am persuaded the House will not give its consent.

SIR GEORGE GREY: Sir, the noble Lord is singularly unfortunate to-night. He has displayed an utter ignorance of the practice of the House. He has used language which I will not characterise, since I suppose it was within the strict rule of Parliamentary debate. But it was language that we, happily, hear from few Members of this House. However, I pass that by; but the noble Lord has imputed to the Government a settled design of trenching upon the independence of the House. He saw this design in the Resolutions moved by my noble Friend at the head of the Government, who, however, acted in moving these Resolutions as the organ of the Select Committee, composed of men entitled to the respect even of the noble Lord. Having imputed to my right hon. Friend the Chancellor of the Exchequer conduct which he said would not have been becoming to an attorney, the noble Lord now imputes to him a design of subverting the privileges of the House of Commons. If the noble Lord had any acquaintance with the forms of the House, he would have known that if the Resolution now before the House is agreed to, the only Motion that can be put is that which is identical with the Motion always put on receiving the Report of the Resolutions in Ways and Means. That Motion is that leave be given to bring in a Bill or Bills founded on those Resolutions. These are the terms of the Motion invariably put from the Chair. If the noble Lord objects to the form of the Bill or Bills when brought in, he can take the objection at the proper time, but no course that he can now adopt will effect the object that he professes to have in view.

SIR JOHN PAKINGTON: The right hon. Gentleman complains of the language used by my noble Friend the Member for Stamford, but he ought to have recollected that my noble Friend spoke under the not unnatural excitement caused by the unusual course adopted by the Government in pressing forward this Motion at this late hour of the night. The right hon. Gentleman the Chancellor of the Exchequer emphatically contradicted my noble Friend when he said the course now proposed to be pursued was without a precedent for fifty years. But the right hon. Gentleman was utterly unable to state that it was not a most unusual course. Upon the statement of the right hon. Gentleman himself, an hon. and learned Member on this side of the House has expressed a desire to avail himself at this stage of the opportunity of expressing an opinion on the proposal of the Government. Her Majesty's Government must, surely, have some very special reason for pressing the reception of the Report. And we have some ground to suspect this when we find them endeavouring to hurry over in this indecorous manner this stage of the proceeding, in order to prevent my hon. and learned Friend from stating his views. I cannot help expressing a hope that the right hon. Gentleman will himself see the impropriety of pressing forward the present Motion at this late hour.

Motion made, and Question put "That this House do now adjourn."

The House *divided*:—Ayes 98; Noes 160: Majority 62.

Question again proposed.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I do not think it will be any advantage to the progress of public business to endeavour to press further the proposal of the Government, if there is a disposition on the part of the minority not to allow us to pursue the usual course. It is our business to construe in the most favourable manner the course of the Opposition, and I feel quite sure it does not indicate any intention to obstruct the progress of public business. I shall, therefore, propose that further progress on this Order of the Day be adjourned until Thursday. It has this special advantage, that it will allow the noble Lord the Member for Stamford (Lord Robert Cecil) time to reconsider the vocabulary in which he has addressed us.

Mr. DISRAELI: I am glad my noble Friend the Member for Stamford has received this public acknowledgment from the Chancellor of the Exchequer of the efficiency of his powers of expression. I confess I have listened with satisfaction to the noble Lord both last night and to-night, as it appeared to me that I never heard more constitutional opinions expressed in more effective language. I hope that on Thursday the noble Lord the Member for Stamford will be prepared to take that part in our debates in which I think he has greatly distinguished himself. I was extremely pleased by the meek tone in which, with this exception, the right hon. Gentleman the Chancellor of the Exchequer conducted the business. I hope the right hon. Gentleman and all his colleagues have found out that the best way to manage the House of Commons is to defer to any reasonable request. It may be very well to bully a colleague; but there is one body in the world which I can assure her Majesty's Government can not be bullied, and that is the British House of Commons. As the Chancellor of the Exchequer has made reference to the opportunities which the House has had to consider these questions, and to the urgency of the questions themselves, let me remind the House that a measure of this great importance was never yet placed before the House in a form like this, which, according to the authentic statement of a Minister of the Crown, abridges the privileges of this House, and abolishes altogether the power of revision of the other House of Parliament. If all these measures were brought in in different Bills, there would be the opportunity of discussing them on all the preliminary stages. We are not to have those opportunities, but still some occasions are reserved, and what has happened on bringing up the Report? No one can say that the occasion has been abused. Only yesterday the Chancellor of the Exchequer was so imperfectly acquainted with the conduct of business that he said it was unnecessary to move a Resolution in Committee, and to-day he says that is a mistake. If Ministers who have all the advantage of the advice of experienced men make these errors, surely the House of Commons ought not to be grudged an opportunity of considering these questions in every form. ("Oh, oh!") I say that is a sound constitutional doctrine which has been asserted by great men without fear of any one impugning its truth, and it is not to be answered by cries of "Oh, oh!" I do not wish now to enter into a discussion of the justice, policy, or expediency of the mode in which these measures are placed before us, but the result is that we are deprived of many opportunities of debate which we should have had if the usual form of conducting the public business had been followed. Is it unreasonable that we should wish to discuss important Resolutions on the Report? Is it a strange or unusual circumstance that there should be discussion, or even a Motion, upon the report of Resolutions? In my own time and experience I have known instances upon instances. I remember the right hon. Gentleman the Chancellor of the Exchequer himself delivering a very long speech, and, I believe, ending with a Motion on the report of Resolutions. Whether he did or not, it is a notorious fact that it is the custom and right of Parliament to discuss the policy of measures upon the report of Resolutions; and if the hour had been different, or if early in the evening the Government had expressed a wish that the discussion should not be unnecessarily protracted, I could have understood the objection; but that at one o'clock in the morning they should try to stifle the opinion of the House appears to me as unwise as it is uncourteous. It is said that we have no right to assume that these measures will be placed before us in a form unconstitutional and impolitic, but surely the House does not forget the authentic announcement that it is the intention of the Government to treat all these subjects in the same Bill. It would, therefore, not only be hypocritical but pedantic to affect total ignorance of the alarming policy which has been so ostentatiously announced. It is perfectly legitimate for the hon. and learned Member for Sligo (Mr. Macdonogh) upon the occasion of the Report to raise the question for discussion. Let it be fairly raised, and fairly answered. The right hon. Gentleman says that the convenience of trade requires that we should pass these measures without thought. Last year the right hon. Gentleman kept the paper duty question for three months open, and we never heard of the inconvenience to trade. As to paper and sugar, the legislation of this Session can not come into play for a considerable interval; and as to the income tax, if there is any inconvenience, as I told the right hon. Gentleman last night, he can meet it at once by bringing in a separate Bill. I am very glad the right hon. Gentleman has now taken the course which he ought at first to have pursued. I must say that the attempt which has been made to-night to stop the free discussion of this question has been one of the least disguised I have ever seen. It began by the hon. Baronet, the Member for Reading (Sir Francis Goldsmid), who may be excused for his general ignorance, having been only a short time in the House, accusing Gentlemen on this side of the House of coming down in unusual numbers. That was quite improper and unparliamentary, for it is assumed that a Member ought always to be in his place. It happens, however, that the benches on this side were not so full as they might have been, while on the benches opposite the number was legion. I could not conceive why that great attendance was occasioned by the Tramways Bill until we witnessed those fine acts of diplomacy which have had the effect of wasting two or three hours and causing a great sacrifice of Irish interests, without accomplishing the somewhat illegitimate object which the Government had in view. However, I understand that the Resolutions are to be reported on another night, when there will be a fair opportunity for discussion. No one will then be able to say that the Resolutions have been smuggled through the House; and I think, therefore, that the Government have taken a wise and prudent course.

Debate *adjourned* till *Thursday*.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, May 8, 1861.

MINUTES.] PUBLIC BILLS.—2° Labourer's Cottages; County Voters (Scotland); Princess Alice's Annuity.

LABOURERS' COTTAGES BILL.

SECOND READING.

Order for Second Reading read.

SIR LAWRENCE PALK said, that he hoped to carry with him the sympathies of the House while he moved the second reading of this Bill, which was directed to the removal of an evil which had already attracted great attention both in that House and in "another place." The condition of the labouring poor in large towns had engaged the attention of statesmen in the other House of Parliament in connection with the demolition of buildings occupied as dwellings by the lower classes. Public opinion had directed inquiries into their condition, which had already been productive of great benefit; the dens of London had been visited; and where no man with a decent coat could formerly have ventured, where nothing but the most dreadful language was to be heard, amid constant scenes of intoxication and vice, decency was beginning to prevail, and words of comfort were preached; sanitary laws had been passed by the House, and police regulations had been productive of much benefit. Still the evil was great, and he knew not how in crowded cities it was possible to apply an effectual remedy. The evil, however, was not limited to great cities. It was, he was constrained to admit, equally prevalent in the rural districts. This melancholy state of things was in a great measure to be attributed to the overcrowded state of labourers' cottages. He would, as an instance, refer to a case recently tried at the Reading Assizes before Baron Wilde where a labourer, the father of a family, was charged with rape on two of his own daughters. It appeared that the whole family—three little daughters and a boy—slept in the same bed with the prisoner. This state of things existed within a mile or two of the Royal Castle of Windsor. He would also mention another case equally painful, in which, there being only two beds in the cottage, the father and mother occupied one; the children, among whom were a youth of fourteen and a girl of fifteen, slept in the other. The family bore a respectable character; the girl was described by the clergyman whose school she attended as remarkably virtuous and good—yet she gave birth to a child, the fruit of incestuous intercourse with her brother. Thus the records of judicial proceedings and the experience of those who had inquired into this subject proved the necessity for facilities being afforded to landowners by wise laws to improve the dwellings of the labouring classes and to enforce among them something like decency. Not to appear invidious, he would describe a cottage on his own estate in Devonshire, tenanted by a widow of seventy-seven years of age. There was only one living room, 15ft. 5in. by 9ft. 9in. Immediately adjoining was the piggery. In front ran an open sewer, which when he saw it was choked up, and the filth was positively running in at the door of the house. He spoke to the woman and said this was a dreadful state of things; he hoped she would allow him to remove her to a better cottage, where her family might be brought up with more decency. She said she was born in the cottage, and had lived in it ever since; she had brought up a family of twelve children in it—all gone but one daughter, and she was married and had ten children She objected to leave the cottage, and would rather pay 10*s.* a year than be compelled to remove. The House annually voted large sums for education; throughout the length and breadth of the land the education of the labouring classes was well attended to; in many instances the education of the labouring classes was even superior to that obtained by the sons of farmers. But it was to a great extent in vain that they inculcated lessons of morality at school if their minds were demoralized by the necessary consequences of the crowded state of their dwellings. It was from such homes that our gaols, reformatories, and entire convict system were recruited. Surely, it was better to cut off the evil at the fountain than attempt to dam it up when it became a vast and fetid stream polluting the morals of society, and when it had attained such proportions as rendered it difficult to be assailed. The principle he advocated had already been adopted by the Legislature in the improvement of landed estates; and he did not see why that principle should not be extended to the improvement of labourers' cottages. Mr. Greene, formerly Chairman of Committees, who had taken great interest in this subject, was favourable to the Bill. The object of his Bill was to enable tenants for life to raise money at the least expense, in sums not exceeding £140 each cottage, for the improvement of labourers' dwellings. The application was to be made to the Chairman of Quarter Sessions; and on satisfying that functionary of the desirableness of the proposed expenditure he would receive a certificate from him authorizing the outlay, and he would then be entitled to raise the necessary money, and the mortgage was made a first charge on the estate; there was also provision for taking care that the money so raised was applied solely to the purpose of improving the dwellings of the labourers' on the estate. He could not see that any injustice would be done to the person who would succeed to the property, as the charge upon it would be compensated by having decent cottages for the labouring population employed upon it. With respect to encumbrancers, he proposed to give them an opportunity of appearing before the Court, and stating any objections to the changes; but he thought their interests would not be injured by increasing the value of the property over which they held mortgages. He admitted that this was a difficult subject to deal with, and that many of the details of the Bill might be well improved, and in Committee he should be glad to adopt any suggestions which might be made, and of which the House might approve. Objections had been made to giving the power of allowing charges to the Chairman of Quarter Sessions, and he did not deny there was ground for objection; but he had sought in vain to discover any other tribunal by which the business could be conducted so expeditiously and so cheaply. That, however, was a point which could be considered in Committee, and he hoped the House would allow it to reach that stage. The object which the Bill had in view was an important one—they had to deal with great evils, and the time had come when the consideration of the condition of the labouring classes earnestly demanded the attention of the House. He would remind the House that, although very minute laws had been passed to provide for the comfort and interest of the comparatively rich, nothing had been done for the poor man, whose dwellings remained in many cases in the same condition that they had been one hundred years ago. The hon. Member concluded by moving that the Bill be now read a second time.

Sir GEORGE LEWIS said, he thought the House would be agreed upon the general policy of the measure, as far as it sought to give facilities for the construction of labourers' cottages, and to limit any technical difficulty that might present itself to prevent the landowner from raising funds for that purpose. But he thought that the hon. Baronet had somewhat exaggerated the present bad condition of labourers' cottages; for, although many of them were susceptible of vast improvement, yet their character varied in different counties. Certainly his own experience did not coincide with all that had been put forward by the hon. Baronet. In some counties the cottages were in a satisfactory state, while in others less progress had been made, but it might be said that almost universally there had been efforts made by all solvent proprietors to improve the condition of the cottages upon their estates. He did not think that landlords had been governed by any desire to protect themselves against the operation of the law of settlement. It appeared to him that the part of the cottages inhabited by the labourer and his family during the day was generally in a satisfactory and comfortable condition; but the sleeping accommodation certainly was defective, and, therefore, he concurred with the general objects of the Bill. But they had also to consider how it was proposed to carry out those objects; and to some of the proposals he must certainly take exceptions. The Bill proposed to give power to tenants for life, and persons under disabilities, to raise sums not exceeding £140 for each cottage, which should be a first charge upon the property. He did not find that there was any limit to the number of cottages that might be so built, and, therefore, the extent of the charge that might be so created could not be foretold. Then the money was to be raised with the sanction of the Chairman of Quarter Sessions, and the hon. Baronet said he had no objection to any other tribunal if a better one could be pointed out. But the Chairman of Quarter Sessions was no tribunal at all, for at present he believed the Chairman of Quarter Sessions exercised no independent authority—he was merely *primus inter pares*. The proposition to invest that functionary with an entirely new and independent power was one which required grave consideration before it could be adopted. Hon. Gentlemen sometimes complained of the Government as seeking to extend the principle of centralization; but hon. Members themselves readily took that course, as in the present Bill, in which it was proposed that the Secretary of State might prescribe by publication in the *London Gazette* the requirements of cottages to be built under the operation of this measure. That, he thought, was very questionable policy, and he doubted whether the duty could be satisfactorily performed by the Secretary of State. It was impossible to lay down a plan which would be equally applicable to all cottages built in all parts of the country, and to attempt to do so would lead to many complaints. The matters might, however, be considered in Committee. Although he entertained a belief that if the Bill ever reached the stage of Committee it would require very material alterations, still he did not object to the general object, and therefore should give his vote for the second reading.

MR. DUTTON said, that in cases where a proprietor entered into possession of his estate late in life, with only a life interest, so that the property went to the male heir, and there were several daughters, there was no inducement to spend money, which would bring but small interest, and no direct return for the capital. There could be no doubt that throughout England the cottages were in very bad condition. In many cases they were from 100 to 200 years old; and the landlord would rather pull them down than attempt to repair or improve them; there was also a system on which agents acted when a cottage was pulled down by not building another in its place, but to compel the occupier to seek another home, and thus remove himself from chargeability upon the poor rate of the parish; consequently, the labourers were crowded in the towns, where they paid high rents for insufficient dwellings, and had to walk a long distance to their work. Owing to these circumstances, when the Census returns were published, it would be found that while the population of the agricultural towns had increased from the number of labourers driven away from the rural parishes, the population of the latter had fallen off considerably. With respect to the details of the Bill he certainly thought the Secretary of State should have power to limit the number of cottages to be built; although he did not think there was much fear of over-building cottages under this Act, for though landlords might be anxious that their labourers should dwell near them, there was certainly no inducement to build more cottages than were really necessary. It was already possible to obtain money from certain societies, but it was necessary to pay a very high interest for it, and, therefore, he thought it would be wise to enable landowners to raise money from private parties on reasonable terms for the improvement of the cottages on their property. He did not think the hon. Baronet had at all overstated the evils of the present state of things.

MR. BAILLIE COCHRANE thought the House was indebted to the hon. Baronet for having called attention to this important subject. But there was no worse-paying property in England than cottage property. He should wish to ask the Home

Secretary why they should not apply to this subject the same principle that had formerly been adopted with respect to drainage, and for which purpose the Government advanced money at 3 per cent? His objection to the Bill was that it was not sufficiently advantageous to the landlord. There ought to be the strictest regulations to prevent the cottagers from misusing the accommodation afforded by the new cottages. The fact was that, strange as it might seem, the labourers liked the old cottages and did not like the improvements; they regarded it as a positive grievance to be put into a new cottage, and when they got in, and found they had three rooms, they always, unless under strict regulations, let the third room. The matter could not be in better hands than those of the Government.

SIR WILLIAM JOLLIFFE said, he admired the intentions of the hon. Baronet, but he thought he had mistaken the source of the evil of which he complained, and that, therefore, his Bill would not remove it. He did not agree with him in thinking that there had been no improvement in the condition of labourers' cottages on estates. As a rule bad cottages did not prevail upon landowners' estates; but were to be found in back streets, and lanes of hamlets, and small towns, where small proprietors sought to make the utmost possible amount of profit from their property. Many of these wretched dwellings were built by shopkeepers and beersellers, who found it to their interest to have large numbers of their labourers as their tenants and customers. He thought that our defective law of settlement and of chargeability was more responsible for existing evils than any neglect on the part of landowners. When one or two landlords owned all the property in a parish they could, by excluding the poor from residence within that parish, also exclude them from becoming chargeable to the poor rates of that parish. The poor were, therefore, driven into neighbouring hamlets or small towns, where they were crowded together and rendered chargeable upon the rates of the parish in which the hamlet or village was situated. He feared the Bill would not have the effect which the hon. Baronet expected, and, therefore, regretted that he could not give it his support.

SIR BALDWIN LEIGHTON said, he also thought that many clauses of the Bill would be found to be inoperative; but he could not agree that landowners generally discouraged the erection of cottages upon their estates in order to diminish the charge upon the poor rates, and his own experience led him to think that building good cottages was the best method of lessening the poor rates. With respect to the proposal contained in the Bill to give authority to Chairmen of Quarter Sessions to sanction the building of cottages, he did not think they were the proper tribunal, and would suggest that the power should be given to the Court of Quarter Sessions, and not to the Chairman individually. The overcrowding of dwellings in rural districts was very difficult to prevent, even by a resident landlord, and it could only be prevented by constant supervision and the enforcement of stringent regulations.

MR. COLLINS thought a change in the law of chargeability to the poor rates would effect more good than could be hoped for from this Bill. The measure was, however, a step in the right direction, for which the hon. Baronet was entitled to the thanks of the House; but, as various objections had been raised, he would suggest that the best course would be to send the Bill to a Select Committee. For his own part, he must object to giving advances for building cottages priority over all other charges by retrospective enactment. Such *ex post facto* legislation would be unjust to the first mortgagee.

SIR JOHN TROLLOPE said, he feared that if the Bill were sent to a Select Committee little more would be heard of it during this Session. It was generally admitted that the object of the Bill was a good one, and the only question was as to its machinery. He agreed with the House that the power of sanctioning advances should not be given to the Chairman of Quarter Sessions, but he thought that the objection to that course would be sufficiently obviated by enacting that the application should be made to the magistrates sitting in Quarter Sessions generally. But he could not understand why the Enclosure Commissioners should not be intrusted with the power. It had been objected that there would be great expense if those Commissioners were to exercise the power; but in his dealings with those officers he had found the expenses extremely light. It had been suggested that the Exchequer Loan Commissioners should be authorized to advance money to landowners for the purpose of building cottages. He was afraid, if that body possessed any accumulation of funds, that in the present state of the finances of the country the Chancellor of the Exchequer might possibly lay his hands on it; but he could not see any objection to such a suggestion being carried into effect, provided the money was advanced on good and sufficient security. It was the province, however, of private proprietors to look to these things themselves rather than to apply to Parliament, and facts were coming out in respect to the recent Census which showed the great value to their estates of the labouring poor. In the district with which he was connected the population was sensibly and rapidly diminishing, though there was no part of the country where the labouring poor man was better or so well requited for his work. This result was produced by emigration. The persons emigrating were better off than the other portion of the labouring poor, and, having a great spirit of independence, they scraped together all the money they could and went off to Australia or America, in the hope of becoming landowners themselves. What was the consequence? The landowners generally recognized the value of the labourer, provided every necessary accommodation for his abode, and he should say that where they pulled down one cottage they built up two. With this diminution of the labouring poor going on, it was the interest as well as the duty of all persons connected with land to do everything in their power to keep them at home, by making them happy and comfortable in their condition, and this was best effected by providing decent and suitable lodgings for the labourers, and thus raising them in their own estimation. He believed that every Gentleman in that House desired to support the proposer of the Bill in the contemplated object, though there might be differences of opinion as to the details of the measure; but he would not recommend the adoption of the suggestion to send the Bill to a Committee upstairs, for such a proceeding would in all probability prevent the House from even hearing anything more of the Bill for the present year. He had not very great hopes of effecting much on this subject by legislation, as such matters were better left to be done by individuals, particularly as it was the general feeling that it was incumbent on all to do their best for those dependent upon them. The question had attracted considerable attention of late, and he believed, notwithstanding the instances quoted, that the cases of degradation in the abodes of the labourers were not so numerous as many hon. Gentlemen might suppose. To the second reading of the Bill he was ready to give a cordial support.

SIR GEORGE LEWIS, in answer to the question which had been asked respecting the Drainage Act, said the House would remember that some years ago, a certain sum was set aside, by a Bill brought in by Sir Robert Peel, to be advanced to landowners by the Inclosure Commissioners for the purposes of drainage. A large part was taken by the Scotch landowners, and the fund was altogether exhausted or nearly so. Early in this year the Inclosure Commissioners brought the subject under the attention of the Chancellor of the Exchequer, representing that it was desirable that this loan should be replenished; and, so far from the Chancellor of the Exchequer having laid his hands on the balances, the fund had been exhausted in the legitimate way. The subject of replenishing the fund was still under consideration, and he was sanguine in the expectation that it might be possible to advance additional sums for the purposes of drainage.

MR. SLANEY gave his hearty concurrence to the principle of the present Bill, and hoped the hon. Mover would persevere with it, undeterred by the objections that had been made to details. With respect to the Drainage Loan Act, there could be no doubt of the great advantages that that had been the means of effecting in the way of advancing improvements. His Scotch friends had taken early advantage of that loan, and he had availed himself of it to some extent in his own district. He was convinced in the case of property strictly entailed that it would be a great advantage to enable the tenant for life to saddle some portion of the expense on his successor of the erection of comfortable cottages for the humbler classes, which would prove a permanent benefit to the estate, by lessening the poor rates and diminishing crime. He had seen numbers of industrious, working Englishmen, during a late tour he made through the United States, and he was happy to say that since their arrival on the other side of the Atlantic, they had become possessed of bits of land, and were now landowners.

MR. HENLEY did not suppose that any one would disagree with the principle stated by the hon. Gentleman, that it would be desirable to enable a person having a limited estate in property, to borrow money for the purpose of improving the property, and the condition, likewise, of the poorer people on it. The Bill, however, was not confined to persons of limited estate, for it would give to any landowner, whatever his interest, the power of making use of its provisions as he pleased. It was true that each cottage built must not be worth more than £140; yet a man having the fee simple of an estate so incumbered that he could not borrow one shilling further upon it might, under the present Bill, build any number of cottages not above £140 in value for each, and charge the expense on the estate, to the exclusion of all previous incumbrancers. He had no doubt that that was not intended, but the House had a right to complain that somewhat more care was not shown in drawing the provisions of the Bill. It had been justly observed that these buildings ought to be permanent improvements; but there was no provision in the Bill for that purpose. At present a man could not borrow a shilling from the Inclosure Commissioners for draining his estate, unless it was shown upon investigation that the estate would be improved to the amount of the money laid out; and it was a capital defect in the present Bill that it contained no provision of that kind. Under the Drainage Act the money was laid out after careful inquiry, and the estate was proportionably improved. No hardship was then done to the mortgagee; but without some such provision actual spoliation might take place under the present Bill. No doubt there were a vast number of cottages everywhere very different from the condition required by modern opinion; and, no doubt, the feeling of the poor themselves, as evinced in the instance given by the hon. Mover of the Bill, was quite as strong, though not exactly of the same kind, on this subject as that of those above them. Nevertheless, every one must acknowledge that there had been gradually going on a great improvement in respect to cottages. The old style of cottages had no room upstairs at all; but a better class of buildings had come into existence. Some alteration in the law of settlement had been alluded to; but at present he was not aware that residents in cottages paying less than £10 a year rent threw any burden on the estate. That question, however, had nothing to do with the present Bill. The simple question now was whether the Bill ought to furnish persons having a limited estate in property with the power to borrow money for the purposes of building cottages, charging the expense on the estate. If proper machinery was provided to guard against excessive expenditure on this head, and if the charge was not made a first charge before that of all prior incumbrances, unless the annual value of the estate were improved thereby, he should be glad to see the Bill, when confined to such principles, pass. As so much had already been said with respect to the tribunal, he would only observe that he agreed with those who thought that the Chairman of Quarter Sessions did not constitute the proper judge in this case, nor did he think that the Quarter Sessions would be a proper tribunal, even if the matter was referred to them. This business was out of the jurisdiction of the magistrates at Quarter Sessions as conservators of the peace, and ought not to be forced on them in any way. He had the good—or ill—fortune to be Chairman of a Board of Quarter Sessions, and he could conceive what an endless affair it would be before the Court, with an array of surveyors swearing on each side, and learned counsel cross-examining the witnesses. It was a sort of question that the Inclosure Commissioners or some authority of that kind were best fitted to deal with. If he might make a suggestion to the hon. Mover of the Bill, as there was very little difference of opinion as to what ought to be done, he should say it would be better than sending the Bill to a Select Committee to commit it *pro formâ* for the purpose of having it drawn in a different shape, so that advantage might be taken of the various suggestions which had been made, and unnecessary details might be struck out. In this way a short Bill might be easily passed in the present Session of Parliament.

Mr. WHALLEY, as connected with a society for improving the dwellings of the poor said, the only question involving a difficulty in connection with the subject was how landowners, many of whom were merely tenants for life, were to raise money for the improvement of their cottages, and by so doing improve their estate? But if the principle which had already been applied to farm buildings and drainage, which had been productive of so much advantage, were applied to the building of cottages the difficulty would be met. He objected to a reference to a Select Committee; for the House was in possession of all the information on the subject which was necessary for legislation. He should recommend the hon. Mover to take the advice of the right hon. Member for Oxfordshire, and thoroughly revise the Bill, and by that means a measure might be prepared which the House would be willing to pass.

Mr. BARROW said, he believed that many landowners who were tenants for life were willing that powers should be granted to enable them to raise money to build cottages; but he was not prepared to consent that estates, many of which were mortgaged up to the hilt, should be dealt with without the consent of the mortgagee. He agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that questions of property of this nature were not such as should be sent for settlement to the Quarter Sessions, whose proper business was the conservation of the peace. He was opposed to sending the Bill to a Select Committee, because it involved principles which should be discussed publicly in the House, and he thought it would have to be altered in every clause before it would meet with general approbation.

Lord HENLEY observed that the vital part of the Bill was the amount of percentage at which the Bill gave the power of raising money. The Bill stated that the money should be raised at a rate of interest not exceeding 4 per cent. Now, having had some experience in his county in raising money for the erection of gaols and so forth, to be repaid by instalments, he could say that they found that they could not raise money to be repaid by instalments at less than 5 per cent, and they had difficulty in doing that. Another matter which must be regarded when they went into Committee was as to proprietors of small estates. Many large landowners would be glad to make improvements to pay 3 per cent, or less. This was not the case with the proprietors of small estates, who sometimes laid out their money to receive 16 per cent, building cottages at £30 each, and letting them for £5 a year. Under the present Bill a person might borrow money to build these cottages at 4 per cent, and then borrow at 5 per cent to pay off the first loan; so that the 16 per cent on the cottages would still leave him with a handsome percentage; but the reversioner, when he came into the estate, would find it incumbered with a great number of cottages which he would rather not see on it. This was an evil that ought to be, and might be prevented. He thought also that a provision should be made that not more than a certain number of cottages should be built on a certain quantity of ground. He thought the Bill would require considerable alteration.

Mr. SOTHERON ESTCOURT stated, that he believed his hon. Friend the Mover of the Bill would readily adopt the suggestions that had been made. He was willing to alter the tribunal, to which objection had been taken, and to substitute in its place the Inclosure Commissioners; it would be his desire in framing the provisions by which the new tribunal would be brought into play to make them very much in accordance with the provisions which had already received the sanction of Parliament in reference to drainage and other improvements on estates. His hon. Friend would fix the Bill for some not distant day, on which he would ask the House to allow it to be passed through Committee *pro formâ*, so that it might be reprinted with the Amendments; and he hoped then that a measure which promised to be so beneficial would be allowed to pass into law.

Bill read 2°, and committed for *Monday* next.

CRUELTY TO ANIMALS PREVENTION BILL.

SECOND READING.

Order for Second Reading read.

Viscount RAYNHAM, in moving the second reading of this Bill, said, there had been no legislation on this subject for twelve years, and it had been found that many offences of this description were committed which could not be properly dealt with under the present law. For instance, in the case of dog or cockfighting there was great difficulty at present in procuring a conviction. The Bill provided that any person present at such scenes should be regarded as aiding and abetting. Then with regard to the offence of flaying animals alive, at present persons guilty of such an offence were liable to not exceeding three months' imprisonment. This Bill increased the penalty to not exceeding six months; and the Bill also provided that all persons who bought these skins with a knowledge that the animals had been subjected to this treatment should be subject to a penalty not exceeding £10.

Another provision related to drovers driving cattle in the metropolitan districts. There were many other provisions, the objects of which he might state generally, without going into detail, were to supply the defects of the existing law. One of these provisions was to require water to be supplied to cattle exposed for sale in public markets. It might appear that the Bill went too much into detail, and was directed against offences which were dealt with by the existing Act; but the law as it now stood was in some cases painfully inoperative, and he believed that in an amended form this measure might be made to accomplish an object which all humane persons must desire.

Motion made, and Question proposed,—"That the Bill be now read a Second Time."

Sir GEORGE LEWIS said, it was very difficult to draw the line between those amendments of the law which it was desirable that the Government should propose and those which should be left to the initiation of private Members, and it was still more difficult for a Member of the Government himself to draw that line. A question of new police regulations, however, on such a subject as this ought, he thought, to be left to the Government to bring forward, if they heard general complaints that the existing law required amendment. Now, there was in existence a very detailed Act for the Prevention of Cruelty to Animals—the 12 & 13 *Vict. c.* 92—which was passed in 1849, and he could not bring to mind a single representation made to him of its inefficiency. That statute was worded in very general terms, with a moderate penalty; and he did not think that if they increased the penalty they would render the law more operative. On the contrary, it was generally found that if penalties were rendered more severe the public became indisposed to lay informations, and there was a corresponding unwillingness on the part of magistrates to convict. By the second clause of the Act to which he referred, it was provided that if any person should cruelly beat, ill-treat, or torture any animal, or procure it to be beaten, ill-treated, or tortured, he should forfeit for every such offence the sum of £5. That clause seemed to him to include every case of cruelty to animals, and when there was a general enactment of this nature he saw no use for a particular enactment respecting the flaying of cats. The proposed enactments with regard to cattle were already sufficiently provided for by police Acts and regulations of a similar nature. The 10th section of the Bill proposed that any magistrate should be empowered to order a horse that was disabled to be slaughtered. Now, he was doubtful whether the mere fact of a horse being disabled ought to authorize a magistrate in ordering it to be slaughtered. That was carrying legislative interference beyond the point usually recognized in this country.

Viscount RAYNHAM said, that this provision was only intended to apply where the horse was permanently disabled.

Sir GEORGE LEWIS did not suppose that if a horse happened to be lame for a week any magistrate would order it to be slaughtered. Well, then, his noble Friend extended the principle of the Habeas Corpus Act to animals, for by the 11th Clause magistrates, on any summons or warrant for offences under the Act, might require the owner to produce the horse or other animal alleged to have been tortured at the hearing of the charge. The same power of "bringing up the body" was applied to horses in hackney coaches; for by Clause 18 the Commissioners of Police in the Metropolis were not to grant any certificate that a carriage was in a fit and proper condition for public use unless the applicant should not only produce such carriage as was already provided for, but should also produce a certificate under the hands of two respectable householders that such person was to their knowledge the actual owner of a horse or horses sufficient and proper for the draught and service of such carriage, and of their belief that it was his *bonâ fide* intention to use such horse or horses for such draught or service, nor unless and until such and the same horse or horses was or were produced and submitted to the inspection of such Commissioners, who, if satisfied that the horse was sufficient and proper, might grant the certificate. He did not know whether his noble Friend had been in communication with Sir Richard Mayne on the subject of this Bill, but certainly the duty was one which it was hardly fair to cast on an officer in this position, who might be a very good Commissioner of Police but a very bad judge of horseflesh. Unless he called in the aid of experts, or employed a veterinary surgeon or an inspector of cavalry, he might frequently pass a lame horse for a sound one. Altogether, he did not think that any case had been made out to show the necessity of fresh legislation on this subject, and he hoped, therefore, that his noble Friend would withdraw the Bill.

MR. HALIBURTON complained that the word "animal" was not defined in the Bill. Now, there were two sorts of animals—a dumb animal, called a donkey, and a speaking animal, called a man. Cruelty in both those cases was very reprehensible, and it was a cruel infliction on the Members of this House either to have to endure long speeches or to have to listen to Bills so crude and ill-digested that they could not be licked into any shape whatever.

SIR GEORGE LEWIS said, there was a definition of the word "animal" in the existing Act.

MR. HENLEY said, the opposition offered to this Bill by the Home Secretary was almost the greatest instance of political virtue on record; for, as every cab-horse was to undergo inspection, a little army of placemen would be at the command of the Government if the measure became law. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

VISCOUNT RAYNHAM, however, said he was willing to withdraw the Bill.

Amendment and Motion, by leave, *withdrawn;* Bill *withdrawn.*

VALUATION (SCOTLAND) ACTS AMENDMENT BILL.—SECOND READING.

Order for Second Reading read.

MR. BLACKBURN, in moving the second reading of this Bill, said that under the existing law of Scotland the assessor in the first instance found the gross rating value within his district; but by this Bill it was proposed that the assessor should fix the net value by which the rates for a county or borough should be levied, and that the rate should be assessed on that value. In the English Parochial Assessment Acts the Home Secretary applied this principle to England, and he contended that which was good for England on this subject was equally good for Scotland, and that justice required that the net and not the gross value should be the principle upon which the levy should be made. He saw that a petition had been presented against the Bill from a city in Perthshire, but, like a great many town council productions, the English was not very intelligible, and he could not understand it. It had been said that his proposal would interfere with the franchise; but that objection was founded in error, for nothing could be further from his intention than to do so, as his whole object was to provide that the assessor should return a net instead of a gross sum.

Motion made, and Question proposed, "That the Bill be now read a second time."

THE LORD ADVOCATE was sorry he could not give his assent to the Bill. The result of it would be that the area of the franchise would be at once reduced. This question of valuation in Scotland had been very carefully considered in 1854, and at that time the task of reducing it was given up in despair. In Ireland, no doubt, a valuation founded on the net, and not on the gross value, had been established. But in Scotland, even if such a system of valuation were established, there was no uniform machinery in the country to carry it out, and that, as a consequence, the basis of taxation would, if the Bill were to pass into a law, be rendered different in different localities. The effect of the measure, moreover, he believed, would be to reduce the property tax in Scotland some twenty or twenty-five per cent, and to produce confusion, which it was desirable to avoid.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR SOTHERON ESTCOURT did not understand that the hon. and learned Lord objected to his hon. Friend's Bill if it could be carried into effective operation. He did not believe that his hon. Friend had any intention of narrowing the extent of the franchise; and, therefore, he thought all considerations founded on that apprehension might be given up. In England as in Ireland rateable value was assessed upon the net return, and so it ought to be in Scotland. If two returns were necessary, one of the gross, another of the net rental, he supposed there would be no objection to such a Return being ordered. With regard to the effect of the Bill he would not express an opinion; but regarding it as an attempt to bring about a desirable result, he thought it might pass the second reading, and, if necessary, be amended or even rejected afterwards.

Mr. PEEL thought it was right to point out what would be the effect of this Bill both on the income tax and inhabited house duty. The Income Tax Act expressed clearly that the value of a house should be taken at its rack rent value. In Scotland there was a valuation roll which gave annually the value of property according to its real value; and, therefore, there was no objection to that being admitted as the real value of houses upon which the income tax and the house tax might be assessed. But his hon. Friend proposed to leave the valuation rate, and to reduce the rateable value of houses by a large number of deductions, such as insurance, repairs, &c., and the consequence would be that the annual value of property in Scotland on which income tax was paid would be very much diminished. It was highly inexpedient, he thought, that such a question should be decided on by a Bill of this nature.

Mr. G. W. HOPE said, that the income tax ought not to be levied on the rent value of property any more than any other impost. As respected the Lord Advocate's objection, it seemed to be that the valuation would be uncertain and variable. But what test of value could be had better than rent? The same objection applied to valuations themselves as to the deductions to be made from the valuations. He should like to know why the right hon. Gentleman the Secretary for the Home Department proposed to take the net value in England while the Government objected to that course being adopted with regard to Scotland? All they asked was that the valuation should be made on the net value of the property, otherwise they would have one rule prevailing on one side of the Tweed and another on the other.

Sir GEORGE LEWIS said, that in the Parochial Assessments Bill he had adopted the existing rule of English law with reference to rateability, and sought to make no alteration in the basis on which Parliamentary taxes were levied. Neither the poor rate nor any other rate would be altered; all that was altered was the mode of assessment. He understood, however, that the operation of the Bill under discussion would be to alter the basis of the income tax, as well as of the inhabited house tax in Scotland; and that being so, it was quite clear it went beyond the scope of the measure which he had laid upon the table, and that if it were to receive the assent of the House, it would be necessary to alter the basis of taxation in England and Ireland, and to increase the rate at which the income tax was levied in order that it should produce its present amount. If this Bill were to proceed at all it must be carefully limited in such a manner as to be applicable to local rates only.

Mr. MURE said, that in Ireland the assessment was based upon the net and not upon the gross value. The only difficulty, as he understood, in the way of the Bill was this question of the franchise. He thought the omission of a few words which were not inserted in the original draft of the Bill would obviate this difficulty. Uniformity of valuation might be secured by applications to the courts of law in the ordinary way.

Mr. BLACK said, that this change, if made, would apply principally to the local assessments. It should be remembered that there was a Committee now sitting on the income tax. There were gas and water companies, and if the rateable value of property were reduced, these bodies would be deprived of a large portion of the income which had been secured to them by legislation. He hoped the House would not assent to the second reading, seeing that the people of Scotland were almost unanimous in their opposition to the measure.

Sir EDWARD COLEBROOKE thought the Bill would either be nugatory, or it would place very undue powers in the hands of assessors. He contended that the system of assessments in Scotland was superior to that adopted in England and Ireland, and he thought if any change were made, the latter should be altered so as to be assimilated to the former.

Lord JOHN MANNERS thought the hon. Baronet was quite right in preferring the Scotch to the English system, but believing that the Irish was superior to either, and that the Bill in the main tended to bring the Scotch more into accordance with the latter system, he should give it his support.

Mr. FINLAY said, he had not heard any argument convincing him that the principle of the Bill was wrong, for no one could doubt that in the abstract it was fairer that assessments should be levied on the net than on the gross value. It appeared to him that inasmuch as all properties had not the same deductions, if you took the gross rental some properties must pay much more in proportion than others. That, he thought, was a serious objection to the present mode of assessment. While, however, he fully agreed in the principle of the measure, he admitted that there were many objections to the details.

THE CHANCELLOR OF THE EXCHEQUER said, that from his present information as to the existing state of the law in Scotland, and comparing it with the provisions of the Bill under discussion, he felt bound, as being responsible for the finances of the country, to offer the most uncompromising resistance, at every stage, to this Bill and to every Bill of a similar character; because it was a Bill involving principles which must tend in the first instance, and if continued, step by step, have the effect of breaking up the principles on which the income tax in England and Scotland was founded. In dealing with the subject he excepted and cast aside the income tax of Ireland. Ireland was not originally subject to the income tax; and when in 1853 a burden was laid upon that country from which it was before exempt, Ireland was placed in different circumstances. Landlords in Ireland were placed under liabilities to which they were not subject in England. Powers were by the Act given to the Government of making an assessment on the landlord or the immediate tenor of the landlord in Ireland, placing him under liabilities which did not exist in Great Britain. Along with those liabilities there was granted to the landlord a certain mode of valuation which was required by the circumstances of the case and the state of the law in Ireland. It had been said that the only point of resemblance was that the Commissioners made use of Government officers to value. But the instincts of Scotch Members were not so low as not to have discovered, by no very difficult or intricate process, that a Government valuer was by far the best that could be found. They were by far the cheapest to the country, and were a great expense to the Treasury. The case of Scotland, however, stood substantially on the same footing with that of England, and the proposition was that the assessor should deduct the annual cost of repairs and insurance, and other expenses necessary to maintain the property in its actual state. These annual charges, both upon agricultural property and buildings, in Scotland were very much less than in England, and if this measure were passed with regard to Scotland, with what justice could the same provisions be refused to English proprietors when they came next year to ask for them? But that would not be the end of the mischief, because if once the relations between Schedule A and Schedule D were disturbed, the whole machinery of the income tax would be broken in upon. There was a strong feeling in the country, cropping up at intervals, that Schedule D was taxed higher than it ought to be in relation to Schedule A, and, though that feeling from various motives had been hitherto resisted, if those who came in under Schedule A broke up the present arrangement of the tax, he must warn them that the result might be that they would have a much larger lump laid on their backs to adjust the difference between them and Schedule D.

SIR JAMES FERGUSSON said, the right hon. Gentleman's objections were entirely removed by the fact that his hon. Friend the mover of the Bill was ready to except the income tax from the Bill altogether. He thought, therefore, it would be very unfortunate if the Bill were rejected from any fear of injury to the favourite tax of the Chancellor of the Exchequer.

MR. POLLARD-URQUHART, differing from the Chancellor of the Exchequer, thought that everything which went to diminish the injustice of the present mode of levying the income tax, so far from breaking it up, would tend to make people more tolerant of it.

MR. BUCHANAN asked what was to be expected from this Bill, if parts were to be struck out, and other clauses were about to be added? He thought they ought to deal with the Bill as it stood. He for one should vote against the Bill.

MR. BLACKBURN said, he had been quite astonished to hear from the right hon. Gentleman what effects were about to follow from this Bill, of which he had no idea whatever. If it were necessary he had no objection to make such alterations in the Bill as would exempt the income tax from its operation, but he could not see why the income tax should not be estimated on the net instead of the gross value. With regard to all other taxes, he still adhered to the principle of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 78; Noes 146: Majority 68.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

MASTERS AND OPERATIVES BILL.

SECOND READING.

Order for Second Reading read.

MR. MACKINNON, in moving the second reading of this Bill said, that his object was to put an end to the frequent recurrence of strikes, such as those which were now constantly taking place, and which he could not but regard as a very great misfortune. And, undoubtedly, there seemed every prospect of their recurrence from time to time unless some legislative enactment were passed which would have the effect of preventing them. The Bill passed through the House of Commons last year, and in the other House it was read a second time under the sanction of Lord St. Leonards and was referred to a Select Committee; but, owing to the late period of the Session preventing evidence being taken there at a particular point, referring to the coal owners in Northumberland, it did not proceed further. The principle of the Bill, therefore, had already been affirmed by both Houses of Parliament, and he presumed would not now be disputed. As to the details of the measure, he was desirous that it should be referred to a Select Committee, in order that inquiry might be made whether the proprietors of coal-pits, who were very much opposed to it, should be exempted from its operation. He had received applications from innumerable operative societies and manufacturing firms to renew the Bill, and believed it would be attended with great advantage not only to employers but to the employed. He believed that the unhappy dissensions between the two classes, which they had now to deplore, could be healed only by the establishment of tribunals of the kind proposed in the Bill. He concluded by moving that the Bill be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

THE SOLICITOR GENERAL said, it was quite unnecessary for the hon. Gentleman to assure the House that in promoting this Bill he had no other object in view than the good of the community, and especially of the working classes. He (the Solicitor General) understood that the present measure was substantially the same as that brought forward last Session, with certain alterations which the inquiry of the Select Committees had induced the hon. Member to adopt. He was sorry to say that the objections which he entertained towards it last year had not been removed. The hon. Gentleman said that as his Bill had been approved by both Houses last year he was entitled to assume that it would not be disputed. Of course, it might be said that the principle of the Bill was that it was very desirable that means should be adopted for settling disputes between masters and men more easy of access, less costly, and less liable to delay than the ordinary tribunals; and in that sense the principle could not be contested. But, in his opinion, the principle of such a measure as at present consisted, not of the end aimed at but the machinery employed; and hence he was disposed to question the principle of the present Bill. His objection applied to the whole scheme of the Bill. He did not deny that the subject was a most important one, but they were not at present without legislation upon it. The Act of George IV. provided machinery for settling, by means of arbitration, disputes between masters and workmen, which was substantially as extensive as the scheme of the hon. Member; and he objected, therefore, to a system which, without offering greater advantages, would compete with that which already existed. The only ground upon which the hon. Gentleman sought to establish his scheme was, that it would put an end to the present disputes between employers and employed; but even that failed him, because neither the Act of 1824 nor the present Bill referred to the question of the prospective rate of wages, which was the point at issue in the present and in nearly all strikes. There was nothing in the law as it at present existed to prevent people from referring disputes to any body of arbitrators, and he could not see the use of multiplying Acts which simply enabled people to do that which the existing law did not prevent. Another objection to the Bill was that the councillors were to be elected annually. It was scarcely possible to conceive that there would be no antagonism between the masters and workmen on that point, and that there would not be contested elections. The consequence would probably be that the tribunal which was to settle disputes would possess the confidence of neither of the parties who were at issue. Further, the tribunals proposed to be established would necessarily be attended with considerable expense, for there were to be a clerk, a registrar, voting papers, polling, and so on, but no means were provided in the Bill for meeting these expenses. On all these grounds he should feel it his duty to oppose the second reading of the Bill.

MR. KINNAIRD reminded hon. Members that last year the Bill had really been approved by both Houses, for it had passed the Commons and was only prevented from passing the Lords by the late period of the Session at which it arrived there; and he, therefore, greatly regretted the determination which the hon. and learned Gentleman had expressed with regard to the Bill. The Act of George IV. had proved utterly inoperative, as had been proved before two Select Committees, and, therefore, further legislation was necessary; and the present Bill was the result of the inquiries of two Committees, who had very carefully investigated the matter. The present Bill was simply permissive, and the expense of carrying it out would be borne by the parties availing themselves of it. The evil proposed to be remedied was notorious, and he should like to see the matter taken up by the Government; but unless they were prepared to introduce a better measure they ought not to discourage private Members by oppposing the Bill.

SIR JOHN SHELLEY quite agreed with the hon. Gentleman who had just sat down as to the importance of the subject; but it seemed to him to be so tender a subject that he should be sorry to see it touched, unless taken up by a strong hand. It was better to let matters rest as they were, than to endeavour to patch up a system which could in no way accomplish the object which they all had in view. He should say for one that he could not for the life of him see how the Bill could affect such a question as that of the recent strikes in London — neither the question of pay nor the question of time would be affected by the present Bill. The matter of strikes was so important that he would recommend that the matter should not be touched unless it was taken up by the Government of the country.

MR. LIDDELL preferred the existing tribunals to the councils of conciliation, upon which he looked with no little apprehension. The powers given by the Bill as to the summoning and examination of witnesses were arbitrary and unusual. Altogether, he doubted whether legislation upon this subject would be beneficial, or whether it would not rather tend to aggravate than to settle disputes. At the same time, he was so anxious that the House should do all that it could to promote harmony and good relations between masters and workmen that he should be glad to see the Bill referred to a Select Committee.

SIR JOSEPH PAXTON said, that the hon. and learned Gentleman, the Solicitor General, though well acquainted with the present state of the law, was not well acquainted with its operation. If the hon. and learned Gentleman had inquired as to the working of the law as it existed in some of the manufacturing districts, he would have found that it was entirely inoperative. Similar councils to those proposed by the present Bill—the *Conseils des prud'hommes*—had existed in France for seventy years; and while nearly all the other institutions of the country had been swept away, they retained their position up to the present day, and were found most advantageous in the settlement of disputes between masters and operatives. It was not intended to apply the system to ordinary labour, but to skilled labour, and especially to that kind of labour which was taken by the operatives to their homes. It was a permissive Bill, and he submitted that it would be of the greatest use in the manufacturing districts.

SIR GEORGE LEWIS said, he had been accused by high authorities of speaking on one side on Wednesdays and voting on the other. He admitted that when there was upon the Table a measure, the object of which was manifestly benevolent and philanthropic, but the machinery of which was defective, he might sometimes have voted for a Bill many of the provisions of which he could not approve. He was afraid that in this instance his speech must be against the Bill of the hon. Member for Rye; and if his vote was to go with his speech his vote also must be against it. By the law as it at present existed a power of arbitration was given to magistrates; the effect of this measure would be to create a concurrent jurisdiction, and where there was a concurrence there was always danger of a confusion of jurisdiction. The Bill proposed to refer all matters in dispute to a council, to be authorized by the Secretary of State. Now, in his opinion, nothing could be clearer than that the Executive Government ought to stand quite clear of the deplorable disputes which occurred between masters and men. Those were matters in regard to which neither the judicial nor the executive authorities of the country could exercise any good influence. The diminution of these disputes was to be looked for in the increased enlightenment and improved intelligence of the working classes themselves. Already they had become less envenomed, and were attended with less violence and fewer serious crimes than was formerly the case. The questions at issue were now discussed with more of argument and reason on both sides; and very often the principles of political economy were referred to, though, no doubt, the speakers frequently proved themselves to be very indifferent political economists. He believed the cheap newspapers were sufficiently enlightened to give good advice to the working classes in their disputes; and he believed that the penny papers were not at all in favour of these strikes, and had given sound, though perhaps not palatable advice to the workman. He trusted that the improvement which was taking place in the cheap publications which were read by the working classes would tend to continue and increase this amelioration of the relations between masters and workmen, and to render less and less frequent the occurrence of strikes. By this Bill it was proposed that, upon a petition being presented to the Queen or to the Secretary of State for the Home Department, the Secretary of State should have power to authorize the appointment of a council, to consist of not less than two or more than ten masters, and not less than two or more than ten workmen. The first members of this council were to be elected by the persons whose names were signed to the petition. Thus, any number of persons might get a council appointed without giving notice to any one except the Secretary of State; and was it likely, he asked, that a tribunal so constituted could arbitrate satisfactorily in the case of a serious, and, perhaps, a prolonged dispute, between masters and workmen? The council was to be continued by annual election, every member of any trade who had reached the age of twenty-one being entitled to vote for the members of any council within the county or city in which he lived. This was a most extravagant proposition. He could not imagine that such a mode of election could produce any but the most unsatisfactory results. He could not express a favourable opinion of any of the main provisions of this Bill, and, therefore, feeling that in dealing with this subject a false step might be productive of the most serious consequences, he must, although he was perfectly convinced of the excellence of the motives of the hon. Member for Rye, move that the Bill should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. LEVESON GOWER said, the more he considered this subject the greater appeared the difficulties for legislation in the matter. Most of the witnesses examined before the Committee which sat in 1856, said that the great difficulty in this case was with regard to the appointment of Chairman. The Bill did not deal with that difficulty. It merely said that a certain number of the masters and operatives should appoint a Chairman; but he doubted whether they would be got to agree as to who should be Chairman, and in that case the whole machinery of the Bill fell to the ground. He did not believe that the points in dispute between masters and workmen were such as could be settled by one man or any body of men. The existence for some years of a voluntary system of conciliation in the Potteries had led him to doubt the necessity for legislation in this matter, and he felt reluctantly compelled to give his vote against the second reading of the Bill.

MR. FRANK CROSSLEY believed that the Bill, if it were passed, would be perfectly inoperative, and that in attempting to legislate on the subject the House was going beyond its province. No one disputed the good intentions of the hon. Member for Rye; but he did not think the hon. Gentleman had had sufficient practical experience of the working of the present system. The arrangement of these disputes should be left altogether to the persons immediately interested in them, and he believed that they would be more effectually settled by the good feeling of the masters and their workmen than by any enactment of the Legislature.

MR. MELLOR said, that a society of the nature referred to existed at present in Nottingham, and its success was altogether owing to its voluntary character.

The present Bill was open to all the objections which had been urged against it by the Solicitor General, but he would be happy to support a measure that would give force to the decisions of these voluntary associations.

Mr. AYRTON was proceeding to address the House when—

It being Six of the clock, Mr. Speaker adjourned the Debate till *To-morrow.*

House adjourned at thirteen minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 9, 1861.

Minutes.] Public Bills.—1° Customs and Inland Revenue; Drainage of Land.
2° Roads and Bridges (Scotland); Cork Infirmary.

THE GALWAY CONTRACT.—QUESTION.

Mr. BAXTER said, he rose to ask Mr. Chancellor of the Exchequer, When the Papers moved for with respect to the Galway Contract will be laid upon the Table of the House: 1. If it is true that, even now, after all the extensions of time granted, the Atlantic Royal Mail Company have only one new ship at sea—the *Columbia.* 2. That that vessel took ten days to steam from Galway to St. John's, Newfoundland, on her first voyage; and afterwards was compelled to put into Halifax for want of coals. 3. That another new vessel, the *Hibernia,* has been condemned at Liverpool as unseaworthy. 4. That the Government have allowed the Company to employ on the North Atlantic the *Parana,* an old ship, which has been for some time considered unsuitable for the West India Service. 5. That it appears from the published Accounts that the Atlantic Royal Mail Company has lost three-fourths of its capital. 6. That, under these circumstances, Government do not intend to ask the House of Commons for the Vote of £78,000 which appears in the Estimates?

The CHANCELLOR of the EXCHEQUER: Sir, in answer to the questions of my hon. Friend I will give him all the particulars it is in my power to supply. In the first place, it is true that the Atlantic Royal Mail Company has only, in terms of his question, one new ship at sea—namely the *Columbia;* but they have purchased and purpose to employ another vessel of power and tonnage equal to the terms of the contract—namely, the *Adriatic.* With regard to the second question there is no official information in possession of the Post Office as to whether the *Columbia* took ten days to steam from Galway to St. John's, Newfoundland, on her first voyage, and afterwards was compelled to put into Halifax for want of coals. But, although we are not in possession of official information on these points, it has been announced in the papers that on the fifteenth day after leaving Galway she did put into Halifax on her first voyage for want of coal, and that statement is confirmed by inquiry at Lloyd's. Therefore, I have to answer that question substantially in the affirmative. With respect to the third question whether another new vessel, the *Hibernia,* has been condemned at Liverpool, I have to state that that vessel suffered damage on her voyage from Southampton to Galway, and she has been pronounced by the Admiralty to be, in her present condition, unseaworthy? In answer to the hon. Gentleman's fourth question I may say that the Government have not allowed the Company to employ the *Parana* on the North Atlantic service. The Lords of the Admiralty have represented that they did not think the *Parana* to be in a sufficient state for the fulfilment of the stipulations of the contract—a pretty conclusive indication of their opinions as to the condition of the vessel. To the hon. Member's next question I am not prepared to make any answer. The subject of the published accounts of the Company is one equally open to the investigation of us all; and, therefore, the Government cannot profess to give any special information upon it. The hon. Gentleman's sixth question refers to a matter upon which I have no statement to make to the House, except that I shall enter into a communication with my noble Friend the Postmaster General in relation to it.

Mr. BAXTER: My right hon. Friend has omitted to state when we shall have the papers.

The CHANCELLOR of the EXCHEQUER: I undertake that they shall be presented with the utmost despatch. As an act of justice to the Atlantic Royal Mail Company, I wish to state, by way of supplement to the answers which I have given to the hon. Gentleman, that since I sat down, and, therefore, after those answers were given, I have received a statement on the subject of the question from the Company. It has not been in my power to gather correctly its general effect, but hon. Gentlemen will, as far as they think proper, suspend their judgment until they have heard or read what the Company may wish to say. There is no objection that I am aware of to lay the statement before the House.

PRIVATEERING.—QUESTION.

MR. W. E. FORSTER said, he wished to ask the Secretary of State for the Home Department, Whether it is not a criminal offence against the provisions of the Foreign Enlistment Act for any subject of Her Majesty to serve on board any Privateer licensed by the person assuming, as President of the Southern Confederacy, to exercise power over a part of the United States, or for any person within Her Majesty's dominions to assist in the equipment of such Privateer; and, if so, whether he will take measures to prevent the infringement of the Law, either by Her Majesty's subjects or by any agents of the President of the Southern Confederacy who are now in England? and, also, whether any such Privateer equipped in a part of Her Majesty's dominions will not be liable to forfeiture?

SIR GEORGE LEWIS: Sir, it is in the contemplation of Her Majesty's Government to issue a Proclamation for the purpose of cautioning all Her Majesty's subjects against any interference in the hostilities between the Northern and Southern States of America. In that Proclamation the general effect of the common and statute law on the matter will be stated. The general principle of our Law is that no British subject shall enter into the service of any Foreign Prince or Power, or engage in any hostilities that may be carried on between any two foreign States. With respect to the precise effect of the Foreign Enlistment Act in the case supposed, it would not be proper for me to undertake to lay it down, inasmuch as the construction of any statute is matter for judicial decision rather than for any opinion of my own. The general bearing of the law will, however, as I have said, be set forth in the Proclamation.

ALLOWANCES TO WITNESSES.
QUESTION.

MR. WILBRAHAM EGERTON said, he wished to ask the Secretary of State for the Home Department, Whether he intends to bring in a Bill during the present Session to alter the scale of Allowances to Witnesses at the Assizes and Sessions?

SIR GEORGE LEWIS said, he could only repeat the answer he had given on a former occasion, namely, that he was ready to ask leave to bring in a Bill to enable the counties to make from the county funds any addition which the magistrates might deem fit for the purpose in question.

LOAN FOR FORTIFICATIONS—QUESTION.

MR. R. LONG said, he would beg to ask the First Lord of the Treasury, What proportion of the Fortifications Loan the Government proposes to borrow during the ensuing financial year?

VISCOUNT PALMERSTON said, it was impossible to answer that question at present. Whenever the plans and arrangements of the Government were matured they would, of course, be communicated to the House.

WAYS AND MEANS.—REPORT.
ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [7th May], "That the Resolutions (reported on that day from the Committee of Ways and Means) be now read a second time."

Question again proposed.

Debate *resumed.*

MR. BENTINCK said, that in rising he did not wish to interfere at any length with the progress of the debate which might arise on this Motion. He rose for the purpose of repeating an attempt in which he had twice before been unsuccessful, but which he hoped would on the third occasion have that result which perseverance was proverbially said to deserve. His object was to accomplish what many hon. Members would agree with him in thinking one of the most difficult of human undertakings —namely, to obtain a direct answer from the Treasury bench. It would be in the recollection of many hon. Members that he had very lately during these debates asked the noble Lord at the head of the Government whether, in the opinion of Her Majesty's Ministers the present posture of affairs in the United States was not such as to induce them to apprehend that increased armaments might be required on the part of this country, and also whether the distress likely to ensue from a short supply of cotton would not in all probability act most unfavourably both on our Customs and Excise revenue? When he first had the honour of putting that question the noble Lord certainly avoided, if he did not evade the question; and, indeed, he afterwards admitted that his reply was not very explicit, because he said he thought he had answered the question "by implication"—a very unsatisfactory mode of meeting so important an interrogatory. The noble Lord went on to answer a portion, and only a portion, of his question, and finished by saying that he hoped the Customs' duties would not materially suffer in consequence of the events now going on in the United States. The question went further and referred also to the probable diminution of Excise duties, and of that point the noble Lord entirely lost sight. When he first asked his questions he reminded the noble Lord that the whole aspect of affairs had changed since the earlier discussions upon the Budget, in consequence of the alarming news from the United States; and he still submitted that as a ground for putting the questions again to the noble Lord, and asking whether the intelligence that had arrived had or had not altered the views of the Government as to the propriety or the security of the financial arrangements which they had proposed. If the circumstances which intervened between the first discussion of the Budget and the day upon which he originally asked his questions were such as to alter the state of affairs and to justify him in putting those questions, the news which had arrived that day placed affairs in a still more remarkable position. On the last occasion when he put the questions, he asked the noble Lord his opinion as to the anticipated failure of the cotton crop; but he found this day in the second edition of *The Times* intelligence so alarming and decisive that it appeared to him that the questions which he had put three days since to the noble Lord had now acquired tenfold importance "Planting is neglected"—

THE CHANCELLOR OF THE EXCHEQUER: Where does that news come from?

MR. BENTINCK: From America.

THE CHANCELLOR OF THE EXCHEQUER: From what part—from the South?

MR. BENTINCK: The intelligence comes from America. ["Read."] He was reading the telegram when he was interrupted by the right hon. Gentleman. The telegram stated "planting is neglected in the South. The growing crops are in danger from want of cultivation." It appeared to him, then, that the danger which had so long threatened had at last arrived. It was quite clear, if that intelligence was reliable, that the time had come when they must fairly consider what would be the consequences to this country of a short supply of cotton from the United States, and he hoped neither the House nor the Government would overlook the magnitude of the question. On the strength of this intelligence he would now repeat his questions—whether the Government anticipated a probability, in the present state of affairs in the United States, of a necessity for increased armament on the part of this country, either naval or military; and also whether, in consequence of the news which had just reached this country as to the probable failure of the supply of cotton from the United States, Her Majesty's Government were or were not of opinion that the diminished supply of cotton was likely to produce great distress in the manufacturing districts, and to materially affect the revenue both from Customs and Excise? He hoped the noble Lord would not this time forget the question as to the Excise.

MR. CRAWFORD observed that the telegram quoted by the hon. Gentleman was of just three days later date than the intelligence last received. Did the hon. Gentleman really think that it was possible that in the space of three days the cultivation of cotton in America could have ceased. It was necessary to receive with great caution telegrams arriving at this moment, when the cotton market was in such an excited state. He ventured to say that the telegram which had been quoted was nothing else than a cotton market telegram, intended only to send up the cotton market.

MR. DISRAELI: I wish to take this opportunity of making a few remarks as to the course of public business in relation to these Resolutions. It is always difficult to combine fair discussion with an equally fair consideration of the progress of public business which is due to her Majesty's Government. With respect to the question before the House, many hon. Gentlemen have challenged the policy of the Government as expressed in these Resolutions, and others have objected to the mode of procedure by which it is intended to carry out that policy; and some Gentlemen there are who object to both. I am quite alive to the inconvenience of entering upon a fresh discussion now, if the public interests require us to proceed expeditiously with these Resolutions, and after the opinion which has been expressed by the Government, that it is an object of importance to bring their Bill before the House, I am prepared, and would recommend to those of my friends who may choose to listen to my advice—if the Government will give a fair opportunity for discussing the Bill on its second reading, —in that case, we should not oppose the Report of those Resolutions; but it must be with a full understanding that Members shall have a fair opportunity of expressing their opinion, and of taking any course which they may think it their duty to take with reference to the policy of the Government. If the Government are prepared to meet us in that spirit, and will at once say for what day the second reading of the Bill when brought up shall be fixed, and if that be an occasion which shall be fair to Members on both sides, I should be quite disposed to assist the views of the Government in respect to the Report of these Resolutions, and will accept the occasion to which I have adverted as one upon which we can enter upon a full discussion of the whole policy and procedure of the Government.

THE CHANCELLOR OF THE EXCHEQUER: The right hon. Gentleman is right in saying that the Government have stated that in their view it is decidedly for the public advantage to expedite the disposal of this question, especially after the delay which has taken place, which I do not seek to blame, but which certainly has been unusual, and, therefore, on that account I am desirous to get forward with the business. It is plain and undeniable that the House, or any portion of the House, is entitled, if it thinks fit, to demand a fair opportunity for debate upon the second reading. Upon this account, and as it is not probable that there will be a clear opportunity for the second reading to-morrow, we propose to introduce the Bill this evening, and to place the second reading for the first Order of the Day on Monday—a day which, I think, will be most convenient to all parties.

MR. DISRAELI: I think the proposition a fair one, and I shall not object to the Resolutions being reported.

VISCOUNT PALMERSTON: With the permission of the House I should like to give a reply to the question put to me by the hon. Member for Norfolk (Mr. Bentinck). The hon. Member asked me first, Whether the Government are of opinion that the recent events in North America would lead to the necessity for increasing the present military or naval force of this country? I think I answered that upon a former occasion in the negative. I do not anticipate that anything now passing in America is likely to require any additions to our naval or military establishments. Then I am asked, whether the events now passing in America are likely to diminish the duties upon Customs below the amount calculated by my right hon. Friend? My answer is I do not anticipate that those events will have any such effect. The hon. Member then asks me whether, in our opinion, these events are likely to interfere injuriously with the Excise duties? I can only repeat a similar answer, and say that I do not anticipate that those events will have any such effect, so as to damage the calculations of my right hon. Friend.

MR. NEWDEGATE said, he wished to call the attention of the Chancellor of the Exchequer to a petition very numerously signed, and having reference to the Resolution respecting the allowing wholesale dealers in spirits to sell single bottles by retail. He should be glad to know whether he intended to include the whole of his financial propositions in one Bill; because, if so, although he should not at present take the sense of the House upon the subject of the petition, yet he should, when they were in Committee, propose to divide the Bill into two or more parts?

THE CHANCELLOR OF THE EXCHEQUER said, there was no intention on the part of the Government to include the Resolution referred to in the principal Bill. That Resolution, and the one relating to hawkers and pedlars' licences, although they were of a financial character and moved in Committee of Ways and Means, yet as they involved other matters, such as those of police, they would be placed in a second Bill embodying the administrative details, and then the hon. Gentleman would have a full opportunity of objecting to the proposition. He wished to inform the right hon. Baronet the Member for Petersfield (Sir William Jolliffe) that what he stated on a former evening in reference to the consumption of spirits on the premises was quite accurate—namely, that the alteration would be confined to the consumption of spirits off the premises.

Question put, and *agreed to.*

Resolutions read 2°, and *agreed to.*

Bill or Bills *ordered* to be brought in, in pursuance of the said Resolutions and of the Resolution respecting the Duties of Customs on Chicory, reported on the 17th day of April last, and agreed to by the House, by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. PEEL.

WAYS AND MEANS.—COMMITTEE.

Order for Committee read.

SIR STAFFORD NORTHCOTE: It is not my intention to detain the House long from going into Committee; but I wish to offer one observation on a statement made by the Chancellor of the Exchequer in the course of the debate the other night, and at the same time to ask for some explanation of one of the papers now on the Table, referring to the paper duty. I do not wish now to enter into any discussion of a question which we shall no doubt have ample opportunity of discussing in full—I mean the general question of the repeal of the paper duty; but the statement made by the right hon. Gentleman is, I think, likely to raise a false impression in the mind of the House upon a very material point; that statement, therefore, ought not to pass unchallenged. The right hon. Gentleman said it had been contended that in past years the paper duty had been an increasing tax as a source of revenue; but this, he asserted, can be said no longer, as the return of the amount received last year from the paper duty now before us shows that the Revenue from this source is not largely increasing. The net amount received in 1859 he stated at £1,291.769, the amount received in 1860 at £1,305.991, showing an increase of less than £15,000—or £14,222. This, the right hon. Gentleman said, is but a small increase in the productiveness of the duty, and is an important fact, as showing that its increase has been arrested. But there are one or two observations which are important to make on this point. In the first place, the right hon. Gentleman, in considering the duty in reference to the amount of revenue to be sacrificed by giving it up, only took the amount yielded by the Excise duty; he altogether omitted to notice the amount derived from the Customs' duty on foreign paper. Now, by adding the amount of the Customs' duty to the Excise duty, the result, as to the total revenue from paper, is different. It is quite true that the amount received from the Excise duty stands nearly the same; but the amount received from the Customs' duty has nearly doubled. The result, adding the Excise and Customs' duty on paper together, is a total increase of £33,998, instead of £14,000. The statement of the right hon. Gentleman must, therefore, be received with a considerable qualification. The right hon. Gentleman says the small increase in the revenue from paper justifies his statement that the duty has arrived at a stationary point. I want to know whether that is really the case? To show that the increase in the revenue from paper in 1859, as compared with the preceding year, was £154,000; while in 1860, as compared with 1859 it is only £33,000, does not prove that the duty is stationary. We have heard a good deal of the elasticity of the Revenue from Excise, but I venture to say that if any one item of the Excise revenue is elastic it is paper. Looking to the progress of the paper duty I think the House will find that during the last thirteen years there has been no duty that has so steadily increased as the duty on paper. I have here a Return of the net produce of the paper duty for thirteen years from 1848 to 1860, and I find that it was £745.795 in 1848 and £1,305,991 in 1860. This is an increase beyond the proportion of the increase in other branches of the Excise. But if you were to look to single years in the series and judge by them, as my right hon. Friend now judges by the results of a single year, you might come to a conclusion that the progress of the revenue had been stopped long since. We are told that the productiveness of the duty is checked, because the last year's increase in the amount derived from it is only £33.000; but on many of these years I find the increase is inconsiderable, if only giving sums of £12,000, £8,000, or £20,000, while on two occasions, there was an actual decrease, in one case to the extent of £25,884, and in the other case £6,114. The fact, therefore, this year's increase being inconsiderable in amount proves nothing as to the duty being stationary. What kind of year was that of which the right hon. Gentleman was speaking? Had there been a marked increase in everything else, some inference might have been drawn from the slight increase in the Revenue from the paper duty; but in the last year everything declined, and the paper duty was the only item of the Revenue that did not decline. What inference should be drawn from that? Look at the condition of all the rest of the Revenue; on the whole it was £2,000,000 below the Estimate; on the Customs the loss was £135,000; on malt the deficiency was nearly £800,000; on hops it was £300,000; on spirits, £900,000. On all these articles the consumption was checked; yet we are told that the paper duty, because it increased so little as £33,000, is an exception to the elasticity of all other duties, and as a source of revenue must be considered stationary. These are facts that materially modify the statement of the Chancellor of the Exchequer; and it is desirable that these facts should be known to the House before we come to the discussion of the general policy of the Budget. There is another feature in this case to which I wish especially to refer, and on which I should be glad of explanation. The returns from which my right hon. Friend has quoted are returns laid on the Table of the House showing the quantity of paper manufactured and of duty received thereupon within a period of three years. Now, it is true that the Revenue from paper has been what I have stated it to be. But the House will, perhaps, be surprised to find that, although the duty has increased to so small an amount, the quantity of paper manufactured has largely increased, and I want to know how it is that the increase of duty has not kept pace with the increased quantity manufactured. In 1858-59 200,000,000lbs. of paper were manufactured; in 1859-60, 214,000,000lbs., showing an increase of nearly 15,000,000lbs. That is the time when the increased revenue from paper was nearly £150,000, and when the duty was progressive. Now, the increase in the quantity of paper manufactured between 1860 and 1861 was greater than that between 1859 and 1860; for, instead of being under 15,000,000lbs., it was 15,555,000lbs.; yet, although there is this increase in the quantity manufactured, the increase in the duty is comparatively trifling. Why is that? How does it happen that a large quantity of paper which ought to have added some £70,000 or £80,000 to our Revenue has not produced any such amount of duty? The only light upon the subject is thrown by my right hon. Friend in some observations which fell from him on the 16th of July last, when he was bringing forward his second Budget. In estimating the position at which he stood at the close of the year he had to consider the probable amount of duty on paper; and this is what he said—

> "The loss which would have arisen from abandoning that duty, according to the terms of the Bill which passed this House, would have been £800,000. I cannot say how much of that will be recovered in consequence of the rejection of the Bill. I doubt whether the whole of it will; but I think it very possible that £600,000 may be recovered. Perhaps we may take it at £700,000."—[3 *Hansard*, clix. 1969.]

That was natural. My right hon. Friend considered that on account of what took place last year, and the derangement of the trade created by the Bill, the paper duty would certainly yield less than it was expected to yield; and he thought it might fall off by £100,000 or by £200,000. Now, what was the extent of his disappointment in other sources of revenue? The Customs fell short of his estimate by £135,000; malt, by £800,000; spirits, by £900,000; hops, by £300,000. But the paper exceeded his estimate by £114,000. This was in a year when everything else was falling off; and yet we are told that the paper duty is not now an increasing one. I have thought it right to call attention to these facts, though there may be a perfect answer with regard to them. When a Minister says to the House of Commons, "I told you a short time since that this was a valuable and a rising duty, but now I can assure you, from official data, that that is no longer the case," such a statement must have great weight with the House, and we are bound to look into it. Of course, if my right hon. Friend can show us that, in spite of the statement I have made, the paper duty is a declining one, I shall own my mistake; but I think that, under the circumstances, the mistake is pardonable. If, however, my criticisms are correct, and the paper duty is not declining, I say that the arguments of the Chancellor of the Exchequer on this question weaken instead of strengthen the case of the Government; because if such statements can be broken down the House will necessarily suppose that other statements made by him would also break down if we had the means of criticizing them. I do not wish to pursue the subject, but think I have adduced sufficient reasons for calling attention to it. All I desire is information, and that we should not legislate in the dark on this question.

Lord HENRY LENNOX asked the Chancellor of the Exchequer, before he answered the question of the hon. Member for Stamford, whether his attention had been called to a paragraph in the newspapers of this day reporting a conversation which occurred in the French Chambers yesterday, and in which the Protectionist members of that Assembly were represented as grumbling at the conduct of the French Government in reference to certain provisions of the Franco-Belgian Treaty, recently concluded, respecting the export duty on rags and drills? Could the right hon. Gentleman state to the House the nature of the arrangements which had been entered into between these two Governments, and whether the result would be in any way favourable to the papermakers of this country?

THE CHANCELLOR OF THE EXCHEQUER: In answer to what has been stated by my hon. Friend the Member for Stamford (Sir Stafford Northcote), I entirely repel his charge of unfairness. I was speaking of the Excise duty; I was understood to be speaking of that duty; I was speaking not upon official authority or credit at all, but was referring to figures in the hands of every hon. Member at the time when my hon. Friend said I practised an unfairness on the House of which he feels it his duty to complain. I did not deal also with the Customs' duty because that was a totally different question. What I said, was strictly, literally, and accurately true, and it involved nothing whatever relating to official authority. My hon. Friend says he desires information. In that desire he entirely forgets the rule which, so far as my knowledge of this House goes, is established, not less by a regard to courtesy than to public convenience—namely, that when an hon. Member wishes to question a Minister upon some statement embodied in a public Return which did not proceed from the Minister, but from others, to whom he has to refer, that hon. Member, before going into minute and detailed criticism, shall give some notion of his intention, so that the Minister may be in a condition, at least to hold the paper in his hands and to understand the statement made. The desire of the hon. Baronet for information leads him to pursue an opposite course, and without making any previous communication to me he asks me what is the meaning of an apparent discrepancy in certain figures. That is not the best mode of obtaining information, inasmuch as it compels me to give to the House a hypothetical answer upon a paper which is not in my hand at the moment, and which I do not carry in my recollection. My hon. Friend says that the increase in the paper duty during the last year is an exceedingly remarkable one, inasmuch as the duties upon hops, malt, and spirits, instead of increasing, actually fell off. He there entirely confounds, as it appears to me, two classes of questions which are absolutely distinct. Happily for our Customs' laws, and happily for the country, the paper duty is an entirely exceptional one. Thanks to the policy which has been so stoutly resisted on one side of the House and so warmly supported on the other, every Excise duty at all analogous to paper has disappeared from our tariff, and this industry is the only one, being of the nature of a trading industry, which is burdened with Excise. The hon. Baronet commits the gross error of confounding paper, by an entirely false analogy, with those articles immediately dependent on popular consumption. What does it signify for the illustration of the matter in hand whether the duty on malt, which depends immediately on the harvest, has fallen off considerably? Upon what does the paper duty depend? One-half of the whole paper manufacture depends immediately and directly upon the export trade of the country. My hon. Friend in his desire for information has forgotten that, thanks to the measures adopted by this House last year in face of his opposition, the export trade of this country was the largest recorded in history, and as long as that trade increases no doubt the paper duty must increase in some way or other, if not from Excise from Customs. Paper is a commodity which is almost entirely an accessory to other articles of consumption. Nearly one-half the paper manufactured is sold in connection with our manufactures. I see present my hon. Friend the Member for Nottingham (Mr. Paget), who was at one time connected with Coventry, and he will know to what a degree paper enters into the production of manufactures in both those cities. As long as our export trade increases a large branch of the paper manufacture subject to duty must increase also. What is the case also with regard to the other branch of the consumption of paper — cheap literature and the press? What has the House done with regard to the consumption of cheap literature and the use of letters? It has sacrificed a revenue of nearly £2,000,000 for the purpose of promoting literature, which necessarily had an effect in raising the proceeds of the duty on paper. On postage we sacrificed £1,500,000, on advertisements £200,000, and on stamps half or three quarters of a million. We have given that stimulus to the production of paper, and my hon. Friend thinks it is advanced in a wonderful degree, drawing therefrom an inference favourable to the continuance of the Excise. But considering that our export trade has increased three or fourfold, considering that the postage has increased five or six-fold, it is no great triumph to me to discover that in the same period the proceeds of the paper duty have increased only between two and three-fold; in fact, it appears to me to be marvellous that the paper duty can have increased so little considering the stimulus which has been given to it. At the present moment the Excise duty on paper is actually—I will not use the epithet which was used opposite, but I will say, is not making progress. I do not deny it. Either through the Excise or through the Customs, by home or foreign productions, it must be got—it is impossible to do without it—but the increase is not in proportion to the increase in the purposes to which it ought to be applied, and I read in that the oppressive effect of the Excise. I never stated that the paper duty was not a continually progressive duty —on the contrary, it must, under whatever pressure, force itself forward. It would have been just as ridiculous to pretend that the consumption of corn did not advance before the corn laws were repealed. Of course it advanced with the advancing wealth and population of the country, in spite of the corn laws; and so will the consumption of paper, but it will advance in a much less degree than it would under a system of freedom of trade, and it will do so with great distress and suffering to those concerned in the production of paper. If my hon. Friend doubts the correctness of that statement, let him consult a considerable number of those who are concerned in the trade and they will tell him what they told me—that with regard to a certain portion of the trade, who are exposed in a particular degree to foreign competition, it is a fact that, with the foreigner on the one side and the Excise on the other, they are compelled to employ a larger capital than would be the case if they enjoyed freedom of trade. I have been assured by a gentleman who took an active part in opposing the remission of the duty last year that their trade has fallen off from 10 to 20 per cent. I think, therefore, I was perfectly accurate and fair in the statement which I made.

With regard to the question asked by the noble Lord opposite (Lord H. Lennox)

I cannot give the noble Lord opposite any full and clear exposition of the very succinct allusion conveyed in the form of a telegram, nor am I able to say absolutely and positively what is the present condition of the negotiations between France and Belgium on the subject of a treaty of commerce; but what I understand to be their condition is, that whether the instrument has been finally signed or not there is no difference of opinion between them as regards that article in which so much interest has been felt on this side the Channel, the exportation of rags. I cannot pretend to give any official information, but I understand that the French Government were perfectly willing to establish entire freedom of trade with Belgium—which, of course, would extend to England —in the article of rags. But the Belgian Government not being prepared to go so far, the export duty upon rags has been reduced from the prohibitive point to 12*f.* per 100 kilogrammes, or between £4 and £5 per ton—being a rate *ad valorem* of 20 per cent. That will be a great and material reduction of the duty which now prevails. I also believe that there would be no disposition on the part of the Belgian Government to establish any exceptional system, or to withhold from England and other countries the privileges which she has afforded to France by this treaty. I certainly, therefore, do cherish a hope that both this arrangement and its effect upon other countries will be beneficial to the paper trade of England.

MR. DISRAELI: The right hon. Gentleman has mistaken the point of my hon. Friend the Member for Stamford. He was controverting an authoritative statement of the Chancellor of the Exchequer that the paper duty was a falling and failing branch of our revenue, and he gave reasons and adduced facts and figures which I think entirely disposed of that assertion. If there were any doubt on the matter it would be entirely removed by the remarks of the Chancellor of the Exchequer, for his address consisted entirely of ingenious illustrations of the fact that the paper duty was not a failing branch of our revenue, and he gave a number of practical reasons why there must be necessarily an increase. The right hon. Gentleman says there is no analogy between the paper duty and the duty on malt and hops. There is no analogy between them. These duties do depend on the harvest; but my hon. Friend drew quite a different inference from that which the Chancellor of the Exchequer drew. My hon. Friend said is it prudent to part with a branch of our revenue which is a rising branch of the revenue, and which, in a moment of distress and difficulty, when other great branches of Excise have been affected by the badness of the harvest and the diminished consumption of the people, had continued to be a progressive one? My hon. Friend would prefer that you should continue to have two strings to your bow. The Chancellor of the Exchequer has given no explanation of the discrepancies to which my hon. Friend called his attention.

THE CHANCELLOR OF THE EXCHEQUER: I beg pardon, I quite forgot it. If the figures spoken of were in one column—the weights of the paper made, and in the other the net revenue received—I entertain no doubt that the difference must be accounted for by that portion of our paper on which drawbacks are allowed.

MR. DISRAELI: I think the right hon. Gentleman was quite wrong in the complaint he made of want of courtesy in my hon. Friend's proceeding. Certainly, when an hon. Member wishes to obtain information from a Minister, it is our custom to give notice of that intention, and of all Members in this House, my hon. Friend, I think, would be the least likely to fail in that courtesy. But this is not the case of an hon. Gentleman rising and asking for information. We are in a debate on the Report of Resolutions, and it is not in debate the custom of this House before you make a speech to go over and tell the Minister all the facts and arguments you are going to rely upon against him. There never would be an end to our debates, adjournments would be perpetual, if that fatal frankness were to prevail. The right hon. Gentleman, therefore, is not justified in complaining that my hon. Friend has broken the salutary rule which always regulates our proceedings.

MR. MAGUIRE wished to ask the Chancellor of the Exchequer whether, before proceeding to further legislation in respect to the Customs' duty on foreign paper, he would consent to the appointment of a Select Committee to inquire into the operation and effect of the system of export duties on foreign rags upon the paper-making trade of Great Britain and Ireland?

MR. NORRIS begged permission to give an answer to one of the questions of the hon. Member for Stamford, which has escaped the notice of the Chancellor of the Exchequer. The hon. Baronet referred to a paper which he held in his hand, from which it appeared that a proportionate increase of duty had not followed from the increased quantity of paper that had been made; and he (Mr. Norris) could explain how that arose. All the paper made came under the observation of the exciseman, but it did not all pay duty. From time to time, during the development of their manufacturing industry in various branches of trade, there had been good reasons urged upon the Board of Inland Revenue to exempt from duty the paper used by them in consequence of the restrictions thus imposed on the operations of trade. That remission was made to certain trades in Birmingham, to the clothiers in Yorkshire, and to many other persons; so that a large increase was going on in the manufacture of paper that did not pay duty, while there had not been a similar increase in the proportion that paid duty. That was an answer to the hon. Baronet, and was an incontestible reason that certain persons should not bear the weight of the duty from which those who were exempted had escaped.

MR. NEWDEGATE said, that the Chancellor of the Exchequer had alluded to the trade of a portion of his constituents—namely, the inhabitants of Coventry, and had stated that the remission of the paper duty would be a great relief to them:—He would, therefore, with the permission of the House, lay before them a statement with which he had been favoured. He would premise that he would not have voted the other night for a reduction of the tea duties in preference to the repeal of the paper duties could he have believed for one moment that the remission of the latter would have conferred on his distressed constituents the benefit which the Chancellor of the Exchequer intimated would be its result. He had in his hand a statement drawn up by a person well qualified to form an opinion on the subject. He stated that the weight of the slips of white paper of the quality used in making up six pieces of riband, of 36 yards each, of a 3-inch wide riband, including the waste in cutting into slips, would be 1 lb. 14 oz., which, at 8*d.* per lb., came to 1*s.* 3*d.* The weight of a white paper box made to contain six pieces of 36 yards each of a 3-inch wide riband, including the waste in making up, would be 14 oz., costing 9*d.* each. The brown paper and paper for rolling up ribands and packages for six pieces, 4 oz., which, at 6*d.* per lb., would be 1½*d.* The average price of six pieces of 36 yards each of a 3-inch wide riband, at 27*s.* per piece, would be £8 2*s.* That riband would be worth—that package of riband would be worth £8 2*s.* The cost of the paper used in packing it would be 2*s.* and 1*s.* 2*d.*, that is 3*d.* on each £1. value in silk (of which the duty is 1*s.* 2*d.*)—the remission of duty would be just ½*d.* in the pound. He thought it due to his own position, and to the right hon. Gentleman, the Chancellor of the Exchequer, that he should state to the House that the effect of this remission would be an almost infinitesimal part of the value of the package; and when he heard it spoken of as a measure of relief to a trade that was suffering this deep depression, he really felt it to be his duty to state to the House that the relief was less than infinitesimal. He did not wish to undervalue the advantage the remission might be to other trades where the articles were bulky, such as cotton yarn; there the remission of the duty would amount to a considerable sum. In order to inform himself as to what branch of manufactures would really benefit by this remission, he inquired into the case of the cotton spinner. Now, the cotton spinner—a man having a large mill—would reap a very considerable advantage from this remission, and, with permission of the House, as the subject was now before it, he would state how this advantage would be gained. He had no ill feeling to the cotton trade, but, at the same time, there had been such a marked favouritism towards that trade that when he was told that relief was to be given to his depressed constituents — and he knew it was infinitesimal and really scarcely worth their notice—but that a great advantage was to be given to another trade, in favour of which everything had been hitherto done by the House, he wished them to understand that if this remission was to affect any trade it would be cotton, not silk. He was sure the House would forgive him for making this statement. The House ought to have it before them before they passed to division. He had two statements before him from Liverpool. He was not at liberty to name the authors; but this he might state, that his first informant stated the case of a cotton spinner with large mills, which turned out 20,000lb. of cotton yarn a week, which made 1,040,000lb. of cotton yarn in a year. This would be made up in 208,000 bundles of cotton of 5lb. each. Each of these 5lb. bundles had a thick piece of paper at the top and bottom, and was tied with string. Suppose the paper to weigh 1oz. each bundle—each bundle according to the regulations of the trade was considered to contain 4lb. 15oz. of yarn net—and with the paper and string weighed 5lb. 1oz., and was charged as 5lb. of yarn; so that 1oz. of paper per bundle was charged for as yarn. The average value of yarn was 1*s.* a pound, and of paper 4*d.* Thus the ounce of paper cost a farthing, but was charged as yarn, or at ¾*d.* to the buyer, bringing in, therefore, a profit of 200 per cent. His informant went into a calculation to show that the profit on this system of charging 1oz. of paper in each bundle of the 208,000 made in the year as yarn, gave a profit of £434 per annum; and that the remission of the duty of 1½*d.* per lb. would give an additional profit of £81, making the profit from these two sources £515 per annum. But his second informant—who was, he believed, the best informed—stated that 2oz. of paper were used in each bundle, and he made the profit on the first part of the transaction—that was, charging the paper as yarn—£218; and he stated that the remission of duty, as it affected the 2oz. of paper per bundle, would afford a profit to the spinner of £162 per annum—making the whole profit on the two transactions £380 a year. He thought the House would now understand that it was the cotton-spinner who would derive the advantage of the repeal of the paper duty, not the distressed weavers of Coventry. The ribbon manufacturers would receive a farthing in the pound on the value of their goods, not on the profits; but the cotton spinner would receive a sum, according to these the first of these two statements, £80 according to the second statements £160. The cotton-spinner was not distressed; he was not suffering; and, therefore, when one spoke of this remission of the paper duty as a remission made to a suffering industry, let the House remember it scarcely reached Coventry, but it was a considerable bonus to the manufacturers of Lancashire. The House would perhaps pardon him for adverting to another statement made by the Chancellor of the Exchequer. The right hon. Gentleman had seemed to infer that the importation of riband had scarcely increased since the

French Treaty had come into operation. With the permission of the House he would show them how very material had been that increase. He really was scarcely prepared to enter into the subject; but in a very short statement he thought he could place the House in possession of facts which would show that when the Chancellor of the Exchequer said last year he had known no trade suffer from the remission of the duty brought about by the Treaty with France he made a sorrowful exception to the trade of Coventry. He hoped he was not wearying the House; but these were facts on which the House would have to found its legislation. The quantity of riband imported into England in the month of February, 1860, which was before the treaty, was 15,576lbs.; the importation for the month of February last—February, 1861—was 36,187lbs., considerably more than double. From the 1st of March, 1859, to the 1st of March, 1860, before the treaty, the importation of riband was 439,204lbs. Well, now take the year under the treaty, and remember that we were told that the suffering was all produced by the change of fashion, by an absence of demand. He granted that those circumstances did depress the trade. There was a change of fashion; there was a slackness of demand; and it was from the very circumstance that the change was made when the market was slack that it fell with terrible weight upon his unhappy constituents. Every hon. Gentleman who was at all cognizant of commercial affairs would know that when a market was depressed—when the demand was slack, if a premium of 16 per cent was given on foreign importation, we were sure to have the whole sweepings of the foreign market sent over in consequence of that change, and the market has been completely glutted. He wished to show that, notwithstanding the flatness of the market, the importations had increased, and the proof of it was that while there had been an importation of 439,000lbs. of foreign goods in the year ending March 1, 1860, there was an importation of 551,409lbs. up to the same period of the year that had just passed. And this increase had taken place in the face of a slack market. It was, therefore, of no use to ask him to believe that the changes made in the state of the law during last year were not mainly instrumental in producing that state of things in Coventry, which kept 20,000 of the townspeople living on alms for the last nine months, and which was now obliging the more wealthy among the people to seek for their poorer neighbours new homes in the colonies, or at least in other parts of England. He did not wish to reflect on the conduct of the House in these matters, he hoped he had shown by his conduct that it was in no spirit of revenge he acted—but when he heard the Chancellor of the Exchequer laud a system that had deprived so many of his constituents of their means of subsistence—when he heard an attempt made to delude Coventry into the belief that it would receive a boon by the remission of the duty on paper—a boon which was really not worth mentioning, he could not refrain from laying before the House the condition of that district, and warning the House not to proceed with reckless haste in the course indicated by the Chancellor of the Exchequer, and to be cautious how they accepted assurances, that the recent abolition of import duties had been fraught with great advantage to all the different interests in the country, for a glaring and lasting proof of its destructive effects was daily brought before his eyes in his own neighbourhood. He thanked the House for having heard him with so much patience. He would have been glad if they had given to these people some relief in the remission of duties on an article which was almost a necessary of life to them. He had shown that the boon that they would receive by the remission of the duty on paper would be not worth consideration. Let the question of the paper duties stand on its own merits, in other respects its effect in relieving the distress in Coventry could not be worth their attention.

MR. MILNER GIBSON said, he wished to make an observation upon something which had fallen from the hon. Member in reference to the effect of the paper duty on the Coventry manufacturers. The hon. Member had treated the burden of that tax upon the Coventry manufacturers as something hardly worth mentioning. But he (Mr. Milner Gibson) wished to state that a most urgent appeal was made some short time time ago by the mayor and authorities of Coventry urging upon the Government to grant a special exemption from the paper duty to the silk manufacturers of Coventry.

MR. NEWDEGATE said, he ought to have explained that the duty on the cardboard used in packing had already been remitted; but there had been some misapprehension at Coventry on the subject.

MR. MILNER GIBSON said, that there had been application for a further exemption, which the Government had been blamed for refusing, and it was even hinted that they had done so with a view of making the paper duty still more unpopular. But there was a very great difficulty, if they meant to maintain a duty, in carrying on a system of exemptions. This system of exemption from the paper duty had already been carried to a very considerable extent, and the principles involved in the exemptions that had been granted must carry any Government much further if they were to be acted upon. It would be extremely difficult to refuse granting to a particular trade some exemption that had already been granted to another. They had at the present time some seven or eight statutory exemptions from paper duty; they had some dozen exemptions from paper duty by Treasury order; and at short intervals of time applications were made to the Treasury for exemptions from the duty, the parties founding themselves in support of those applications upon the precedent of former exemptions. It appeared to him, therefore, that if the paper duty was to be maintained — and that seemed to be the policy of the Opposition —they must grapple with the question of these exemptions; and his belief was that, if they were to maintain the paper duty, it would be much better, instead of granting from time to time unjust exemptions from this tax to particular trades, to extend that tax equally to all. He would ask the House, could there be any reason for exempting books in the Latin, Greek, Oriental, and Northern languages, printed in the Universities of Oxford and Cambridge, from the paper duty? Yet, there was a statutory exemption, which was mentioned in the Act of Parliament which imposed the paper duty, "for the encouragement of learning," and he supposed it was in consequence of that expression in the Act of Parliament that the duty on paper was called a tax on knowledge. He asked whether, in these days, it was reasonable to exempt this particular class of books and not exempt English school books? The right hon. Gentleman, the Member for Buckinghamshire, made an observation about the increase of Excise duty upon paper, which, perhaps, he would allow him (Mr. Milner Gibson) to remark upon in this way—that if they were to keep the Excise upon British made paper, and at the same time allowed free trade in foreign paper, he (Mr. Milner Gibson) thought it was very likely the Excise duty on British paper would not increase as a head of Revenue. The supply of paper might increase from foreign countries, and, no doubt, the Customs' duties would be increased. He trusted the Opposition would consider the present situation of the paper trade in that respect. They had allowed the principle of free trade in paper, and it behoved them well to consider whether they were at the same time determined to keep the paper manufacturer of this country under the pressure of Excise restrictions. It was extremely difficult to estimate the general and indirect effects of an Excise upon a manufacture; therefore, he thought this was a matter which ought to enter into their consideration, and must have a very strong bearing upon the future yield of the Excise duty upon paper.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said, that he wished to take the earliest opportunity of referring to a point which had been brought under his notice in the form of an inquiry as to the intentions of the Government on a matter of some interest to the paper trade, or, at all events, to a portion of that trade, who had felt most seriously the inconvenience occasioned by the restrictions imposed by foreign countries on the exportation of rags. He had been asked by the hon. Member for Dungarvan (Mr. Maguire) whether it was the intention of the Government "to consent to the appointment of a Select Committee to inquire into the operation and effect of the system of export duties on foreign rags upon the paper-making trade of Great Britain and Ireland?" The sentence is somewhat ambiguous. The Government were perfectly willing to consent to the appointment of that Committee, but if the proposal was that the Government should agree to take no measure with respect to the present state of the law on the importation of foreign paper until such a Committee should have sat and reported, to that he must answer entirely in the negative. He did not know whether that was the proposal of the hon. Member (Mr. Maguire). Well, then, I must meet it with an absolute negative. The House of Commons last year disposed of the whole question of protection in relation to foreign paper. The argument was two-fold. It arose partly under the French Treaty, and it was contended by the Government, with the authority of their law officers, that the French Treaty bound them to the admission of paper from France at a duty not exceeding the Excise duty leviable upon English paper, *plus* an allowance for the charges entailed by the indirect operation of the Excise. So far they were carried by treaty obligations; but the treaty obligation terminated when they had provided for the importation of paper from France. But, besides that, the House of Commons determined the whole question without reference to treaty at all, or to one country or another, and passed a law under which foreign paper was imported at a duty substantially equivalent to the Excise. Therefore, so far as paper was concerned, and he was thankful to say so far as all other articles were concerned, protection was substantially done away with. It was now proposed, not to inflict any blow upon the paper manufacturer, but to relieve him from restrictions, the effect of which he had no doubt were very injurious, although not stated in money. The paper manufacturer would be far better off when both the Excise duty and the Customs' duty were abolished than he was now when both these duties were in operation. But, then, what was the proposal of the hon. Member? If he understood him rightly his proposal was that they should abolish the Excise duty, and they should retain on the statute book a Customs' duty somewhat more than equal to that of the Excise. That certainly would be an astonishing measure, unless it was to be the first retrograde step towards a complete and integral protective system. He could not suppose that in 1861 the House of Commons would seriously set up a new protective duty. And what kind of a protective duty? A duty that would be prohibitory as regarded the great bulk of paper. The average value of paper he took to be about 6*d*. per pound, and he tested the operation of this proposed duty of the hon. Member by reference to the average value of paper. The hon. Gentleman proposed to retain a duty of 16*s*. per cwt. upon an article worth 56*s*.; so that foreign paper coming to this country would have to pay 16*s*. duty on an article of 40*s*. value. The proposal was, that they should at this time of day proceed to constitute a new duty on foreign paper of 40 per cent. Could the hon. Member seriously think the House of Commons would agree to that? What they abolished last year was a duty of about 10*s*. per cwt. They thought that in principle was wrong, and they removed it, and now was it to be supposed that they were both to replace that duty, and pretty nearly to double it? Would the hon. Member allow him to point out that they had been using exertions with respect to foreign countries which had not as yet taken full effect, but had taken some effect; because France had evidently proceeded in perfect good faith to act upon the assurances she gave last year, and she either had concluded, or appears to be upon the point of concluding, an arrangement with Belgium, which probably might have the effect of opening the Belgian and German markets to the papermakers of this country? He could well understand that when we should have ceased to levy Excise duty, and should have abolished all legislative restraints upon the trade in paper they should be in a very favourable condition for urging foreign countries to remove all restrictions upon the export of the raw material. He must say that their condition for urging this on foreign countries would be a very bad one indeed, if they were now to set the example of a great retrogressive measure, and to constitute a protective duty on paper nearly double that in existence before the French Treaty, and the passing of the measure of August last. The hon. Member may say, "You may impose a duty of 16*s*. per cwt. and make its removal a matter of bargain with other countries." That is a proposal to revive a doctrine which experience has exploded, and to resort to a practice of founding a commercial treaty upon a theory of exchanges which has now been entirely abandoned. It was not because commercial treaties were bad in themselves, but it was found altogether impossible to proceed on that principle, and, therefore, the commercial treaty with France was negotiated upon a principle entirely different. They never held the language for one moment that they were making a concession of British interests to France when they removed these protective duties. Therefore, they had completely put themselves out of court, and it would be impossible for any Gentleman, even the Gentleman who had the largest stock of audacity, to go with this 16*s*. duty and say to France, "We will take this duty away if you will take away some other duty." It would place the country in a position entirely false, and he should very much regret if the hon. Member made that demand upon the Committee. He trusted if he did do so the Committee would decline to accede to it, and would pass the Resolution.

Motion made, and Question proposed,

"That the Duties of Customs chargeable on the articles undermentioned imported into Great Britain and Ireland shall cease and determine on and after the 1st of October, 1861, namely—

Paper, as denominated in the Tariff.
Mill-board.
Paste-board.
Books, as denominated in the Tariff.
Prints and Drawings, as denominated in the Tariff."

MR. MAGUIRE said, that he did not think that the question which he put to the Chancellor of the Exchequer was at all ambiguous, and, indeed, the right hon. Gentleman seemed to have perfectly understood it. The questions of the Excise and Customs' duties upon paper were very different ones, and had, to a certain extent, no relation to each other. Although the House should free the paper trade from the fetters of an Excise, still, if they placed the papermakers in unfair competition with those who adopted a system of prohibition against the British manufacturer, they did an injustice and a wrong. The right hon. Gentleman had asked what was destroyed last year. A great part of the paper trade of Great Britain and Ireland was then destroyed, and he, therefore, hoped that there would be some delay before the right hon. Gentleman went further in the same course. Let not the House be carried away by the delusive promises of the right hon. Gentleman. Last year, when the papermakers were justly alarmed, it was stated from the Treasury bench that the French Emperor was determined to give them free rags; but only a few days afterwards the noble Lord the Secretary of State for Foreign Affairs had to inform the House that although the Emperor was prepared to act in the spirit of a Manchester Free-trader, the Corps Legislatif was determined to maintain not only protection but prohibition. He stood up for an endangered interest, and implored the right hon. Gentleman, by every motive of patriotism and humanity, not to carry out his own determination in spite of the wishes of the trade, and the feelings of a large portion of the Members of the House. He spoke in no hostile spirit; he supported the Budget of the right hon. Gentleman last year, and the main proposition of that of this year; but when he gave the former vote he had no idea that Mr. Cobden, who had shown so much wisdom in regard to other matters, had made a practical blunder with regard to the papermakers of this country. He could not depend, nor did the right hon. Gentleman in his heart place dependence, upon the delusive promises which were now made; and, therefore, he was anxious that a Select Committee of that House should be appointed, should examine half a dozen, or even two, delegated witnesses, and should make a report, not to prevent Legislation, but to arm the right hon. Gentleman for the negotiations which were necessary for the salvation of the trade. Last year, the right hon. Gentleman said that the opposition to the abolition of the penny Customs' duty on paper arose from unfounded alarm. He would now show the House what evil consequences the removal of that duty had produced. There were two houses in Dublin, one of which used to send six tons, and the other nine tons of paper per week to the London market; and now, since the change of the laws, neither of them sent a single sheet. Thus these two houses alone had lost a trade which amounted to £47,000 a year. His right hon. Friend the Member for Lisburn informed him the other night of a papermaker in the north of Ireland, who had been compelled to work half time, because he could not compete with the foreigner; and there was now in London a manufacturer from the south of that country, who had informed him that he used formerly to send a large quantity of paper to London, but that he now did not send one shilling's worth, because the foreigner had beaten him out of the market. These were the results of the change of the law in Ireland; now let them hear what had taken place in England. One of the largest manufacturers had declared to him that he and others were working at a loss. The *Manchester Guardian* consumed annually about 1,000,000lbs. of paper, or nearly one two-hundreth part of the whole quantity manufactured in the United Kingdom. The connection which had subsisted for thirty-two years between that influential journal and the house which supplied them with paper had been broken since the change in the law, and the advantage transferred to the foreigner, every sheet on which that paper was printed being now procured from Belgium. At a meeting of manufacturers, the other day, he made this inquiry—if a journal consumes 1,000,000lbs. of paper yearly, how many persons would be engaged in its manufacture? The question went round the room; some said 80, others said 90, and some said 100; but it seemed to be agreed that at least 80 persons would be required for the purpose. Here were 80 hands sacrificed to a fanciful notion of free trade, and in order to benefit the foreigner. It had been said in the course of the debate last year—"Oh, but the manufacturers can supply the colonial papers." Now, what were the facts ? The *Melbourne Argus*, an enormous paper, was formerly supplied by the very same gentleman to whom he had alluded; but now Belgium had beaten him out of the Colonial market, and he no longer sent a sheet to the *Melbourne Argus*. At the present moment twenty-five journals in different parts of the United Kingdom were supplied from the Continent, and he knew one gentleman in London who represented twenty Belgium paper mills — twenty screws for crushing the unfortunate operatives of this country, and depriving them and their families of employment. Free trade, in his opinion, consisted in a struggle between two men on a footing of equality; but it was no longer free trade when one of the parties had his hands tied and his feet manacled, and in that condition invited his adversary to trample upon him, and crush him to the earth. It had had been said that this was a paltry matter—a mere question of the importation annually of 15,000 tons of rags. But if only 1,000 tons of the 70,000 annually consumed were imported, the amount of duty paid to the foreign country from which they were brought would rule the whole market. The Customs' duty raised the price of rags, and, in fact, the rag exchange was the foreign Custom House. Moreover, the Americans also required rags, and finding a difference in price between England and the Continent, came into an already restricted market and thus sent up the cost. France would not allow an ounce of her rags to come into this country; Belgium acted in precisely the same spirit; and in Germany, where in some places the duty mounted up to £12 10*s*., and in others sank to £5, the average duty charged was £9 per ton. At the same time that they asked an unlimited command over our market, these countries also imposed a high prohibitary duty on English paper. Was this fair? Could the struggle be said to proceed on equal terms? If otherwise, was he not justified in asking the Chancellor of the Exchequer to employ the influence of the House of Commons in his negotiations to procure for the people of this country something like equitable terms? To exhibit the rapid increase in the importation of foreign paper, he might state that last year, and the year before, the average importation of foreign paper was about 800,000lb. or 1,000,000lb. Within seven months and a half, notwithstanding that trade in the early part of the year was in a very depressed state, and many of the foreign ports were frozen, the importation had increased to 5,000,000lb. At the present moment it was at the rate of 1,000,000lb. a month. But supposing it was only 10,000,000 a year, it would still be a serious matter, as 1,000 persons would then be deprived of employment. The right hon. Gentleman might imagine that foreign importation would not continue to the same extent. But the fact was that the foreigner was adapting himself more and more to our requirements. At present, he might not be in possession of the mills and machinery equal to the demand, but he was rapidly acquiring them; and in proof of the advantageous terms which he was able to hold out he might refer to the statement made by a newspaper of commanding influence, which he need not name, that it would be compelled to give the benefit of its enormous circulation to the foreign paper manufacturer, and would thereby gain £18,000 a year. It was utterly impossible that this state of things could continue. The home manufacturer, by his energy, his industry —he might almost say, by his despair— would, perhaps, for a time be able to contend against the foreigner; but if the struggle were at all doubtful, what was to hinder the foreigner from putting on the screw a little tighter, and by raising the price of the raw material 15, 20, or even 40 per cent higher, thus effectually putting an end to any further competition? Without violating any principle of free trade, he might surely ask the right hon. Gentleman to pause before dooming a branch of trade to destruction. The Chancellor of the Exchequer met the paper manufacturers a short time since, and he would ask an hon. Member who invariably supported the Government whether the facts which were then laid officially before the right hon. Gentleman did not warrant the appeal that he was now engaged in putting forward? The Chancellor of the Exchequer would probably meet him with the assertion that the question had already been determined by the House of Commons, and that it would be impossible to set aside their decision; but what he asked him to do was to elicit an expression of opinion on the part of the House, fortified by which he could go to the Emperor of the French, and to others whose decisions were all-powerful in the matter, and request them to do justice to the trade of England. The French people really cared very little about this question, but others, who were not contemplated by the treaty came in and took advantage of it; and if Belgium had been enabled in so short a time to gain such great advantages, what might be expected three or four years hence? He had heard it said that English papermakers would not submit to loss, but would go over to Belgium and carry their trade with them. Such a result was very possible, but would the English papermakers carry over those in their employment as well; or rather, might they not expect that Belgian operatives would be employed, while the ratepayers of England would be called on to support the miserable victims of this frantic policy? His admiration for the genius and enterprise of Manchester would lead him to employ extravagant language if he attempted to give expression to it; but he should like to put a home case to those representing that great hive of industry. Assuming that the cloud of war did not overshadow the States of America, but that the same harmony prevailing last year were still in existence, and that the Americans, with a view, on the one hand, to increase their Customs' duties, and on the other to foster the manufactures of the Northern States, determined to levy an export duty of 5 per cent on cotton, at the same time that they imposed a protective duty on articles of British manufacture, he wished to know what would be the state of feeling in Manchester. Would they be disposed to acquiesce tamely in this injustice; or was it not more likely that clamour would be raised, and, perhaps, that a disbanded army of mechanics would threaten to march up to London, and coerce Parliament to take some steps in their favour? He did not ask the right hon. Gentleman to take his statements on the matter. Let him have evidence given before one of the ablest Committees that could be selected, and the opinion of that Committee would enable the Government to negotiate on the matter. The right hon. Gentleman knew that he spoke in no hostile spirit. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] The right hon. Gentleman was aware that if the question of the repeal of the paper duty came before the House the next day he would vote with the Government in favour of that repeal; but in making his present appeal he was asking the Chancellor of the Exchequer not to doom the extinction of one of the last and most important of the trades of Ireland, and a trade by which vast numbers were employed in other parts of the British Empire. With a view of bringing forward his proposition in a formal manner he would now move that the Chairman report Progress and ask leave to sit again.

MR. LIDDELL said, that he had heard with extreme surprise the argument of the Chancellor of the Exchequer for the removal of all Customs' duties on foreign paper—that by the abolition of the Customs' duties they would be in a better position to treat with Foreign Governments, and to impress upon them the propriety of removing the export duty on rags. Ten years ago they repealed the navigation laws, and admitted French vessels to all the advantages, both in the home and colonial ports, their which own vessels enjoyed. They had waited for ten years, and he wished to ask the right hon. Gentleman whether a single English vessel had been relieved from any single burden in any of the French ports? Up to that moment the French had not reciprocated, but had kept all their advantages to themselves. How, then, could the right hon. Gentleman say that they would be in a better position to obtain from the French Government terms in regard to the export duty on rags if they at once abolished the Customs' duties on foreign paper. The English papermakers did not ask for protection, but for what he understood was the principle of free trade—that all parties should be allowed to get the raw material duty free, or on the same terms.

MR. BUXTON said, that it was a mistake to suppose that those who asked for the appointment of a Committe entertained the slightest idea of asking for any protection for the British papermaker. The paper manufacturers had not the least desire that any vestige of protection should be retained in their favour. All they asked for was that their position should be equalized to that of the foreigner. Indeed, they did not, in the Motion before the Committee, ask even for that. All they asked was for an inquiry as to whether such an equalization was possible. They simply asked that an inquiry should take place before a final step was taken which would entirely close the whole case. He believed that the paper manufacture of this country was to a great extent sinking into ruin, and that a larger portion of it would be seriously affected if it should turn out that it was impossible to do anything to help the manufacturers. Still they would feel that they had been treated with kindness by the Government of the country if the right hon. Gentleman consented to the appointment of the Committee. They would have the satisfaction of knowing that if nothing had been done for them it was because nothing could have been done, if a Committee of that House came to the conclusion that there was no means of assisting them. He thought he might pledge himself that this Committee need not sit for more than ten days or a fortnight. It could investigate the subject within that time, and he believed that the Government would be doing a great service to an important branch of manufacture, in a state of distress and alarm, if they consented to an investigation before the whole question of paper duties was brought to an end.

MR. PULLER believed that his right hon. Friend the Chancellor of the Exchequer very much exaggerated what was asked for by the papermakers. They did not ask that the existing Customs' duty should continue on paper when the Excise duty was abolished, as he hoped it would be. He believed that the abolition of the Excise duty would be a boon to the paper trade; but the hon. Member for Dungarvan (Mr. Maguire), in whose hands the case of the manufacturers now was—and it could not be in better—asked that such portion of the Customs' duty as might be considered equivalent to the disadvantages sustained by the British papermakers, in consequence of the legislation of other countries, might be retained. They did not seek to be compensated for the natural advantages which those other countries possessed, but for their artificial advantages arising from their restrictive legislation. Some hon. Gentlemen argued that the treaty of last year bound us to take a particular course in reference to the Customs' duties on paper; but the article of the treaty which they had in their mind had no application to the case under discussion. That article as construed last year by the Chancellor of the Exchequer and the law officers of the Crown, provided that in respect to merchandize which paid an Excise duty in this country foreign manufactures of the same kind should be admitted on a Customs' duty not exceeding that Excise; but from the moment when we should remove an Excise duty from paper we should be unfettered by the French Treaty and at liberty to impose whatever Customs' duty we might think fit upon foreign paper. The legislation of last year, it should be remembered, took place without inquiry and without any statistical information being laid before the House. The Chancellor of the Exchequer spoke of the abolition of the Excise duty on paper as likely to lead to a great extension of the manufacture; but if the Customs' duty was taken off, and if the foreigner enjoyed the benefit of a duty on the export of the raw material from his own country, it was impossible that any great increase could take place in the manufacture of the superior kinds of paper used for printing in this country. The abolition of the Excise duty on paper was not to take effect till October, and the amount of the Customs' duty involved was a mere bagatelle; so that there need be no haste in legislating on this matter. In these circumstances, he hoped the Chancellor of the Exchequer would consent to a Committee of Inquiry.

MR. TURNER said, the hon. Member for Dungarvan asked what the manufacturers of Manchester would have done had the United States of America placed an export duty on raw cotton. His answer was, that so long as their hands were unfettered, the manufacturers of Manchester would endeavour to defy the competition of the world; and if they found themselves unable to do so they would confess, on the principles of free trade, that they were beaten, and that other countries must supply our markets with manufactured goods. He repeated that, so long as their hands were unfettered, they would willingly be exposed to competition; but, if the Government were to lay an import duty on raw cotton, they would claim an equivalent on the importation of manufactured cotton goods. If our Government were to levy at Dover and the other ports in the Channel a duty of £9 per ton on rags, the paper manufacturers would be entitled to protection against the importation of foreign paper; and when, instead of our Government having the benefit of that £9 per ton on rags, it was levied as an export duty at the foreign ports, and yet it was expected that the paper manufacturers in this country should compete with foreigners on the principles of free trade, he could not but characterize it as unjust. The manufacturers of this country must succumb to foreigners if the latter were able to produce better and cheaper goods; but they were not bound, and should not be asked, to contend against such enormous advantages as were given to foreign countries in the case of paper. He was convinced that the paper trade of this country would in such circumstances be ruined—that the import of foreign paper would continually increase, and that distress and desolation would be the consequence wherever the paper manufacture existed; for it was impossible that the trade could bear up against such an enormous advantage as £9 per ton on the exportation of rags given to the foreigner.

COLONEL DUNNE said, it was quite edifying to listen to the addresses of the three or four last Gentlemen after they had voted for a repeal of the paper duty. He agreed with the hon. Member for Dungarvan, that the paper trade of Ireland must be ruined under the policy adopted by the Chancellor of the Exchequer and by his negotiator in Paris; but he (Colonel Dunne) protested against any class of the people being taxed on account of the blunder of the Chancellor of the Exchequer last year in the matter of the financial treaty.

MR. FRANK CROSSLEY said, he was surprised at the remarks which had fallen from the hon. Member for Manchester. They had only to do in this country with the making of their own laws. They could not go into other countries and demand the enactment of laws which they might think would suit them best. Paper was manufactured from cotton and linen waste, and a variety of articles which were to be had at home; and was it because a foreign country put a duty upon the exportation of rags that they were to pay a penny a pound more for paper than it was worth? He had paper manufacturers among his constituents, and deputations had waited upon him to state their views upon this question. He told these gentlemen that if they were ruined their workmen would be able to get employment elsewhere, and that it would be far cheaper to send for their income tax papers and pension them off at the expense of the State than to make the public pay a penny per lb. for paper more than it was worth for the sake of finding them employment. If he were going to establish paper-mills he believed that there was no country in the world where he could do so with greater advantage than in England, after the Excise and import duties had been removed. Paper manufacturers would not be bound to make that kind of paper which they could not make as cheap as foreigners; but they did and could manufacture paper as cheap as foreigners, and, moreover, do a large export trade. He thought the proposition a great mistake. According to the argument used to support it, we ought to put an import duty on paper imported from all countries where they had an export duty on rags. Why, in doing that, we should be going back to the old system of protection which was urged on behalf of our sugar producers, who manufactured free-grown sugar, and which we found to result in those very countries importing cheap slave-grown sugar for their own use, and sending us the whole of their own free-grown produce. That system, in effect, was sought to be introduced in the case of paper by levying a duty on paper coming from foreign countries where they had an export duty on rags. He hoped that House after its recent legislation would not stultify itself by any such a scheme as placing an importation duty on paper from any country.

MR. NORRIS said, he had reason to believe that the Chancellor of the Exchequer would not oppose the Select Committee for which he should move next Tuesday, a Committee to inquire into the operation of the law as it now existed, under which foreign paper was imported duty free, while the papermakers were subjected to a heavy export duty on rags coming from foreign countries. The hon. Member for Dungarvan (Mr. Maguire), however, had imported into the debate the additional question whether the House ought to delay its legislation on the Customs' duty until the Committee had inquired and had made its Report. He had been in communication with persons who had been engaged in the paper manufacture since the treaty with France; and they had instructed him to say that the state of competition to which they were subjected under the circumstance of an export duty on rags coming from abroad was such that they were not in a condition to enter into unlimited competition. He (Mr. Norris) repudiated protection, and he did not understand the papermakers to ask any favour; but he understood that the question was simply one regarding the raw material, the supply of which the paper manufacturer could not stimulate in this country, and which the laws of foreign countries prevented his importing. If he thought he should be considered an advocate for the revival of protection, he should hasten to repudiate any such proposition; but he maintained that the paper manufacture had, by the legislation of other countries, been taken out of the ordinary rules regulating manufacture. He believed that if the Committee for which he was about to move were granted, it would be shown that after numerous experiments and the expenditure of thousands of pounds there had not yet been discovered any raw material other than rags for the manufacture of paper. With regard to straw, that was an article of annual produce, but paper was one of continual consumption and production. But in cases where straw had been used it had so risen in price, in consequence of the demand for it, that the manufacturer was unable to continue its use, and the price of rags was not in consequence lowered. The same thing would happen if the attempt were made to substitute for rags the fibres or grasses of tropical climates. He believed that the Member for Dungarvan (Mr. Maguire) did not mean to decide the question of the extent or amount to which a Customs' duty should be maintained, but when it was remembered the facilities that Ireland possessed for the support of paper mills, it was a sufficient justification for his asking and the House granting this Committee to inquire whether anything could be done to amend or alter the law, or whether a treaty could be effected with foreign countries, so that there should be established an equality in free trade.

THE CHANCELLOR OF THE EXCHEQUER: I am very desirous that this question should be understood. There is no intention on the part of the Government of opposing themselves to an inquiry into the condition of the papermakers, if they think they can show that there is a system of legislation in foreign countries by which they suffer. That will be a proper subject for inquiry, with a view to representations being made in the proper quarter. Her Majesty's Government do not anticipate much advantage in allowing a matter of this kind to pass into the hands of a Committee of the House, since the very appointment of such a Committee is likely to raise jealousy in foreign countries. Still, if any portion of the paper manufacturers have a strong opinion in favour of such inquiry, we are bound not to resist it, and much less to resist the wish of this House. The hon. Member for Dungarvan (Mr. Maguire) says he does not propose to maintain the Customs' duty on paper. Then what is it he proposes? He has made no proposal except that the Chairman report Progress. He declines to entertain the subject, and says that after a Committee has been appointed and has inquired, the Chancellor of the Exchequer may propose a change in the Customs' duty on foreign paper. The hon. Member speaks of the paper duty as not being remitted until October; but it will be impossible to obtain the means of forming a judgment upon the matter referred to the Committee, except after careful and elaborate inquiry into the condition of foreign countries. You have voted to abolish the Excise duty on paper of 14*s.* 8*d.* per cwt.; you have now to deal with a Customs' duty of 16*s.* per cwt., and it is proposed to maintain the latter duty until a Committee has been appointed, has inquired, and has reported, and until time has been allowed for the House not only to consider the recommendation of the Committee, but the evidence on which those recommendations are founded, and is prepared to legislate upon some principle on the Report of that Committee. And on what principle is the House, then, to legislate? Why, on a principle that has been excluded from our legislation for twenty years. I entreat the House of Commons to remember in what manner it has dealt with every other class of the community. The hon. Gentleman said the right understanding of free trade was that it should secure fair play for every man. [Mr. MAGUIRE: Hear, hear!] Therefore, the meaning of free trade is that you are never to change the restrictive laws of your own country until you have ascertained that the corresponding restrictive laws have been abolished in other countries. But that was not the policy which we adopted in our recent commercial legislation. Let us clearly understand what we are about. When it was proposed to repeal the Corn Laws the potent English landlords did not say, "We want an unfair advantage over our own countrymen." What the landlords said was that the Legislature had imposed burdens on them right and left, and required them to bear a mass of taxation not borne by the trading classes, and that, they added, was the act of the English Legislature. Therefore, they asked for a compensation to be given them by an extra price of corn. That is much the same doctrine as that of the hon. Member for Dungarvan; for it is argued by him that if some foreign country chooses to alter the price of an article unnaturally by the imposition of an export duty that export duty is to be an apology for the imposition of an import duty here, which the British consumer must pay. In reply to that argument I might really travel over the whole ground of our legislation of past years. What, according to the view of the hon. Member, are we to say to the producer of British colonial sugar? Surely, of all men dealt with he had the strongest case for the equality now contended for in opposition to the principle on which we have proceeded for the last twenty years. The hon. Member's principle is that this House in its own commercial legislation is to be regulated by the legislation of other nations; if foreign countries adopt good legislation then we are to follow, but if they adhere to bad legislation then we are to adhere to bad legislation too. What said the producer of sugar? He said, "I am for free trade, but give me equality," and I think that his was the strongest case possible. Was it not the fact that human flesh was imported into the countries which he had to compete with, while he was bound to free labour under peculiar and disadvantageous conditions. But we answered these planters by our legislation that we could not pay regard to those circumstances, and that, though we might endeavour to do what we could by influence and example, it was our duty, at all events, to do justice to the British nation. The hon. Member spoke of some particular paper-mill failing to send to this country some tons of paper a week which it formerly sent, and he thought that a case for the interference of the House. If so, then this House has been guilty for the last twenty years of the grossest injustice; and I do not believe that there is a single instance in which those who were subjected to foreign competition for the first time could not show a stronger case. It is admitted that by far the greatest bulk of paper made in this country stands in no fear of foreign competition. What is the meaning of the fact that we are the exporters of the best paper? It means that our papermakers can purchase raw material of the best kind, can manufacture it into paper, send it to neutral markets, and meet the foreign papermaker after paying the cost of transport. Of all the applications for protection made to this House and defeated, I know none in respect to which such an answer as that could have been given. I have spoken of the potent landlord interest and of the West Indian interest, but they must have been treated with cruelty and injustice if the doctrine of the hon. Member for Dungarvan be correct—that we should pause in our legislation, in order to allow foreign legislation to regulate ours. The hon. Member has spoken of an immense quantity of paper coming from Belgium; but is there any *primâ facie* case of distress in the paper trade? The importation is not 4 per cent of the amount made in this country.

MR. MAGUIRE: It is 10 per cent on the particular kind I referred to.

THE CHANCELLOR OF THE EXCHEQUER: Well, does the hon. Member propose to limit his legislation to that particular kind, or does he not mean to impose it on all? In order to secure the interest of some narrow portion of the trade, it is thought convenient to exclude the whole from the beneficial influence of competition. He says that an immense quantity of paper is to come from Belgium. How are the Belgians to make it? Is not the raw material limited there as well as here? At this moment the Belgians are importers of foreign rags. How, therefore, are they to make that great increase of manufactured paper which is to drive the British papermaker out of his own market? In what has fallen from the hon. Member for Hertfordshire (Mr. Puller) I cannot concur. After referring to the opinions of the legal advisers of the Government, I believe that the most serious embarrassment would arise from the course proposed by the hon. Member. Of course, if I were to state the arguments on which that opinion is founded, I should only be putting weapons into the hands of foreign Governments; but, if we are rightly advised, the greatest embarrassment would result from the adoption of the hon. Member's suggestion, in consequence of the obligations contracted under various treaties with foreign Powers. If, however, Parliament has been wrong for twenty years in applying to all interests the principle of regulating first of all its legislation in reference to the consumers in this country, then adopt the proposition of the hon. Member for Dungarvan, which in effect invites the House to refer this matter to a Select Committee, in order to compare foreign legislation with our own, and to regulate our own accordingly; but if you adhere to the principle which has been admitted, no doubt, with sincere conviction, by a great number of Gentlemen belonging to all parties, do not now in effect reverse a system of legislation which has proved so beneficial to the country. I deny that in the manufacture of paper the resources of science are yet exhausted; and an excellent paper for printing purposes has been to-night put into my hands, produced in America from straw and cotton rag without any admixture of that linen rag of which we have heard so much. Though the Motion of the hon. Member for Dungarvan may seem a small matter, yet in effect it declares that Parliament has hitherto been proceeding on a fundamentally wrong principle, and that we are to reverse the legislation of twenty years.

MR. BUXTON suggested that, as it was not likely that the Motion would be carried against the Government, the hon. Member for Dungarvan had better rest satisfied with the discussion which had taken place.

MR. MAGUIRE intimated that he should go to a division, as he had not intended to trouble the Committee with a sham Motion.

Whereupon Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided:*—Ayes 54; Noes 100: Majority 46.

Original Question put, and *agreed to.*

MR. HENNESSY asked whether it was proposed to insert the Resolution in the Bill which the Government intended to bring in?

THE CHANCELLOR OF THE EXCHEQUER said, the regular course was that the Resolution should be reported to the House. When such had been done it would be competent for him to move its insertion as a clause of the Bill.

House *resumed;* Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

SUPPLY—ARMY ESTIMATES.

Order for Committee read.

House in Committee; MR. MASSEY in the Chair.

Motion made, and Question proposed,

"That a sum, not exceeding £201,833, be granted to Her Majesty, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

COLONEL DUNNE said, that until we returned to the organization of the War Departments as they existed before the war, it was vain to expect anything but waste and defective management. It was quite right, speaking in a military point of view, that the Commander-in-Chief should have the command of the whole of the army, but those details with respect to the fixed and usable *matériel* of an army, which formerly were in the control of the Ordnance Department, ought to be brought within some distinct and responsible control. As an instance there was not at the present moment a single man in England responsible to the country for the state of our defences. He wanted to know why there should be such an enormous establishment at head-quarters. The number of clerks was larger than ever it was before. He believed the size of the establishment was to be attributed mainly, if not altogether, to the want of organization. The Commander-in-Chief was quite capable of managing all the executive part of the army. It was absolutely necessary that some one should be placed over the scientific corps and the manufacturing establishments, and that the person selected to fill the post should be responsible for the state of our defences. It could not be denied that our establishments were not in a satisfactory state. The departments were filled with useless officers—officers who were unknown in former times. What could we want, for example, with a director of clothing, and of what use could a *précis* writer be in a military department? It was matter of complaint, too, that under the present system of registration many letters were left unanswered, and the correspondence in the offices was much slower than it ought to be. He thought, moreover, that the payments in the military departments should be brought under the view of one officer who should be responsible to the public. What was wanted was unity of control over all these departments.

Notice taken that Forty Members were not present; House counted; and Forty Members being present—

COLONEL DUNNE proceeded to say that the great defect of our military system was the want of organization and responsibility. Everything was desultory. The result was that the expenses had enormously increased in every item. The old system might not have been perfect, but it was far preferable to the present arrangement. The Master General of the Ordnance used to be answerable for our defences; but now our fortresses were in a most unsatisfactory condition, and no one seemed responsible for the short-comings. Why should there not be some recognized military tribunal to determine on the merits of arms and accoutrements? It had taken three years after it had been pointed out by himself to remove a small brass guard which made every lance utterly useless, because there was no proper authority to whom the matter could be referred. It was very unpleasant for military men to criticise these matters, but he had no other object than the economy and efficiency of the service. He thought that the Under Secretary for War should be perfectly conversant with military details. Such knowledge could not be got by study, and in many instances the success of an expedition might depend on it. In the Crimea the neglect of some small details led to very disastrous consequences. In France the system of military organization was perfect. We had no means of transporting our cavalry, our horses could not go into cattle trucks, the tops being too low for the accoutrements. By a little arrangement these things might be attended to as in France. He hoped to hear from the hon. Gentleman that the recommendations of the Committee of last year would be carried out. He thought that near a million of these Estimates might be saved by proper organization.

SIR FREDERIC SMITH said, he could not admit that there was great want of responsibility. The Commander-in-Chief was responsible for the discipline of the army, and the Secretary of State for War was responsible for the state of the various military establishments. He was responsible for the state of our fortifications, assisted by the Inspector General of Fortifications. He was responsible for the state of our artillery, assisted by high officers of that branch of the service; and so on through the whole extent of our military, medical, and commissariat arrangements. He could not see, therefore, that a very much better system could be adopted. He objected to the system of payment, for he did not think military officers should be paymasters, as it was not their legitimate duty. With regard to the establishments, he thought they had too many temporary clerks, and that it would be an economical improvement to increase the number of permanent clerks by promoting the temporary clerks. There were now in the War Office 145 temporary clerks, in addition to 357 permanent ones; many of these temporary clerks had been employed for eight, ten, and some even as long as fourteen years. If these gentlemen were really required it would surely be better both for themselves and for the service, as well as more economical, that they should be placed on the permanent staff. The Estimates he regretted to observe were framed with very little regard to economy, and many items were introduced which were either quite unnecessary or might very well be postponed. The Clerk of the Ordnance formerly made an annual circuit over the whole of the establishments in England, Scotland, and Ireland. If the Under Secretary for War would follow the same course and make a yearly inspection, no doubt he would detect many items which ought never to have found their way into the Estimates, and would have them eliminated in future. If the Report of the Organization Committee were adopted, he felt certain that great economy would be the result, and that the Estimates presented next year would be much more satisfactory to the House.

MR. W. WILLIAMS observed that there were several items in these Estimates larger than the corresponding Estimates of last year, and the Estimates of last year were the largest which had ever been presented to Parliament in time of peace. He saw at Page 50 a Vote for Fortifications. He wished to know whether this sum was intended to carry out the Fortifications for which a sum was voted towards the close of last Session; and also to know, either from the hon. Gentleman or the noble Viscount, whether those fortifications were intended to be completed. He noticed a Director of Stores, employed at a salary of £1,200. The gentleman occupying this post, he had been informed, was a captain in the Royal Navy. He begged to know whether this was the fact? In the Vote for two Accountant-Generals he found a sum of £631 more taken this year than last. Last year the amount was £1,000; this year it was £1,631. He should be glad to know the reason of this increase. Then there was a very unaccountable charge in the next page, of £20,800 for extra clerks. He found, too, that there were twelve less in number of messengers, doorkeepers, &c., than last year, and yet they were to cost £434 more. Advertisements and travelling expenses were higher by a sum of £2,000; the charge of the department of the General Commanding-in-Chief was increased by a sum of £500; that of the Adjutant General, by £600. Taken together, all the sums by which various items were increased this year amounted to £5,690 more than last year. He begged to ask the Chairman whether he was at liberty to move the reduction of the Vote by this sum, so as to disallow the excess over last year, without putting the Committee to the necessity of dividing some five or six times over?

THE CHAIRMAN said, it was quite competent for the hon. Gentleman to move the reduction of the Vote by the gross sum, but, if he did so, it would preclude any other Member from proposing the reduction of any particular item.

MR. W. WILLIAMS said, he did not wish to do that.

MR. CHILDERS said, that during the year 1856-7, the House voted enormous Estimates for the War Department and the Horse Guards on account of the extra work caused by the Crimean war. They were told at the time that the increase was only temporary, and would terminate with the return of peace. That expectation had, however, not been fulfilled. Surely it was possible under the existing consolidation of departments to exercise some control over that inordinate outlay and bring it down to something like a suitable standard for a time of peace. If they were to compare the Estimates of this year—a year of peace—with that of 1856-7—a year of war—the results would be found somewhat remarkable. In 1856-7, they had 246,000 men in their service, or just 100,000 more than there were at present. The cost of those men in that year was £34,900,000; this year it was only £14,000,000. The expense of the War Office, on the otherhand, was now £175,000, whereas in 1856-7 it was only £169,000. That of the departments connected with the Horse Guards now was £26,000, whereas then it was £22,000. So that the expenditure of those Departments was now £10,000 more than it was when the war expenditure was 150 per cent greater. This increase ran throughout the administration of the army. There were now 357 permanent clerks on the establishment. Others were called temporary clerks, although some had served already for fourteen years. In 1856-7, however, there were only 344 of these permanent clerks. In like manner, whilst they paid £19,200 only for temporary clerks in a time of war—and we were then told that when the war ceased that amount would be diminished—they were now paying £20,800 for temporary clerks in time of peace. There were other points upon which he really thought his hon. Friend must be called upon to give some account to the Committee with regard to the messengers. In 1856-7 a sum of £5,691 was spent upon messengers; they now cost £7,500. He noticed also that there were forty-five messengers now on the establishment, whereas last year there were only thirty-three. Could his hon. Friend explain the reason for this increase? Similar observations would apply to the Horse Guards Department, and to the number of the Adjutant General's clerks, who were three more now than were found requisite during the Russian war. In the office of the General Commanding-in-Chief there were last year twenty-two clerks; there were now twenty-four. He had no wish to cut down the salaries of these gentlemen—on the contrary, he thought that would be acting in a very false spirit of economy—but unless some satisfactory explanation were given he should feel it to be his duty to move to reduce the Votes for several items.

CAPTAIN JERVIS wished to ask what was the meaning of a Secretary for Military Correspondence? Everything belonging to a soldier's equipment, to military stores of every description, to contracts, &c., was military correspondence. Then, why were civilians solely employed to conduct the correspondence of the Army? The reason was that the country could never make up its mind to treat the army as a profession. In the legal or medical professions the men who distinguished themselves most were placed at the head of their professions; but in the army military men were systematically excluded from administration and finance. He had heard it asserted that the late Commander-in-Chief in the Crimea, though possessed of full powers, yet found himself incapable of exercising those powers, from his having been for forty years at the Horse Guards, and brought up in a school where he was not allowed to interfere with a single £5 of expense. They might rest assured that until the several departments at the War Office were thrown open to officers of the army no real efficiency would be met with at a period of emergency. He trusted yet to see the Military Secretary placed in his proper position under the Secretary of State. It was understood that the whole correspondence of the Horse Guards passed through the hands of the Military Secretary; but if he (Captain Jervis) were not mistaken not one-half went through his hands, but passed from the Adjutant-General to the Store Department and other offices direct. Even at the Horse Guards much of the duties were performed by civilian clerks; except in the office of the Adjutant-General of Artillery, where an enormous amount of correspondence was carried on relating to the Ordnance arrangements in all parts of the world by eighteen non-commissioned officers and privates at a total cost of £1,800 a year, including clothing. The only other office of which he would then take notice was that of the Director of Ordnance. The non-appointment of this officer was viewed with great dissatisfaction by the army. He (Captain Jervis) hoped he would be placed in a position compatible with the importance of his office.

COLONEL SYKES believed that any attempt on the part of an independent Member to reduce the Estimates in detail would always be utterly hopeless, because the Government had in attendance a sufficient number of Members to overwhelm any one who should make such an attempt. He thought that there was little or no chance of securing a reduction in this manner; and it seemed to him that the only plan was for the House, at the commencement of a Session, to pass a series of Resolutions, giving a lump sum for each Department, and giving those Departments notice that that sum must be the limit of their expenditure. He wished to ask a question with regard to an increase that had not before been mentioned. Last year, in the Department of the Secretary of State for War, there was no Director of Ordnance—this year there was one, with a salary of £1,000. In the Accountant General's Office there were last year two officials, the Accountant General and the Deputy, and their salaries amounted to £2,000; a second Deputy was now added, and their salaries increased to £2,850. He wished to know why these additional offices had been created.

GENERAL LINDSAY hoped the Government would give a full explanation of its intentions with regard to an organization of the War Department—a subject in which he took a deep interest. The Committee on the subject, of which he was a member, made several important recommendations; one of the most important of them referring to the position held by the Secretary for Military Correspondence. The opinion of the Committee was that the post should be abolished altogether, and the Secretary constituted one of the Under Secretaries of State. There was already one permanent Under Secretary in the War Department, and a political Under Secretary who was removed at every change of Government. The Committee thought that a Military Under Secretary ought to be appointed, who should be permanent, remaining under any change of Government, and prepared to give information to the civil officials. The army made no claim to have a military man appointed Secretary; but when a military officer had been proved to be able and efficient he ought to hold a position of some actual authority. Sir Edward Lugard, he believed, was consulted on almost every occasion; he worked hard, and was of the greatest use in the Department; but he really held no practical position. He had a certain number of clerks working under him; but he had no distinct department under his control. It was only fair, if a military officer was attached to the War Department, that he should hold a distinct position that gave him some degree of power. The army had a claim to be represented in the War Department in a responsible position.

MR. MELLOR said, those hon. Members who had signed a certain document advocating economy in the expenditure were sneered at as "financial reformers," who never attended when the Estimates were discussed; or, if they attended, because they did not second every crude suggestion of a saving. But he thought it was better to make a representation direct to the heads of the Departments, who controlled the expenditure, than to waste time in the House in discussing the details of the Estimates. His own experience convinced him that very little saving could be effected by merely discussing the Estimates in the House. It was time to try some other mode of enforcing economy; he had, therefore, signed the memorial urging the Government to retrenchment in the public expenditure, as he should be ready to sign any similar document that was more likely to produce the result desired than discussion in the House. He believed those persons who were most able to reduce the amount of the Estimates were the heads of Departments.

Mr. DISRAELI said, he could not allow the sentiments just expressed to pass without remark. He knew nothing more injurious—nothing that ought to be more deprecated, nothing that it was more important that the House should discourage, than the proposition of the hon. and learned Gentleman, that the control of the public expenditure by the House of Commons was a mere delusion. Nothing could be more injurious, more destructive to the constitutional privileges and influence of this House, than that it should be allowed to be said that they were not to bring the expenditure of the country before the elected representatives of the people for the purpose of keeping it within proper limits, but were to go lurking about the ante-chambers of Ministers, and endeavour there to make arrangements in respect of the public finance. It would be a most dangerous principle to acknowledge, and he should be sorry if hon. Gentlemen on the other side—to whom he gave credit for feelings as pure as his own—were to tolerate or sanction it for a moment. The House of Commons was the proper place in which the proposed expenditure of the country ought to be brought forward by the Government, and it should be criticised by the representatives of the people and regulated exclusively by the balance of opinion. But the opinion of the hon. and learned Gentleman, besides being false in principle and fatal in practice, was not founded in fact. The hon. and learned Member had said their criticism did no good. He begged to contradict the hon. and learned Gentleman. He denied that it was an idle and barren ceremony that they should criticise with the utmost deliberation and care the expenditure proposed by the Government. He denied that when a good plea for reduction was brought forward in that House it had always proved fruitless in results. It might be inoperative in the year in which it was advanced, but it was not correct to say that it had no effect. It always told in the end. The hon. and learned Gentleman had not had a very long experience here, but he would not taunt him with that; but many hon. Gentlemen must have remembered an occasion—not a time of great political excitement—in which there had been proposed a vast increase in the taxation of the country—no less than 12*d.* in the pound on the income tax—to carry into effect very largely increased Military and Naval Estimates. What did the House do then? It was only a few years ago, when the noble Lord at present at the head of the Government held another office, the House of Commons disapproved of that increase of taxation, and interfered; both sides of the House, without reference to any party feeling, spoke in a manner so unmistakeable and so distinct that the Government withdrew the Estimates, and the country had in consequence a decreased expenditure to a very large extent, and an income tax was proposed and agreed to of 7*d.* instead of 12*d.*, and the Naval and Military Estimates were adapted to the revenue so reduced. That the business of the House of Commons, in considering the expenditure was a mere idle ceremony and imposture could not be seriously believed;—if it were so they had better not meet at all, for it was their principal object and their chief duty to the public to control the expenditure, and if they did not fulfil that duty they had no claims whatever on the public confidence. No doubt every Minister brought forward the Estimates under a deep sense of duty and responsibility; he did not bring them forward unless he believed they were necessary. He admitted, also, that there were some hon. Members who criticised those Estimates without argument, and found fault without reason—he would name no names—but he was not sure that even bad criticism was without its good results, and was one that the House ought absolutely to discourage. He would not make any personal allusions, but all knew that they had a surplusage of criticism in matters of Supply in the House; he thought it was not always barren of useful results, but, at all events, it furnished no ground for the doctrine that because these captious complaints were unsuccessful the House of Commons was to abdicate its duty—its first duty—its control over the expenditure of the country. He felt confident that when Her Majesty's Ministers brought forward these Estimates, had they been opposed to the public interest, and had the House of Commons felt they were not justified, no consideration of political convenience would have prevented the House from expressing its opinion and refusing to grant the Supplies. The House of Commons, not in theory but in practice, exercised a control over the public expenditure. They were, by the constitution, appointed to control it, and by the practice of Parliament they had and exercised that power when it was necessary. He, therefore, protested against the opinion of the hon. and learned Gentleman, and those who concurred with him, whether they called themselves "financial reformers," or anything else, and he trusted that the House would not be led away from the question before it, but would in Committee of Supply use the power of controlling the expenditure of the country; and if any attempt was made in any quarter to reduce it and failed, he should feel assured that the votes agreed to had been shown to be justified by the requirements of the public service.

MR. MELLOR said, the right hon. Gentleman had imputed sentiments to him which he had never uttered. Nothing that he had said had called for the solemn lecture which had just been delivered. Experience led him to believe that a great number of these discussions on small items were of very little use, and, therefore, it was that he, not at all endeavouring to dissuade the House from exercising its functions in Committee of Supply, merely explained that he had found such discussions unproductive, and why he had in this instance tried another mode of influencing expenditure.

SIR WILLIAM JOLLIFFE said, during his long experience in that House he had never before that night heard such a speech as that of the hon. and learned Member for Nottingham. In Committee of Supply the hon. and learned Gentleman got up—did not say one word on the Vote under discussion — but occupied the Committee with a statement of something he had done on some other occasion, and then proceeded to read hon. Members of all sides a lecture as to their proceedings in Committee of Supply—a matter on which as it appeared he knew nothing—and intimated that all discussion of the Estimates was useless. His right hon. Friend the Member for Buckinghamshire, who had had great experience, had risen and inflicted a severe and deserved rebuke, and had consulted the dignity of the House in so doing. For himself he (Sir William Jolliffe) protested against the tone of the hon. and learned Member's observations.

MR. CRAWFORD said, if the right hon. Baronet had been in his place a little sooner that night he would have found that the hon. Member for Nottingham had received much provocation for his observations in the taunts which had been thrown out against him as one of those Members who had signed the celebrated document in favour of economy in the expenditure of the country.

COLONEL DUNNE said, he had not alluded in the least to the hon. and learned Gentleman. He did not know that the hon. and learned Gentleman had signed that document. What he said was that Gentlemen who talked loud on the hustings and wrote very finely about financial reform never took a step in the House to carry it out. He should not be deterred by the hon. and learned Gentleman's lecture from doing all he could in these discussions to carry out those reforms in the army which he thought necessary. Nothing but perseverance, he knew, would carry them, and, though it might not be this year, nor next, sooner or later a reorganization of the army would be effected. When in office he had done what he could to secure the reforms he thought necessary by pressing them on the attention of his colleagues, and out of office he should not cease to press them on the attention of the Government.

MR. T. G. BARING, in reply to the observations of the hon. Member for Lambeth, stated that the appointment of the Deputy Inspector General of Fortifications was not a new office—it was the same as last year. The work thrown upon Sir John Burgoyne and the other officers of the department had been considerably increased by the new fortifications going on, but no addition had been made to this Vote, the additional expense being defrayed from the loan. The next office the hon. Member had referred to was the Directorship of Stores and Clothing; but that also was not a new appointment, and the same sum was voted in the Estimates for it from year to year. It was at present held by a distinguished naval officer, who had been employed in the Baltic during the late war, and who has for some time filled the office of Director of Naval Ordnance. In that capacity he gained such a general acquaintance with ordnance stores of all kinds that when the office of Director of Stores was created he was appointed to it, and he had discharged its duties with great diligence. The Army Department furnished a large amount of stores to the navy, so that, even if he had not been appointed, it might have been necessary to have a naval officer in the department. The appointment of Assistant Accountant General was made upon the recommendation of a Treasury Committee, and was absolutely necessary. He believed there would be great advantage in having that additional officer, as the first step towards economy was to insure accurate and careful accounts. The Committee would observe that only a small increase of expense would be the result, because the salary of the Accountant General was reduced from £1,500 to £1,200 a year. Then as to the *précis* writer, it must not be supposed that this officer would cost £1,000 a year additional, as the salary of the gentleman in the department who had been appointed already amounted to that sum. That salary he retained; but the salary which attached to the office was £600 a year, rising by £25 a year to £800 a year. Then as to the librarian, it was indispensable to have some gentleman to look after the large collection of books—some 70,000 volumes—which belonged to this department. Mr. Marshall, an officer of great ability and long service, had accepted the appointment, and the duties of it would, he believed, be very onerous. With respect to the large number of temporary clerks, he agreed that it was not to the advantage of the public service; but the Secretary of State wished to act with caution in increasing the permanent establishment. The Accountant General's Department would when reorganized require in addition to its present staff, a certain number of the junior ranks; but, as there would probably be a diminution in the total number of first class clerks, no extra expense would be occasioned by the change. The increase of transit boys had cost very little, and their employment in carrying papers from room to room had greatly facilitated the transaction of business. The increase in the expense of advertisements was only nominal, arising from a transfer of all the advertisements in other Votes into this Vote. As to the remarks of the hon. and gallant Officer (Colonel Dunne) upon the defences of the country, he believed they were in a far more satisfactory state than they ever were at any former period.

COLONEL DUNNE asked, whether that assurance applied also to Canada and the colonies?

MR. T. G. BARING said, the hon. and gallant Gentleman might have some private information with respect to some fort of small consequence in a distant part of the world; but, treating the question broadly, he could assure the Committee that the defences of the whole British empire were in a better position than at the time when the Board of Ordnance ceased its functions. With regard to the responsibility of the Secretary of State for War, it must be remembered that upon fortifications he was able to consult with Sir John Burgoyne, who was, perhaps, the most able engineer officer in this or any other service. There would also be a Director General of Ordnance, whom the Secretary of State could consult on the artillery portion of the service. Provision for the salary of this new officer was inserted in the Estimate in consequence of the recommendations of the Committee on Military Organization which sat last year, and he would exercise superintendence over though he would not interfere with the details of the manufacture of ordnance and ammunition at Woolwich. He did not agree in thinking that the office of the Assistant Director of Stores and Clothing at Whitehall was unnecessary. The officers at the head of the large establishment at Pimlico could not manage the clothing department of the War Office. It was absolutely necessary that there should be some one at Whitehall to assist in the management of that important branch of this Department. He admitted that it was an exceedingly inconvenient arrangement to make the military officers at the head of the manufacturing establishments give security, and be responsible for the cash and for the payment of wages. An alteration had been made by which cashiers would be appointed in the different establishments who would give security, and receive a small annual addition to their salaries. The further employment of soldier clerks was under consideration. He denied the justice of the proposition of the hon. Member for Pontefract (Mr. Childers) that, unless he was able to give explanations of the difference between the Estimates of the present and any preceding year, the Committee ought not to be satisfied, as he thought his position only required that he should be able to defend any particular item in these Estimates to which exception might be taken. There might be a gradual diminution of expenditure in various cases, but he saw no possibility of any sudden reduction. Now, if the hon. Gentleman had taken the expenditure of the War Office for the year 1856-7, and compared it with the Estimates of this year, he would find that the estimate of this year was much below that expenditure. The Vote for the War Office in 1856-7 was £179,886, and the estimate this year was £175,738—making £4,148 less than the expenditure of that year. He did not mean to say there might not be some items in which reduction could be made. Still, on the other hand, it was extremely necessary that no undue delay should take place in the transaction of business. He quite concurred in the observations of the hon. and gallant Gentleman (General Lindsay), and the recommendations of the Select Committee as to the organization of the War Office. Its great defect undoubtedly was the want of military officers, with practical experience, to advise the Secretary of State. His noble Friend at the head of the Department had resolved to carry out the plan recommended by the Committee. A Director of Ordnance would be appointed as soon as the Vote was sanctioned by Parliament. His noble Friend also proposed to appoint a military officer as permanent Under Secretary of State; these changes would not involve any increased expenditure, and the present Vote would, therefore, be sufficient to provide for them. He cordially concurred in the praise which had justly been bestowed by the hon. and gallant officer upon Sir Edward Lugard (Secretary for Military Correspondence), to whom the Secretary of State was indebted for valuable assistance.

Colonel GILPIN said, he was not a Member of the body who arrogated to themselves the title of "financial reformers;" nevertheless, he was desirous to see the principle of economy carried out, with a due regard to the efficiency of the public service, and he thought the increase in the Votes of this year could not be passed over without notice. There was one item in this enormous expenditure which had been alluded to by the hon. Members for Lambeth and Pontefract, but to which he again wished to draw the attention of the Committee. He alluded to the very large sum put down for messengers, porters, door-keepers, &c. This item of about £7,300 demanded, he thought, further explanation from the hon. Under Secretary for War.

Mr. MONSELL said, nothing could have been more satisfactory than the explanation which his hon. Friend had given to the Committee, but he desired a little more information as to the particular duties to be performed by the Director of Ordnance. Was he to be Director General of the Artillery, and would he be responsible for the state and condition of the arms at home and abroad? or would he have to be responsible for the state and condition of the arsenal and factories at Woolwich? By the Report of the Committee, laid upon the table of the House, it appeared that the arsenal at Woolwich was well conducted, while, on the other hand, nothing could be much worse than the account given by the Commissioners of the state of the dockyard at Woolwich. If the Government intended to appoint an officer whose business it would be to interfere with the heads of the Departments, it would considerably diminish their responsibility and interfere with those operations which were now carried on so well, and, in the end, the appointment would be a complete failure. It would be impossible for any establishments in the world, were they in the hands of the Government or in the hands of private individuals, to be more economically and more efficiently managed than those at Woolwich.

Mr. HUMBERSTON complained of the increased amount of money required for clerks, and said he should be glad to be informed whether the office of *précis* writer and librarian was a new office for the gentleman who had been appointed to it at such a large salary, and whether the situation which he held previously had been filled up at the same salary paid to this gentleman?

Sir WILLIAM JOLLIFFE, in reference to the temporary messengers and boys and doorkeepers employed at the War Office, said, there was a class of most deserving men—soldiers who had been discharged on account of wounds and long service—who could perform these duties efficiently. Perhaps the noble Lord the Secretary for War, who, he knew, wished to promote the deserving men of the army, would see whether this Vote could not be expended in the employment of men who would perform the duties more efficiently than boys, and it would in some degree be a recognition of their services in foreign climes.

Major KNOX thought the explanation with regard to the appointment of the *précis* writer was unsatisfactory, for Mr. Panizzi, of the British Museum, received only £800 a year, and he performed much greater duties. But his immediate object in rising was to learn whether the hon. Gentleman (Mr. T. G. Baring) could give any information in reference to the warrant issued in March last, which prevented officers retiring on half-pay before they had been 25 years in the service. Before that date 18 years, and in some cases 21 years were sufficient; and officers returning from India and other stations considered it a great hardship that they could not retire on half-pay until 25 years had been completed. He trusted the hon. Gentleman would give a satisfactory answer for the alteration in the time of service.

Colonel DUNNE, in explanation, said, he never meant to say that the Secretary for War should be held responsible for the condition of the fortresses abroad and at home. His responsibility could be only nominal, for it was impossible that he should be held responsible for the details of fortresses abroad, of which he could know nothing. With regard to the clothing department, he was still of opinion that the officer in Pall-mall, who presided over the department there was useless, as the three colonels who were placed over the Department were perfectly competent and quite sufficient to manage the whole business. As to the appointment of the *précis* writer, it would be found that it would be of no earthly use to the Secretary for War. The Government had attempted to create a central registration office in the War Department, and the result was the employment of these transit boys, but he believed they would be found to be of no use whatever. He thought if the hon. Gentleman had read the report of General Eyre in reference to the fortresses in Canada, he would not have answered in the way he had done. As to the question of responsibility for the condition of our fortresses abroad, he would put the matter in this way—if a requisition were sent from any of our fortresses abroad, who would have to decide on it?

General LINDSAY said, that after the explanation which the Committee had heard from the Under Secretary of State as to the organization of the War Department, he should not proceed with the Motions of which he had given notice. It was decided by the Committee on Military Organization that there ought to be a Director of Ordnance who should have the general superintendence of the manufacturing departments, but should not immediately interfere with the heads of those Departments.

Captain JERVIS thought it would be advantageous to the heads of these departments that some officer should be appointed who would understand their business, and through whom they might communicate with the War Office.

Mr. T. G. BARING said, that the salary attached to the office of *précis* writer had been reduced by £200. The clerkship of the gentleman who had been appointed had been filled, but at a much less salary. The suggestion of the hon. Baronet as to the employment of discharged soldiers as messengers should be considered; as to their number they were fewer than were attached to most other public offices. It was not intended that the Director of Ordnance should interfere with the responsibility of the heads of the manufacturing departments. The question as to half-pay he would answer when the Vote for that service was before the Committee.

Mr. CONINGHAM thought the office of *précis* writer ought not to be a permanent one. He was glad to hear hon. Gentlemen opposite so steady to-night in the assertion of the fact that the House of Commons was called upon to exercise authority over the public expenditure, for the tone some of them had taken lately might have led to a different conclusion.

Mr. TURNER, without expressing any opinion on the question whether the Government ought to be maunfacturers, felt it right to state that he had never seen accounts better kept, or establishments more creditably conducted, than those at Woolwich. As he had spent some weeks at these places, he thought he was qualified to give an opinion; and he was the more glad to speak approvingly in the case of Woolwich, because they presented a very favourable contrast to those at Weedon and the Tower, where the discrepancies were disgraceful. He should be sorry to see any superior officer appointed who would interfere to any great extent with the present arrangements at Woolwich.

Sir HENRY WILLOUGHBY asked, whether any steps had been taken to reduce the enormous charge for temporary clerks? He wished to know whether any steps had been taken to reduce the immense mass of writing that was carried on? The existing system was really a *reductio ad absurdum.* As an instance of the absurd extent to which form was carried, he referred to a case in which eight distinct letters had been written about a matter involving an addition of 1*d.* per week to the salary of a porter. He also wished to know whether the War Office considered themselves bound to adhere to the Vote of £171,000 for the War Office, as in the last published Estimate—that for 1858-9—there was an excess over the estimated charge of £9,210? The detailed account for 1859-60 had been presented, but had not yet been printed, and when printed would be practically of no use, as the Estimates would be gone through before it was in the hands of Members. To show how rapidly and silently expenditure grew, the item for "advertisements and contingencies" had jumped in a single year from £2,500 to £5,000.

COLONEL KNOX complained that the number of clerks employed in the War Department was disproportioned to the amount of work to be done. He protested against the class of supernumerary clerks being kept up; the brunt of the work fell upon them, but they had not the same advantages of promotion as the other gentleman engaged in the office, some of them having been in their present position for six or seven years without advancement. The Government should define the number of clerks necessary to perform the business to be done, and all should be placed in a fair position for promotion. He asked whether the supernumerary clerks in the War Office were ever promoted, or whether their salaries were ever increased? He thought both ought to take place or the supernumerary clerks ought to be abolished.

MR. CONINGHAM objected to the appointment of *précis* writer and librarian. He moved that £1,000 be struck off from the Vote in reference to that officer.

CAPTAIN STACPOOLE asked for information respecting the number of clerks which it was intended permanently to retain, and the positions which it was intended they should occupy.

COLONEL DICKSON complained of the monstrous increase of expense at the War Office. In 1853-4 the charge for clerks at the War Office was only £37,261, whereas this year it was £117,845: while the increase in the army had been only £40,000. It was a farce to be discussing these Estimates year after year, and yet to allow such extravagance to pass. He moved that the Vote be reduced by £50,000.

MR. T. G. BARING regretted that the two gallant Officers who had just spoken were not in the House when he gave an explanation of some of the points to which reference had been made.

COLONEL KNOX said, it was impossible for him to know that these Estimates would be brought on, as he was not familiar with the new arrangements as to business.

COLONEL DICKSON objected to the number of clerks in the establishment, and moved as a further Amendment, that the Vote be reduced to the extent of £50,000.

MR. T. G. BARING said, he had given the usual notice that the Army Estimates would be brought on that night. He had already at an earlier period of the debate explained many points recently raised, and he would not now repeat his explanations. There were many gentlemen of great ability at the War Office who rendered the State service, although they remained unknown. Yet were it not for their diligence and ability, he should have been unable to give the Committee information on the many points that had been inquired into that night. With respect to the Amendment of the hon. Member for Brighton, he justified the salary by reference to other Departments. As to the amount of writing Lord Herbert had issued an order by which the present system of writing would be very much curtailed. He had been asked by the hon. Member for Evesham (Sir Henry Willoughby), whether he could guarantee that the Vote, if agreed to, should not be exceeded? All he could say was that the expenditure should be carefully watched, with a view to prevent an excess above the estimate. In answer to the hon. Member for Limerick (Mr. Monsell), he must observe that state of affairs was not exactly as he had represented it. In 1853-4, the expenses of the War Office were £174,334. According to the increase of the number of the forces the expenses would be this year £210,700; but the estimate was £201,833, or a diminution of £8,867. He did not mean to say that the expenses of the Department must be in proportion to the number of men; but, assuming this to be the proper test, then the present Estimates showed, not an increase, but a decrease.

COLONEL DICKSON said, as usual, the hon. Gentleman who last spoke had not answered one of the questions which had been put to him. Why should they spend £80,000 a year more on clerks than they did when the army was 40,000 men more? Why should they not have made one of the thirteen first class clerks *précis* writers instead of creating an express officer with a salary of £1,000. a year?

MR. MONSELL observed, that in the

year referred to by the hon. and gallant Gentleman (Colonel Dickson) there were charges for clerks in the Ordnance and Commissariat Departments which brought the total for this item up to a much higher sum than he had stated. The *précis* writer was a first-class clerk.

MR. WYLD thought the hon. Gentleman had made a clear explanation, but the fact was that a thorough revision was required in all the public departments. As an instance of this he might mention a case that had taken place soon after the Crimean war. A chaff-cutter was injured by some members of the Military Train. Seven minutes were made on this subject, six letters were written, and twenty-five persons were involved in the correspondence, though the whole cost of the repairs only amounted to £2.

MR. CONINGHAM said, that we were governed by clerks. Railway secretaries, who were worked like galley slaves, had only £1,000 a year. There were plenty of literary men who would jump at £400 or £500 a year for the duty of *précis* writer and librarian.

Whereupon Motion made, and Question put,

"That the item of £1,000, for the Précis Writer and Librarian, be omitted from the proposed Vote.

The Committee *divided*:—Ayes 100; Noes 131: Majority 31.

Original Question again proposed,

MR. CHILDERS said, the expenditure for the army during the war was £35,000,000; now it was £14,000,000, and yet the expenditure in the War Office was less during the war than it was at present. The Under Secretary for War stated that if they compared the expenditure in the War Office for 1853-4 with that of the present year they would find that there was a heavier charge in 1853-4 than there was now; but he did not include in the charge for the present year the expense of postage, which, in the former year, was no less than £60,000 out of £195,000. At the time of the war there were 344 clerks in the War Office, and the expenditure for them was about £85,000 a year; there were now 357 clerks, and the expenditure was £95,485 a year, so that there was an increase in the expenditure of £10,000 a year on the permanent establishment. There was also an increased expenditure of £2,000 a year for temporary clerks. In order to test the opinion of the Committee he moved that the item be reduced by £3,000.

GENERAL LINDSAY agreed that the number of clerks should bear some correspondence to the number of men; but in this case there might be some reason for the increase. Formerly, the clothing department was not within the control of the War Office. Now, there was more correspondence between the various regiments on the one part, and the War Office and Horse Guards on the other upon clothing than upon any other matter. The Volunteer movement must also have added greatly to the correspondence of the War Department.

MR. T. G. BARING said, that one part of the increase in this item of the Vote was for ten third class clerks, who had been added with the sanction of the Treasury to the Accountant General's Department. If hon. Gentlemen intended again to raise a contrast between the year 1855-6 and the present time, then he could perhaps, give the Committee a few broad reasons, which would show why this expenditure had been increased. In the first place, hon. Gentlemen were aware that although the troops in India were not paid for by this country, yet the number of Her Majesty's troops in India had increased very greatly since 1855, and this had increased the correspondence of the War Office. Again, the increased number of troops in the shape of second battalions of regiments had added a considerable amount of work to the duties of the office. The actual increase in the expenses of the War Department in consequence of the Volunteers was about £3,000. Then, there was the operation of the Limited Service Act, according to which the men took their discharge after ten years, which greatly increased the correspondence. The establishment of schools of gunnery, and the great increase in the manufacture and change of warlike stores, had had the same effect. When all these things were taken into account it would be seen that the increase of expense for the clerks in the War Department was on the whole small from 1855-6 to the present year. He thought he had shown there was a considerable increase of duties, with but a small increase of expense.

COLONEL SYKES remarked that there had been no increase in the second battalions since last year.

COLONEL DICKSON thought that with the 494 clerks in the office there was no necessity to take 10 clerks from the Treasury into the Accountant General's Department.

Captain JERVIS said, that it was evident that a great change had come over the House and the country with respect to those Departments. The House was tired of paying large salaries when the work could be got better done by practical men. The House was indebted to the hon. Member for Pontefract (Mr. Childers) for the practical and business-like suggestions which he had made. Indeed, he was the only "financial reformer" who came regularly down, and devoted his attention to retrenchment in his place in that House. The employment of soldiers as clerks, which the Under Secretary had promised, would tend materially to economy, as practical men could be got at £100 a year, who would work from nine to six in their offices, instead of paying £400 a year to Gentlemen for attending from ten to four. He could not, however, vote for the Amendment.

Whereupon Motion made, and Question put,

"That the item of £95,845, for Clerks in the War Department, be reduced by the amount of £3,000."

The Committee *divided:*—Ayes 75; Noes 165: Majority 81.

Original Question again proposed,

Mr. AYRTON said, that however anxious hon. Gentlemen might be to promote the cause of economy, they did not appear able to hit on the right mode of procedure. It certainly seemed to him that the proper plan would be to revert to the ancient method of moving Amendments in Supply, namely, to reduce the amount of the Vote, and leave the Secretary of State the necessary discretion for reorganizing his department. The patent fact before the House was, that they were decreasing the army and increasing the establishment; and it was the duty of the Committee to see that that increase did not take place. He should, therefore, move to reduce the Vote to the sum it was last year, namely, £196,224, and leave it to the ingenuity of the hon. Gentleman to eke out that sum with judicious reforms. The House really ought to put the Government on their mettle.

Colonel DICKSON observed that his only regret was that the hon. Gentleman had not moved a large reduction. He had looked through the Estimates carefully, and he was of opinion that £50,000 might be knocked off if the Committee were resolved to enforce due economy. He wished to have some information as to an officer who was called the "Compiler of Statistics," who appeared for the first time in the present Estimates, and whose salary was £240 a year.

Colonel NORTH observed that some hon. Members were constantly urging on the Government the necessity of increasing the comforts of the soldier, and that when the bill came to be paid they seemed to forget the course they had taken.

Colonel KNOX said, the Vote had nothing whatever to do with the comforts of the soldier, but referred to the administrative departments of the army.

Mr. T. G. BARING said, the item for the compiler of statistics was not a new one. It was in the Estimates for the last year but one; but was omitted last year, because the officer who held it had accepted the office of paymaster in the Artillery; but on the abolition of that office he was restored to his old appointment. With respect to the Motion of the hon. Member for the Tower Hamlets, the hon. Gentleman was quite mistaken in the grounds on which his Amendment was founded. No increase had taken place in the higher appointments. Last year there were thirty-one of these, at an expense of £36,924; whereas this year there were only twenty-nine, at an expense of £33,075. The increase had taken place in the number of junior clerks, who were absolutely necessary in consequence of the increase in the number of Her Majesty's troops serving in India, the increased comforts now given the men, and the introduction of the new armaments — all of which required additional accounts and correspondence. The total Vote now asked for was no more than was required for the public service.

Colonel DICKSON asked whether Major Marvin also received his half-pay?

Mr. T. G. BARING believed that such was the case.

Whereupon Motion made, and Question put,

"That a sum, not exceeding £196,244, be granted to Her Majesty, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive.

The Committee *divided:*—Ayes 103; Noes 124: Majority 21.

Original Question put, and *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow.*

EDINBURGH ASSESSMENTS BILL.

SECOND READING.

Order for Second Reading read.

MR. MURE moved the second reading of the Edinburgh Assessments Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. DUNLOP opposed the Bill. Its object was to decide by the authority of that House a legal question now in dependence before the Court of Session. This was altogether irregular. No alteration of the Annuity Tax Act would be satisfactory that did not bring it into unison with the feeling of the inhabitants of Edinburgh. He moved as an Amendment a Resolution to that effect.

Amendment proposed,

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'no measure will adequately remedy the defects of the Edinburgh Annuity Tax Act of last Session which would leave the inhabitants of Edinburgh under the burden of a permanent Tax for the payment of stipends to the Ministers of the City, and the inhabitants of adjacent parishes subject to a rate for replacing a fund transferred to the same purpose," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BLACK, who was inaudible from continued cries for a divison, defended the Bill.

MR. HADFIELD opposed the measure, and moved the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"

Put, and *negatived.*

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 110; Noes 26: Majority 84.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

CORK INFIRMARY BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LONGFIELD rose to move that the Bill be read a second time this day six months. The object of the Bill was briefly this, to enable the Grand Jury of the county of Cork, in whom the property in the County Infirmary was not vested, and who did not subscribe a shilling towards it, to take that property, which was vested in a set of gentlemen who did own it, who did subscribe to it and pay for it, and dispose of that property by sale, and transfer it to the city of Cork, which was represented, and ably and efficiently represented, on this occasion by the hon. Gentleman opposite (Mr. Beamish). The House would now at once perceive why he (Mr. Longfield) who represented the borough of Mallow, where the infirmary was situated, should be rather inclined to resist that trifling transfer proposed by the Bill, and which, if it were Parliamentary language, he would designate by the term of civic job — a civic job of his hon. Friend, for the object was simply to benefit the city of Cork, which he represented, at the expense of the borough of Mallow, which he (Mr. Longfield) had the honour to represent, and enable the Cork Grand Jury further to benefit that city—that beautiful city of Cork—by empowering them to subscribe the sum which they ought to pay to the Mallow County Infirmary, over to the City Infirmary which they are anxious to establish, and a sum of £2,000 in addition. That might be a reasonable proposition; but his hon. Friend will pardon him if he was not exactly acute enough to understand the particular benefit which was to be conferred upon the borough of Mallow by this transaction; or to understand the particular reasons why the County Grand Jury—who were bound to pay £100 a year to the Mallow County Infirmary, but have not done so for seventeen years should now, in consequence he supposed of their unwillingness to discharge the duty imposed upon them by law have powers entrusted to them for effecting a summary transfer of the property to themselves, and the county infirmary to the city of Cork. Nor can he see the reason why the surgeon of the infirmary was to be allowed £100 a year, without performing any correlative duties, excepting this, that he happened to have a vote for Mallow, which he did not give to him (Mr. Longfield), and happened to have a vote for the city of Cork, which it was just possible he might give to his hon. Friend, and also to possess considerable influence in the county.

It is, therefore, the benevolent design of my hon. Friend to allow this gentleman during the residue of his natural life, to enjoy his *otium cum dignitate* with a nice little salary and nothing to do, and constitute him one of that greatly aggrieved class, gentlemen superannuated in the prime of life, ready, of course, to do good to the extent of his salary, but prohibited from doing so by the Bill of my hon. Friend, which does not transfer his valuable services to the city of Cork.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. BEAMISH said, that the establishment at Mallow was utterly useless as an infirmary for the county of Cork, and in consequence the Grand Jury had, during the last sixteen years, refused to contribute anything towards it, excepting on one occasion, about ten years ago, when they gave it a small sum as a dispensary. It was most inconveniently situated, being in reality at one end of the county and much further from the centre than the city of Cork. Moreover, during the last four years the Grand Jury had come to repeated resolutions by their unanimous votes in favour of the removal of the County Infirmary to the city of Cork. There was no intention on his part, or the city of Cork, or the Grand Jury, to deprive the town of Mallow of an institution that might be useful to them as a dispensary, for in that light only had it been regarded for years past. He hoped the House would allow the Bill to be read a second time, and so enable the great county of Cork to have an infirmary which would be more efficient and useful than the present, where the patients would find an adequate medical staff to treat them, and which, although he admitted was not in the best situation, was, undoubtedly, more favourably placed than the town of Mallow.

MR. BUTT said, that at the present moment the county of Cork had no county infirmary, simply because an old Act of Parliament directed that it should be in a place that was altogether out of the way. The result was that the Grand Jury declined, and properly so, to assist in its support; and the feeling was general that it ought to be transferred to the city of Cork.

MR. WHITESIDE said, the hon. Member for Cork says the Grand Jury of the county wished to remove the institution to the city of Cork. But, surely, there were gentlemen in that city wealthy enough to provide themselves with an infirmary if they wanted one, and he did not see why they should remove the one in existence at Mallow, simply because the Cork Grand Jury, the hon. Member for Cork, and the people of that city wished them to do so.

MR. CARDWELL said, the real object of this Bill was not to sell the infirmary, whether it was the property of the county or of anybody else; the main object was to enable the county of Cork, speaking through their authorized organ, the Grand Jury of the county, to do that which the wisdom of the Irish Parliament enabled them to do—namely, to contribute to the funds of the County Infirmary. For sixteen years the Grand Jury had refused to contribute to the infirmary at Mallow, because they thought it was not so situated in a place where its influence was most beneficially felt by the county, as to justify them in making it a charge upon the county funds. They wanted to contribute to the formation of an infirmary in Cork. That was their real object, and they had come to an agreement with the city that it also shall contribute, and that a portion of the benefit should be given to the county and city in proportion to the amount they respectively contribute. The object of the Bill, then, was not to sell the building, but to enable the authorities of the city in contributing money for the good of that community to contribute it to an institution of which they approved, and to withdraw it from an institution of which they did not approve. The hon. Member proceeded to explain that about a century since the Government of that day proposed to establish infirmaries throughout Ireland, which generally were to be placed in county towns. In some cases, however, the county towns were either not of sufficient importance compared with others in the same county, or were not centrally situated with reference to the surrounding districts. The city of Cork was one of the latter description, being situated at the southern extremity of the county; whereas Mallow was most conveniently placed, and was, moreover, a flourishing town, and the capital of the eastern division of the county. The Legislature, therefore, enacted that the infirmary for Cork county should be placed at Mallow. With reference to the question of convenience the hon. Member said that

Mallow had fully retained that advantage, inasmuch as the three great railways of the South of Ireland met within a quarter of a mile of the infirmary. The hon. Member further said that if it were indispensable that there should an infirmary in the city of Cork, it was equally desirable that that of Mallow should be retained, and that the wealth, population, and convenience of the county justified the maintenance of two such establishments. The hon. Member concluded by moving that the Bill be read a second time that day six months.

Lord NAAS suggested, that the hon. Member for Cork should withdraw the present Bill, and introduce another by which provision should be made for transferring the institution to Cork, but leaving the building at Mallow, with the old doctor and the old matron, to be used as a dispensary, in which character it was really beneficial to a very extensive district.

Mr. HENNESSY said, that in Cork itself opinions were very much divided on this subject. The removal of the infirmary from Mallow to Cork would leave the country without hospital accommodation, and, as far as he could learn, the Bill was opposed to the wishes, not only of the inhabitants of Mallow, but of the majority of the inhabitants of the county. The matter required further inquiry, and he moved that the debate be adjourned.

Debate arising.

Motion made, and Question, "That the Debate be now adjourned."

Put, and *negatived.*

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 50; Noes 31: Majority 19.

Main Question put, and *agreed to,*

Bill read 2°, and *committed* for *Thursday* next.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 10, 1861.

Minutes.] Public Bills.—2ª Passengers (Australian Colonies); Marriages Validity.

THE UNITED STATES—THE CIVIL WAR —PRIVATEERING.

The Earl of DERBY: My Lords I have given notice to my noble Friend the President of the Council that I would put a question to him upon a subject of considerable importance and urgency. That question may now, perhaps, be considered comparatively unnecessary, inasmuch as it was raised elsewhere in the course of yesterday, and Her Majesty's Government gave some intimation of the course they meant to pursue, but the matter is one of so much importance that I hope my noble Friend will forgive me if I ask for some explanations with respect to it in your Lordships' House. Your Lordships are aware that the unfortunate dispute which has existed for some time between the Northern and the Southern portions of the United States of America has at last resulted in what I am afraid must be considered a civil war. I am not going to ask the noble Earl any question with respect to the manner in which this country may be affected by the possible consequences of that war. I understand the Government have already come to the conclusion—of which I do not complain—that both the Northern and the Southern sections of the United States are entitled to be considered as belligerent Powers, and to have our relations with them regulated by the rules which apply to belligerent Powers. I understand further that the Government have under their consideration, and have referred to the law officers of the Crown, several important and delicate questions touching the extent and character of those belligerent rights. Upon that subject, therefore, I do not at present ask for any expression of opinion on the part of the Government; but there is one point with respect to which it is highly important they should furnish immediate information. Your Lordships are aware that among the measures adopted or threatened by the Southern Confederation is that of sending forth letters of marque and resorting to the system of privateering for the purpose of attacking the commerce of the Northern States. Your Lordships are aware, on the other hand, that the Northern States have signified their intention to regard the issue of such letters of marque and such privateering as piracy, and to treat them as such. I do not stop to inquire how far this course of proceeding is consistent with the strong declarations made on the part of the United States at the time of the Congress of Paris, when the system of privateering was abandoned by the Powers of Europe, but when a different resolution was adopted by the United States and they alone of all the important maritime States refused to abandon that system. The point to which I wish to call the attention of your Lordships and the Government is the position in which British seamen may probably be placed in consequence of the announcements made by the Southern and the Northern States. If there is one mode of warfare which has more attractions for seamen than another it is precisely the system of privateering. Privateering is a sort of sea-poaching, and is peculiarly attractive to the more reckless and dissolute class of sailors. It combines many inducements — a certain amount of daring, a certain amount of risk, and considerable chances of profit—inducements which, coupled with drink, apart from any question of distress or poverty, which I believe does not form an element in more than one case out of a hundred, are precisely those that lead to poaching on land, and are also precisely those that would lure seamen into poaching by sea — or privateering. But unfortunately the maritime game-laws are of a rather stringent character, and visit offenders with nothing short of capital punishment. It is, therefore, important to those British seamen who are liable to be attracted by the various inducements of privateering that they should know upon what footing they stand with respect to their rights as British subjects. I need not say that the offence of entering upon this privateering service is an offence against the Foreign Enlistment Act; but that Act does not impose any penalty so severe as that of capital punishment, and if a British seaman who has entered one of the Southern privateers should be captured by a Northern ship of war and condemned to death—if he is entitled to claim any protection even for his life from his own Government, I cannot conceive anything more certain to involve us in most serious and embarrassing complications with the United States, or more likely to render us, almost necessarily, parties in that unhappy contest, from which I cordially join with the noble Lord at the head of the Foreign Office in the earnest desire that we may continue to stand aloof. On the other hand, if a British seamen by entering a Southern privateer does forfeit his right to claim the protection of his own Government—which I apprehend he would do—it should be distinctly and publicly made known to him on the part of the Government that if he is led into such a criminal undertaking from any temptation whatever, and if he is thereby exposed to the most serious consequences—even to the loss of his life by judicial sentence—in that case his blood will be on his own head, and he must not expect the slightest interference on the part of this country to save him from consequences, however deplorable, provoked by his own act. I understand that a Proclamation is about to be issued by Her Majesty's Government on the subject of privateering and of belligerent rights. I hope that in that Proclamation—or in some other way—a most distinct and emphatic warning will be given to all seamen in the service of Her Majesty as to the conditions upon which they will engage, if they choose to enter upon such hazardous enterprise —in the system of privateering. There should be no doubt left on their minds, but the fullest and plainest intimation should publicly be made to them whether, if they do engage in such a service, they will, or will not, in extremity, be entitled to expect any protection or any interference on the part of this country. I hope my noble Friend will state to your Lordships whether the Government have come to any conclusion upon this question; and, if so, whether they are prepared forthwith to issue a public and emphatic notification of the course they intend to pursue, and the consequences likely to result to British seamen from a disregard of their warning?

EARL GRANVILLE: The noble Earl, by the manner in which he has approached the subject, has evinced a becoming appreciation of the difficulties which may arise to ourselves from the unfortunate state of things in the United States. With respect, however, to the question of the belligerent rights of the parties now engaged in that unhappy contest, the noble Earl has not asked for any expression of opinion on the part of the Government, and, therefore, I am absolved from entering into a discussion of that most important, difficult, and delicate subject. But the noble Earl has inquired whether it is our intention to issue a Proclamation warning the subjects of Her Majesty against in any manner departing from that neutrality which Her Majesty herself is so desirous to observe. To that question, as the noble Earl has stated, an answer has already been given in "another place"—namely, that it is the intention of the Government, according to precedent, to issue a Proclamation giving such warning to all the subjects of Her Majesty. The precise wording of the Proclamation is a matter of considerable importance and difficulty, requiring some deliberation, and we have thought it right to obtain the best advice in framing it; but I may state that the Government are anxious to make it as plain and emphatic as possible.

THE EARL OF DERBY: Perhaps the noble Earl will inform your Lordships whether, in the event of the Northern States acting upon their expressed intention to treat privateering as piracy, and British seamen being sentenced to death, it is to be distinctly understood that such persons will not be entitled to claim protection from their own country.

EARL GRANVILLE: I should prefer not to enter into any detailed explanation until the Proclamation shall have been issued. It is plain that the natural result of such a Proclamation must be that no British seaman will be entitled to claim the official protection of his Government.

LORD BROUGHAM said, the noble Earl had limited his observations to seamen in Her Majesty's service, when it was quite clear that he meant them to apply to any British subject taking part in privateering. Privateering of this description was piracy by the law of nations. Any interference in a foreign war, by fitting out, manning, and going on board ships to take part in the war, was a crime by our law, and it was most expedient that those parties who chose to commit the offence in this case should be left to suffer the penalty they incurred. The war in America was a most lamentable affair on all accounts, and for the sake of liberal principles, and for the sake of humanity itself, he fervently trusted that the folly which had given rise to it—possibly not confined to one side—would not be attended with the calamities which always accompanied civil war. If disruption was inevitable, he trusted the new States would form themselves without bloodshed.

THE EARL OF HARDWICKE was anxious that the House should not enter too strong a protest against that which was a natural consequence of war—namely, that vessels should be fitted out by private individuals under letters of marque. That was, no doubt, privateering; but it did not by any means follow that privateering was piracy. He believed that if privateering ships were put in the hands of proper officers they were not engaged in piracy any more than men-of-war. He thought that a feeble State engaged in a war with a powerful one had a right to make use of its merchant vessels for the purpose of carrying on the contest, and there was no violation of the law of nations in such a proceeding.

SYRIA AND TURKEY.—RESOLUTIONS MOVED.

VISCOUNT STRATFORD DE REDCLIFFE rose to move the following Resolutions (of which he had given notice) on the affairs of Syria and Turkey—

> "1. That this House would view with deep regret any circumstances leading to a continuance, however brief, of the occupation of Syria by foreign troops beyond the 5th of June next ensuing, the period now fixed for their complete withdrawal by the Convention agreed to at Paris on the 15th of March.
>
> "2. That this House considers the late calamitous events in Syria as not to be attributed to causes exclusively local, but also, and chiefly, to the general state of the Turkish Empire, more especially in point of revenue and administration.
>
> "3. That this House is deeply impressed with the urgency of obtaining from the Ottoman Porte a prompt adoption and strict enforcement of such measures as may best afford, in the spirit of the Sultan's Hatt-homayoon of 1856, a reliable security against the recurrence, from any cause whatever, of those sanguinary conflicts."

The noble Viscount said, this was a subject which possessed so little novelty, and was so little recommended to himself by the simplicity of its character or the facility of solution of the difficulties by which it was surrounded, that he should have shrunk from bringing it forward if he had not borne in recollection the indulgence that on more than one occasion had been shown to him, and if he had not also borne in mind the importance to our national interests of this subject; and if he had not also felt that a duty had been imposed upon him by his long residence in Turkey and his experience in its diplomacy. The Resolutions which he proposed to submit to their Lordships were of a character not calculated, he thought, to raise any difference of opinion in that House, still less to occasion any division of opinion. They had a twofold object in view. They were directed, in the first instance, to the question of the settlement of Syria; and, secondly, they were directed, by the natural connection between the two subjects, to our interest in the maintenance of the Turkish Empire, notwithstanding all its defects, and more particularly in consequence of the necessities under which it laboured. In bringing it under the notice of that House, simultaneously, but accidentally, with the discussion of it in the other House of Parliament, he had felt that advantage might be derived to the great interests involved by a discussion in both Houses of Parliament. He conceived that where there was no special reason on the part of the Government to apprehend embarrassment from a discussion of a subject, great advantage sprung from its discussion in both the Legislative Assemblies of the nation—advantages not confined to the Houses themselves, but extending to the countries interested, from their attention being thus forcibly drawn to questions involving their interests; and he hoped he had not misjudged in affording their Lordships an opportunity of considering the merits of this question. It was now six weeks since the abundant Correspondence laid on the table by the Foreign Office had been under their Lordships' consideration. The subject, therefore, could hardly be considered as brought forward without sufficient time having been afforded for its consideration. It was not his intention to go into the details of the Correspondence. He had naturally looked over it; and the general result of his inspection was, that in the midst of great difficulties, those who had been employed on the spot had shown an intelligent attention to the great interests of the question in Syria; and that particularly the Commissioner sent by Her Majesty's Secretary for Foreign Affairs had shown that he was worthy of the selection; for without much diplomatic experience he had exhibited an attention not only to the interests of the country to which he was sent, but to the great principles of humanity, that did credit to himself and honour to his country. This was a difficult and complicated question, especially in connection with the interests of the Turkish Empire at large and the great European interests involved. In Syria itself they had a practical issue, and one of very great importance not only to Europe at large, but it might be said more particularly in respect to our own British interests. It was one which presented circumstances of great delicacy and great urgency, and which offered difficulties of solution which it was his desire to bring under their Lordships' notice. Syria, as they all knew, had been from the earliest times of great importance and the deepest interest in every sense; and the occupation of it by foreign troops involved political considerations that could not be passed over without the deepest anxiety. At the time when it was decided that foreign troops should be sent there, and that our neighbours, the Government of France, should be authorized to send an expedition to act in the common name, he felt the difficulty of the situation. He considered that Her Majesty's Government were fully justified in accepting the offer of France, with a positive assurance, still more with a positive engagement, that the employment of the troops in Syria should not extend beyond a short period of duration. It had since become known that, in the opinion of Her Majesty's Government circumstances had arisen which justified the prolongation of that occupation. The French expeditionary force still occupied that country, but under a renewed engagement of a very positive description to evacute the country on the 5th of next month. It would be, he conceived, a matter of deep concern if any circumstance were to arise which should involve further difficulty in the execution of that engagement. He himself entertained no doubt of the intentions of the French Government to act on their engagement. He could not for a moment suppose that any interest peculiar to themselves would induce them to put into doubt the engagement they had entered into with this country and the other European Powers. It was not, therefore, from any apprehension of their departing from that engagement that he had brought that part of the subject under their Lordships' consideration. But circumstances might arise, and it might depend on the force of those circumstances—how far that legitimate interest which that Government had for its own religion in Syria—which might induce them to press for a further extension of time. Under these circumstances it was of great importance that the evident intentions of Her Majesty's Government should be supported by the voice of Parliament, so that not only no change should take place with regard to the period of occupation, but that those necessary measures should be pressed forward, as well as judiciously selected, which the inhabitants of those countries should look to in future for their protection—that protection which they had hitherto derived from foreign bayonets. It certainly did appear that, whatever support a foreign army gave to the Turkish Commission, their presence was not essential to the restoration and maintenance of tranquillity. This much at least did appear from the papers presented, that the troops which had accompanied the Turkish Commissioner were sufficient to produce a cessation of hostilities between the contending parties, and that there was no necessity for the French expeditionary force to proceed as far as Damascus: that, in fact, their operations had been very much confined to those bearing the character of police. It could not be concealed that operations of that kind were not unaccompanied by subjects of regret—unavoidable, but still subjects of regret—inasmuch as they were attended by increased excitement on the part of the Christian population, and a necessary depression on the part of the Druses, who, however guilty they might have been of sanguinary conflicts and atrocious massacres, had, as shown by the published Correspondence, been provoked to those acts by the Maronites, and those who supported them from a distance. He did not mean, in so saying, the French Government itself, but those religionists in France who had taken Syria under their protection, and whose constant intercourse with that country had on more than one occasion caused disputes which had terminated in those atrocities which every one so much lamented. If any force, whatever it might be, of some other Power than France, were to remain in that country, attracted in the first interest of religion, he would put it to the House whether it would suit our interest or the fair requirements of Europe that such an army should continue to occupy a country which was well known to be, in a military sense, the key of Egypt. Those were very powerful reasons why that House and the House of Commons, before the die was cast, should express an opinion as to the fulfilment of the engagement that had been entered into, and to encourage Her Majesty's Government to take those steps and adopt those measures which were advised and considered urgent, not only for the security of the tranquillity of Syria, but for securing it consistently with the integrity of the Turkish Empire—with the independence of that Empire which we had formally guaranteed. These were no trifling considerations. It was true that previously to that treaty we had been very much implicated, both commercially and politically, in Turkish affairs. We had frequently interfered, both by arms and money, to maintain the independence of the Turkish Empire; but now that we had actually bound ourselves by treaty, we could not, without a departure from good faith—without a change of circumstances justified our own change—withdraw from giving the required support to the independence of the Turkish Empire, should the occasion arise. We had already had deep and dear-bought experience as to what it cost to maintain the integrity of Turkey. Long before we entered on our treaty obligations the natural connection between this country and Turkey led us to take an interest in the wars and negotiations with neighbouring Powers, in which it was proved that they were over-matched. In the course of this century, as their Lordships knew, some eight or ten times we had been driven into negotiations of the most complicated kind with Turkey on account of its interests. We had on several occasions, as many as six or eight in the present century, sent our fleets, and sometimes even our army, for the purpose of protecting her. If, then, those dangers were incurred and those sacrifices made at a time when we were only bound to Eastern affairs by a sense of interest, how was it now, when we were engaged in the most formal manner to guarantee the independence and integrity of that empire? Surely they could not but consider this as a subject which deserved their serious attention at a time when the whole of Europe, and not only Europe, but America, was thrown into the most disastrous confusion, with very doubtful results; and they could hardly shut their eyes to the consideration that circumstances might suddenly arise which might involve them in their consequences. Some of the movements taking place on the Continent, not only politically, but in a military sense, came in contact with the Turkish Empire; therefore there was at least a chance that the Porte, by reason of its weakness, might be brought into a position which might excite the appetite of some other country to take advantage of her situation, and throw on us the necessity of stepping forward to avert that danger. When such was the case he was justified in saying that we were bound to be careful as to what was done in Syria. It was of the utmost consequence that we should have a correct notion of the causes that had led to the disturbances and massacres that had taken place in that country. No doubt there were causes connected with local circumstances. There was the old dominion of the Porte to be maintained, and there was a constant appetite on its part to extend its power into the mountainous parts of the province. There were the old conflicting animosities of race and creed. But, in addition to these, it might be truly and justly said that the more important causes—those which were necessary to bring on the catastrophe—were the administration of the Turkish Empire and the corruption which entered deeply into the cause of what we had to lament. Another cause was the weakness of the Turkish army—an army which, he believed, stood at 150,000 men on paper, but which, he understood from competent authorities, did not really amount to more than between 50,000 and 60,000; and that with an immense territory, with the difficulty of passing troops, the badness of roads, and the inconvenience attending operations in that country. Another circumstance which stood at once pre-eminent amongst the causes of the Syrian calamities, and which gave immediate cause of weakness to the Turkish Empire, was the embarrassed state of the Turkish finances—embarrassed as he understood to a degree which in that country of unsettled finance had never before been equalled. Unless some remedy were applied it would be impossible to guarantee Syria against a recurrence of those calamities from which it was only gradually escaping. It was impossible for us to guard against the consequences of the engagements which we had incurred; and if we wished to do justice to the country more particularly under consideration, and to the whole Turkish Empire itself, it must be by assisting them to get out of their present state of weakness by affording them any assistance, either moral or otherwise, that the interests of our own country could allow of; and, above all things, by urging upon them the necessity of, and by giving them sufficient motives for, exerting their own energies, and thus be the means of contributing to the preservation of their own independence and integrity, by calling upon them to carry out those reforms which they themselves had admitted to be necessary to their safety, which they had proclaimed over and over again, and which they had recorded in that treaty of peace as to the motive which induced us to enter into that guarantee which for the first time formed part of our alliance with Turkey. There were other causes which had operated, in his apprehension, to produce that state of things existing in Syria, and which should be borne in mind in coming to any conclusion. On the part of the Porte it was difficult, perhaps, to bring this matter to a permanent and satisfactory settlement. It was very desirable to secure the privileges of the inhabitants of the Mountain, of which promises had been given, and at the same time to maintain the supreme sovereignty of the Sultan. It was also difficult to secure those districts from a repetition of those occurrences which had hitherto operated so fatally upon its prosperity; and at the same time to induce the Turkish Government to enter seriously and in good faith upon that system of reform to which they had been so frequently pledged. On a former occasion, when, in execution of the promise given to the inhabitants of the Mountain, the Allied Powers, at the instigation of this country, entered into the question which terminated in a diplomatic settlement, a difficulty was felt of reconciling those several things, and it unfortunately turned out that, although the Druses and the Christians were both disarmed, they had, from circumstances which were not yet sufficiently cleared up, been brought into the circumstances which terminated in the calamities of last year. He thought that it was a subject of regret—he would not presume to say of censure—that more settled and persevering exertions had not been made to keep the Turks steady in the progress of reform. We knew ourselves in this country how much had been done in the last thirty years by both parties in the State vigorously applying themselves to remedy those evils which time had introduced. He had heard it made a matter of boast—and he agreed a matter of just boast—that what had thus been done had drawn forth the resources of this country in a manner which was unexampled before; and it was our hope that whatever the confusion into which other countries might fall we might promise ourselves a still greater increase of prosperity. Since, then, there were circumstances connected with Turkey which had interested our sympathies and had induced us to make those sacrifices and incur those risks to which he had just referred, for it appeared to him—and, owing to the circumstances in which he had been placed, perhaps more to him than to any other Member of their Lordships' House—that this was not a fanciful or speculative subject. It was not one which we could hope or desire to postpone from year to year, because it was one which was knocking at our doors, which was threatening us with danger of the most positive kind, especially in the present state of the world, and which would probably surprise us by a catastrophe when we least expected it. He asked their Lordships whether we could stand idly by and witness the partition of the Turkish Empire? For what was the Turkish Empire? Discredited though it might be by the religion of its people, it covered that part of the world in which had been seen the greatest events, and the greatest men, and the greatest developments of power that existed from the earliest time; it was a country which came into contact with the most important parts of Europe; and which afforded increasing motives and allurements for conquest. Could we, then, afford to stand by and witness the partition of that empire of which there was now more reason to apprehend than at any earlier period? Could we in such a case maintain our non-intervention as, fortunately, we had maintained it in other cases? Would we not be called on by every consideration—by the commercial interests of the country—by the natural political jealousy of the country—to come forward at every risk to do what the interests of England and of Europe would demand? In introducing his Resolutions he had confined himself to touching on the most material points of the subject. He had not gone into details, for his purpose was merely to recall to their Lordships' recollection circumstances which must be known to them all, and which could not be left out of consideration when a discussion took place in respect to the settlement that ought to follow the evacuation of Syria by foreign troops. He understood that this subject was in progress of discussion in the other House of Parliament also, and he was anxious that it should be well considered by the Legislature. He trusted that in the manner in which he had treated those difficult topics there was no danger of any unpleasant results. He hoped that neither he nor any noble Lord who shared his views would express his opinions in a way that could be the cause of embarrassment to Her Majesty's Government, or of annoyance to the Government of any other Power. He had framed the Resolutions which he should have the honour to propose to their Lordships in such a spirit as would, he hoped, save them from meeting with any opposition. He asked their Lordships, viewing the spirit in which they were dictated, and the object of general interest to which they were directed, to treat them with consideration and indulgence. He should regret to be the cause of any division in that House, and he should be exceedingly sorry if his introduction of the subject were to cause any discredit or doubt to be thrown on the opinions which he had endeavoured to embody in the Resolutions which he should conclude by proposing. He had stated frankly and fully the motives which had led him to bring this subject before their Lordships, and had endeavoured, he hoped not without some effect, to show the urgency of the question as affecting Syria, and its inseparable connection, not only with the destinies of the Turkish Empire, but also with the most important interests of Europe. He trusted that their Lordships would not withhold their support from the views which he had expressed. Whatever might be the decision of the House he could only thank their Lordships for the patience with which they had listened to him, and resume his seat with the consciousness that he had discharged a duty imposed on him by the circumstances of the case. The noble Viscount then moved the Resolutions.

LORD WODEHOUSE said, he was sure that the House could not fail to listen with attention to all the opinions which had been expressed by his noble Friend, who was probably more intimately acquainted with Turkish affairs than any other Member of their Lordships House. He was also sure that Her Majesty's Government had no reason to complain of the noble Lord, either for having brought forward the question, or for the manner in which he had done so; for his language had been temperate, and his views were in many respects very similar to those which had been avowed by the Government in the papers on the table. It was, moreover, but natural that after the voluminous papers which had been laid on the table in relation to Syria, that the noble Lord should take an opportuuity of calling attention to the subject. While, however, he agreed with a great deal that had fallen from his noble Friend, and believed that the Resolutions contained much to which the House would find no difficulty in assenting, he trusted that he should be able to show good reason why it was desirable that such an expression of opinion ought not to be pressed on the House at the present moment. The Resolutions of his noble Friend referred to three subjects, which were to a certain extent distinct. The first was directed against a prolongation of the foreign occupation of Syria, and expressed an opinion that the House would view with deep regret any prolongation of that occupation, however brief. But any one who had read the printed papers must be convinced that Her Majesty's Government were fully persuaded of the importance of bringing that occupation to a termination at as early a period as possible. There could be no doubt that the occupation, although sanctioned by England and the other Powers of Europe at a time when there prevailed a feeling of a strong commiseration for those who had suffered in the massacres of last spring, was an anomaly, and a danger to the Empire upon whose territory the foreign troops were quartered. They were, however, bound to admit that nothing which had taken place in connection with that occupation would justify them in expressing a doubt that the Convention on the subject would not be duly and fully observed by all the Powers which had signed it. The French Government was not the only party to that part of the contract; for although French troops represented the European occupation of Syria, it should be recollected that any of the Powers who were parties to the Convention were at liberty to take part in the occupation, but that it had been agreed among them that it would be most convenient that France should furnish the whole quota. They had, therefore, no ground for jealousy on that score. More than that, although the conduct of the troops in occupation had been called in question, he thought that it had, on the whole, been marked by moderation and a desire to respect the independence of the Sovereign of the territory. It was quite true—and it appeared in the papers on the table—that there had been considerable discussion as to the prolongation of the occupation. It had been held to be desirable that it should be continued for a short period, but Her Majesty's Government saw no reason to doubt that it would be terminated on the 5th of June, the time fixed for the Convention. Under these circumstances it would be very inexpedient at that moment that their Lordships should pass a solemn Resolution on this matter, which did not seem very courteous to the other Powers interested, and more especially not to the Power whose troops were in occupation. The next Resolution referred rather to a matter of history. His noble Friend was of opinion that the late calamitous events in Syria were attributable, not exclusively to local causes, but "chiefly to the general state of the Turkish Empire, more especially in point of revenue and administration." He (Lord Wodehouse) could not admit that that Resolution was entirely in accordance with the facts stated in the papers which had been laid on the table. His own opinion was that the events in question were due partly to Turkish maladministration, but chiefly to local causes. Evidence was given in the printed papers that the disturbances originated with the Maronites, who were anxious to revive their ancient disputes with the Druses. The Druses, indeed, on the other hand, showed no reluctance to renew the ancient feud, and engaged in it in a bloodthirsty manner which excited the horror of Europe. He did not deny that the Turks were also to blame. There could not be the slightest doubt that, while some excuse might possibly be found for the proceedings of the Druses and Maronites, who were animated by historical feelings of hatred, there was no such excuse for the Turks, who were bound to maintain order in their dominions, and there could not be the slightest doubt that the Turkish troops had committed excesses in the district of Damascus and elsewhere more fearful than those of the contending tribes. At the same time the Turkish Government had atoned for their previous faults by the vigour with which they had punished those who bore the chief part in those disturbances. The Mushir of Damascus, the Commander-in-Chief, the colonel of a Turkish regiment at Hasbeya, and 57 other persons, many of whom occupied posts of eminence, were put to death, and altogether nearly 500 persons were subjected to various punishments. The Druses had also suffered heavy retribution at the hands of the Maronites, in addition to the punishment awarded to them by the authorities. He should say, therefore, that there was a considerable doubt whether the facts were precisely as his noble Friend had stated them, and he did not see that there was any advantage in expressing a positive opinion on a matter which at least admitted of different conclusions. The last of his noble Friend's Resolutions had a wider scope than the others, and referred, in point of fact, to the whole condition of the Ottoman Empire. His noble Friend had very justly expressed his sense of the importance of that question, and had spoken of the danger which menaced its existence. In one sense it might be said that the Turkish Empire was always in great danger, at any rate during the last thirty or forty years, the Turkish Empire had been in continued danger. This state arose from various causes. It was but half-civilized; it was composed of different and discordant nations, opposed, not merely in origin, but religion. It was, therefore, not in a condition such as was usually regarded as betokening permanence in a State. But he feared they were rather prone sometimes to exaggerate the danger of that Empire, and the reports from the consuls, which were exceedingly interesting, and reflected great credit on the ability and industry of the gentlemen by whom they had been forwarded, exhibited a picture of the Turkish Empire somewhat different from that which was usually drawn. Nearly all the consuls agreed that some improvement had taken place, and they pointed out that it was not so much the laws which were defective as the power of administering them. One of those gentlemen used a phrase which was very apt, and at the same time, truly described the condition of the country, when he said it was easier to frame good laws in Turkey than to find honest persons to carry them into operation. In point of fact the Turkish Empire was in many respects in the possession of good laws; it enjoyed a measure of toleration larger than existed in some civilized States; while liberty of trade, as far as laws were concerned, was not greatly hampered or restricted. But there was so much corruption among the higher officials, and such a want of knowledge in the administration of these laws, that they were never fully and efficiently carried out. His noble Friend, who was desirous at all times to urge on the Porte the adoption of reforms, was anxious that Her Majesty's Government should find a remedy for these evils; but, for his own part, he (Lord Wodehouse) thought the British Government could scarcely adopt any other course than they had hitherto pursued—namely, to advise the Porte to adopt wise and sensible measures, and to give her such support, by counsel, as was essential when she was in difficulties. One of the most important points in which reform could be introduced in Turkey was with regard to finance; and Her Majesty's Government, feeling how vital this question was to the existence of the Empire, had recently sent out two gentlemen to advise the Porte with respect to fiscal affairs. If the Porte would listen to the advice of those gentlemen and would really carry out some systematic reform of the ordinary administration of the State, as regarded the expenditure of the different departments and the accounts which those departments had to render, much greater benefits would be secured to the country than by taking up reforms with more sounding names. More than that he did not think it was competent for any foreign Government to do; and he certainly did not believe that any formal expression of opinion on the part of their Lordships' House would be attended with any advantage. His noble Friend had not referred to the changes which it was proposed to make in Syria; but before sitting down he should like shortly to place before their Lordships the actual state of affairs. A Commission to inquire into the condition of Syria and its present organization had been sent out by the differents Governments of Europe, and the question of the future settlement of the Lebanon would have to be decided by them. In the papers presented to the House it would be seen that a great variety of views had been expressed. His noble Friend had not stated his own view with regard to these various schemes, but it was obvious that the difficulty of choosing between them must be very considerable. Whatever might be the ultimate decision of Her Majesty's Government, they would be most anxious to pay due attention to the just privileges of the inhabitants of the Lebanon, and at the same time they would not consent to anything which would weaken the Sovereign authority of the Porte in those provinces. Without entering further into the subject at present, he would express his obligations to his noble Friend for the favourable manner in which he had spoken of the policy pursued by Her Majesty's Government. It was their desire that foreign occupation should cease at the date specified by a Convention recently concluded, and they had no reason to suppose that it would be prolonged beyond that time. The attention of Her Majesty's Government had been constantly fixed on the necessity of reforms being carried out in Turkey, and the advice which they had tendered was such as would be cordially approved of by his noble Friend, who had taken so active a part in the affairs of that part of the world.

THE MARQUESS OF CLANRICARDE expressed his regret that her Majesty's Ministers did not think it advisable to put upon record the opinion of this House on this matter by adopting their Resolutions. The question really was what were our engagements with Turkey, and how far were we to be brought into the consequences which those engagements might lead to, without our making an effort to avert them? With regard to the first Resolution to which the noble Lord (Lord Woodehouse) had taken an exception, the intention of which was to impress on the Government the great desire of this House that the French troops should be removed from Syria, he believed that the French Government was perfectly sincere in its expressed readiness to remove those troops, and that they would be removed in the course of the coming month. But the next Resolution went further, and distinctly pointed to the circumstances under which those troops were there, and the noble Viscount expressed a hope that no circumstances now existed that would prevent the recal of those troops. He thought that was a matter of great difficulty, upon which their Lordships might fairly express an opinion. They knew not what information Government might have, and could only judge of the existing state of things in Syria from the papers laid on the Table, and among the last of these reference was made to a demand countenanced, if not put forward by the Christian bishops for the execution in cold blood of 1,200 persons. Assuming that the allied Powers were justified in their original interference, was the state of things disclosed in the official correspondence such as to justify their withdrawal? He thought not. They had nothing in any document at present to show that the French troops acting on behalf of the allied Powers could safely be recalled, but they were too happy to take the assurance of the Government, and he thought they would be perfectly justified in expressing their opinion in the very guarded language which his noble Friend had used in the Resolution. Then his noble Friend (Lord Wodehouse) said the second Resolution was not quite justified, because it pointed, as the real source of these disorders, not to local circumstances, but to the general condition of the Turkish Empire, and more especially as regarded revenue and administration. The noble Lord spoke of the state of the Turkish troops and the conduct of the Turkish Governor as being what he considered a local cause of these unfortunate occurrences and as being the occasion of the occupation by foreign troops. Why, that was precisely the reason why, as he understood, his noble Friend (Viscount Stratford) had brought forward these Resolutions. He (the Marquess of Clanricarde) said that the condition of the troops and the administration, as it was carried on, were the causes—the proximate and not the remote causes—of all that had taken place. Why, some of those papers showed that the Pacha of Damascus had been drawing money from the central Government at Constantinople for the maintenance of a regiment which it turned out never existed. What was that but faulty administration? Those troops, if they had actually existed, might have been instrumental in repressing the outbreak. But what did he do? When inquiry was made into his conduct he emptied the gaols of ruffians and convicts and pressed them into the ranks in order to make a show of military strength. When we considered our engagements towards Turkey and its condition he thought it must fill us with dismay. His noble Friend (Lord Wodehouse) seemed to think we could pursue no other course than that of tendering good advice. it was that course which had led us into wars in the course of the last thirty years. In 1841 British blood was shed to drive the Egyptians out of Syria; yet it was the testimony of travellers that, when Syria was governed by Mehemet Ali and Ibrahim Pacha, its condition was far better than it was now under the Government of the Porte. The question really was the fearful condition of Turkey, of which we were bound to maintain the independence. At this moment attacks were made upon her by Montenegro which she was unable to repel, and it was reported, and he believed truly, that she was unable to send a squadron of ships into the Adriatic, because she had not money to pay the sailors. In fact, the whole number of regular troops that could be brought together by a Power that was essentially a military despotism did not exceed 50,000 or 60,000 men. It was not for him to say what ought to be done, but he heartily wished that we were out of our engagements, and he hoped that we should never enter into any more of a similar kind. He did not think that the case was to be met by sending out clerks and financial experts. What was wanted was some solid assistance in the shape of a loan. That was the long and the short of the matter. Then, were we prepared to give that? No, we were not. The Minister who should propose it he thought would not be likely to be Minister long. He trusted, however, and he believed that her Majesty's Government would assist the Turkish Government by every means in their power; but what they could do if they could not give a loan, or a security for a loan, it was not very easy to say. But the Government had sent out clerks to advise. Why the Sultan had been taking advice ever since he was on the throne, and the only person who had made that advice effectual was his noble Friend and relative who had moved these Resolutions. For these reasons he was glad that his noble Friend had brought forward these Resolutions, and he should have been still more pleased had the House adopted them. He should have liked the Parliament of this country to have said at once that these embarrassments were owing to the condition of the administration of the Turkish Empire. How far we were liable to maintain that empire through any course of mal-administration he did not wish distinctly to argue, but he thought it would be a good thing if the House could express its sense that the embarrassments of the empire were owing to the mal-administration of its Government.

THE EARL OF MALMESBURY said, he was not aware whether, at the present moment, Turkey was unable to subdue the Montenegrins, but if it were not that was not from its own intrinsic weakness, but from what had been the bane of Turkey—the perpetual interference of foreign Governments. Only within three years Turkey had had positive orders from France not to attack the Montenegrins, and not to cross the frontier. Russia had issued similar orders, and had constantly interfered in the same way. Both those Powers long ago, and again lately, had set themselves up as the protectors of Montenegro against Turkey, and he must say that his experience while in office convinced him that nothing could be more atrocious and more unprovoked than the attacks of the Montenegrins on the inhabitants of the frontiers. He believed it was in 1846 that Omar Pacha, the best general in the Turkish army, disposed 25,000 men in a semicircle before Montenegro, and he was on the point of bringing the Montenegrins to certain conditions, which Europe would have settled, when Russia interfered to prevent him. Since that time, the French Government by constant intrigues, for reasons best known to itself, had sustained that nation of savages, and had supported them in all their attacks upon the Turkish empire. Now, that was only one corner of the Turkish empire; but he was not going to occupy their Lordships' time by reminding them how extremely analagous were the attacks that had been made in others. In his opinion, a great deal too much advice was tendered to Turkey, and there was a great deal too much interference with her. That constant advice, constant interference, and constant threatening was, he believed, the original, and continued to be the chief cause of the condition of the Turkish Empire.

VISCOUNT STRATFORD DE REDCLIFFE could not agree with the noble Earl with respect to the state of the military force of Turkey. Small as the army of Turkey was, and ill-provisioned and ill-paid as it might be, she was able generally to bring into the field a sufficient force, and to concentrate it in such a manner as to repress outbreaks. This system, however, was ruinous, wearing down the district which was the scene of action, and exhausting the resources of the Porte. He might be allowed to add that he could not agree with his noble Friend as to the peculiar vices of the Turkish Government. His experience told him that the Turks wanted unity of action—that they suffered from divisions among themselves — that they displayed want of energy in carrying out the reforms which it was so necessary to have effected. It was his firm conviction that if they were not kept to a sense of their duty, if they did not redeem their pledges, and if they did not carry out an effective system of reform, the time was not distant when the Turkish Empire would either fall to pieces, or would suffer from some of its provinces being appropriated by neighbouring Powers; and then we might be called upon to make greater sacrifices than we had yet done. If the present state of things in Turkey was not improved, and more persistent efforts were not made to execute the promised reforms, he felt great apprehensions for the future of that empire.

EARL GREY thought that the prophecy of the noble Viscount was very likely to be fulfilled. He was convinced that Turkey was likely to fall to pieces if she went on as at present, and he was equally convinced that she could not be propped up by advice forced upon her by different nations, and nations jealous of each other. He agreed with the noble Earl opposite (the Earl of Malmesbury) that the present condition of Turkey was very much to be attributed to the system of Government which now existed there, and next, to the unfortunate interference on the part of European nations in the international management of the country during the last twenty-five years. He was persuaded it was a blunder to suppose that by compelling a corrupt Government to pass good laws they could secure good Government:—Turkey wanted what Mr. Canning once called the "executory principle." He could not help thinking that the best chance of reforming the state of that country was by leaving it to reform itself; and if European nations had left things to themselves, a remedy would have been found one way or the other. Probably the evil of misgovernment would have been so great, that either the corrupt and miserable Government would have been destroyed, and something better substituted, or the Government would have been compelled to reform itself. But they could not secure reform in a country by the efforts from without of foreign nations; it must come from within; and the only effect of interference on our part to govern as it were the whole world would be to impose enormous burdens on the people of this country, and to lead us into all kinds of misfortunes. Was there any man who could say that the Crimean war, which had entailed an expense of three or four millions a year upon us, had done much to extend the probable duration of the Turkish Empire? Of what use was it to give advice, to introduce reforms to a country with an army on paper, an empty treasury, and a corrupt administration, and with no man to be trusted in any one department? As well might they give advice to a man on his deathbed to get up and walk about his room and imagine he could do so, as to expect that the advice he had mentioned could have any effect upon the Turkish Government. On the contrary, it would only aggravate the evils complained of. He hoped and trusted we were not going to carry further the vicious policy we had adopted during the last twenty-five or thirty years, and which had been fraught with such miserable results; he, therefore, objected to the Resolutions, because they seemed to imply that we should take such a course. As regarded assistance to the Turkish Government, he trusted no Minister would venture to make such a proposition to the House of Commons. Rash and extravagant as that House had of late years shown itself, he was sure it would never sanction the expenditure of a single shilling in a vain and fruitless attempt to prolong the existence of Turkey. He objected altogether to our guarantee of the integrity of the Turkish Empire; but he trusted it was not quite so bad as some noble Lords seemed to suppose. Our guarantee, in his opinion, simply meant that Turkey should not be pulled to pieces by her neighbours. Not that, if she were to fall to pieces by her own inherent weakness, we were to be called upon to endeavour to prop up so rotten a fabric. He thought the noble Marquess had pushed rather too far the meaning of our guarantee of the independence of the Turkish Empire, because he seemed to suppose that this country was under some pledge to maintain Turkey against intestine dangers and her own weakness. He trusted we had not been so impolitic as to have done that.

VISCOUNT STRATFORD DE REDCLIFFE said, he could not concur in the observation of the noble Earl that our advice had not produced any good effect on the Turkish Empire. Under the directions of our Government, at least ten great and important measures had been adopted, and every one of them would now be in complete execution from one end of the country to the other if there were not that weakness and want of attention to advice of which he had already complained.

EARL GREY said, the noble Lord had illustrated what was precisely his (Earl Grey's) argument—namely, that they might have a number of good laws, which would do a great deal of good if they were enforced; but if unfortunately they were not enforced, as was the case in Turkey, they would do no good whatever. If European nations, in attempting to compel the Turkish Government to enforce the measures they recommended, interfered with the administration in every corner and every village of the country, they would destroy the whole strength and power of the Empire.

EARL GRANVILLE said, he hoped the House would not resolve itself into a Committee to discuss the internal affairs of Turkey. He did not rise to prolong the debate, but to second the appeal made by the Under Secretary of State for Foreign Affairs, and supported generally by the House, to the noble Viscount—that he would be good enough to withdraw the Resolutions, and not force them on the adoption of the House. The whole course of the debate had shown the most conclusive reasons why it was desirable that the House should not adopt them. Their Lordships, no doubt, were thankful that the noble Viscount, speaking with such knowledge and authority, had given them his views on so important a question; but no practical good could arise from the adoption of the Resolutions. With regard to the third Resolution, there was no reason to apprehend that the French Government would break the solemn engagement into which they had entered. The French Government had said they felt considerable alarm and responsibility in leaving Syria in its present state, but nothing had occurred to show that they intended to do otherwise than to fulfil honourably their engagement. With respect to the second Resolution, he must say that it was necessary that they should brush up their historical knowledge as to the Turkish Empire before they proceeded to deal with abstract Resolutions of that nature. The third Resolution was one of a more important character, but he disagreed in much that had been said upon the subject to which it related. He disagreed in what the noble Earl (Earl Grey) had said in reference to giving advice to the Turkish Government. It was not possible for any Government in this country to completely ignore the Turkish Empire, to shut their eyes against that country, to treat it as an isolated part of Europe, and to allow matters to go on as they were, without using any efforts to influence the course of events. The general opinion of the House and the country had been that the integrity of the Turkish Empire was an object of some importance as regarded the whole state of European affairs. If that Empire fell to pieces it was impossible to foresee a satisfactory solution to the difficulties which would arise in consequence, or what evils might flow from any settlement which might be arrived at under such circumstances. He agreed that advice and interference coming from divergent sources and different nations was likely to cause great difficulty, and he also thought that advice injudiciously urged, or ostentatiously paraded, would never be of any use; but this country, whether rightly or wrongly, had expended its blood and its treasures for the purpose of preserving the integrity of the Turkish Empire; and having done that, and being under a certain engagement with other European Powers with regard to that Empire, he thought that when advice was likely to be of any use it would be culpable on the part of the English Government if they did not use their efforts to induce the Ottoman Porte to strengthen their Government. He must say that the Turks themselves were aware that in giving advice the English Government were actuated by a sincere desire to maintain that Power, of which they did not feel so certain in respect to other European nations, and that very fact gave to our advice a weight which did not attach to that of other Governments. He thought that if we gave them advice in a friendly way, if when they come to us for advice and support when any great difficulties arose we pointed out to them a possible way of saving themselves and their finances, we would have a great chance of succeeding; but we should weaken our advice and do no good if we came forward in the manner proposed by the noble Viscount, and gave it in the most offensive way in which it could be tendered. He trusted the House would not think the Government were acting in opposition to those Resolutions; on the contrary, they did not wish to see the occupation of Syria by any foreign Power prolonged, and they wished to see reforms carried out in the internal administration of Turkey, but they thought that their hands would be weakened rather than strengthened if their Lordships agreed to the Resolutions.

Viscount STRATFORD de REDCLIFFE said, he should not persevere with the Resolutions, as it seemed to be the general wish of the House that he should withdraw them. As he, however, believed that the result of the discussion would be to make an impression on this country and foreign nations in the sense he desired, he attached less importance to withdrawing them than he would otherwise have done.

Motion (by leave of the House) *withdrawn.*

House adjourned at Half-past Seven o'clock, to Monday next, a quarter before Five o'Clock.

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HOUSE OF COMMONS,

Friday, May 10, 1861.

Minutes.]—Public Bills.—1° Markets (Ireland). 3° Princess Alice's Annuity.

INDIA AND THIBET.

QUESTION.

Mr. W. EWART said, he would beg to ask the Secretary of State for India, Whether terms have been made with the Rajah of Sikkim, by which increased facilities for communication will be opened from India to Thibet?

Mr. VANSITTART said, that before the right hon. Gentleman answered the question, he wished to ask him whether he will introduce, before or after the Whitsuntide holidays, the Bill relating to India, which has been so long under his consideration?

Sir CHARLES WOOD said, in answer to the question of his hon. Friend behind him (Mr. W. Ewart), he had to state that he had no official information upon the subject, but he learned by private letter addressed to the Governor General by Mr. Eden, who had conducted the negotiations at Sikkim, that he had effected an arrangement for opening the communication between the territory of Bengal and Sikkim. No duty was to be imposed on goods passing through our territory into Sikkim, and a low rate of duty would be imposed on all goods passing from Thibet to Sikkim. It seemed that both the merchants of Thibet and the people of Sikhim were very well disposed to avail themselves of the advantage which this road would give them.

With regard to the information asked for by the hon. Gentleman opposite (Mr. Vansittart), he (Sir Charles Wood) had hoped to have been able to introduce the measure alluded to before Whitsuntide; but the House was so occupied with the discussions on the financial proposals of the Government that he was afraid it would not be in his power to do so.

COMMERCIAL TREATY WITH TURKEY.

QUESTION.

Mr. FREELAND asked the Secretary of State for Foreign Affairs, Whether the ratifications of a Commercial Treaty between England and Turkey had been exchanged, and, if so, when a copy of the Treaty would be laid upon the table of the House; and whether any correspondence had taken place between the Governments of England and France relating to the conclusion of a similar Commercial Treaty between France and Turkey; and, if so, whether there would be any objection to lay copies of that correspondence and of the correspondence between the English and Turkish Governments on the subject of either Treaty on the table of the House?

Lord JOHN RUSSELL said, that the treaty in question had not yet been finally concluded, but when it had been ratified, as was expected to be the case soon, it would be laid upon the Table. With respect to the second part of the hon. Member's question, he had to say that the French Government had informed him some time ago, through their Ambassador, that they agreed in the general principles of the Treaty between England and Turkey, and Her Majesty's Government afterwards communicated to the Government of France some amendments which they proposed in it. There had, however, been no regular correspondence between the Governments of England and France relative to the conclusion of a similar treaty between the latter Power and Turkey.

THE PAPER DUTY.—QUESTION.

Sir STAFFORD NORTHCOTE said, he rose to ask Mr. Chancellor of the Exchequer, Whether he can explain the discrepancy which appears to exist between the increase in the quantity of paper manufactured, and in the amount of duty received in 1860, as compared with 1859?

The CHANCELLOR of the EXCHEQUER: Sir, the explanation is one which I could easily have given yesterday if I had had the paper in my hand at the time the question was put to me. It is very simple. In fact, both accounts are perfectly correct. The one statement refers to the paper manufactured, and on which duty was charged: the other to the amount of duty received. By the Excise system the year is divided into eight rounds, and the paper duty charged on each round is collected in the following round. Consequently it follows that when a Return is called for limited to the period between two given dates, the Return includes the duty charged upon seven rounds made in that year, and one round made in the year before; while as respects the weight it represents the actual quantity manufactured within the year. The quantity in each round depends on a variety of circumstances that cannot always be traced; but in the present instance the last round of the last financial year derived a considerable increase from the fact that it was compared with a round in the year 1859-60, during which the repeal of the paper duty had been commenced, although the arrangements as to the drawback had not been made. Until those arrangements had been made there was a considerable stagnation in the trade; and that I apprehend is substantially the cause of the considerable difference between these two rounds.

SHIPS OF WAR—MR. GILL'S PATENT.

QUESTION.

Mr. SOMERSET BEAUMONT said, he wished to ask the Secretary to the Admiralty, Whether the Board of Admiralty intend taking any steps with regard to Mr. George Gill's Patent for Improvements in Ships of War, either by suppressing the Patent, or in any other way; whether the Board intend testing his plans for accelerating the speed and diminishing the vibration of ships, which have lately been communicated to the Admiralty?

Lord CLARENCE PAGET said, that Mr. Gill sent to the Admiralty some time ago a proposal for the improvement of steam ships of war, which was examined by professional officers and pronounced by them not calculated to benefit the public service. He afterwards had an interview with Mr. Gill, by that gentleman's request, at the Admiralty, and having received his explanations of his plans, in the presence of the Comptroller of the Navy and other officers of his department, it was not thought that their adoption would be expedient. It was not, therefore, the intention of the Admiralty to take any steps either for the suppression of Mr. Gill's Patent, or for having it tested.

EDINBURGH CASTLE.—QUESTION.

Sir JAMES FERGUSSON said, he wished to ask the Under Secretary of State for War, When it is intended that the portion of Edinburgh Castle which was pulled down with a view to improvements shall be rebuilt?

Mr. T. G. BARING said, that the plans for rebuilding part of Edinburgh Castle, though they had been under consideration for some years, had not yet been decided upon by the Secretary of State for War. The plans, if carried out, would involve a considerable expenditure, and no sum had been taken for them in this year's Estimates. He could not, therefore, give any positive answer as to the rebuilding of that portion of the Castle.

THE WHITSUNTIDE HOLIDAYS.

QUESTION.

Admiral DUNCOMBE said, he wished to ask Mr. Chancellor of the Exchequer, in the absence of the noble Lord the head of the Government, If he will state when it is proposed to adjourn for the Whitsuntide holidays, and for how long? Some information on the subject would enable the Committees to make their arrangements.

The CHANCELLOR of the EXCHEQUER said, that he would rather not answer that question in the absence of the noble Lord, because he was not perfectly aware what arrangements had been made.

AUSTRIA AND ITALY.

PAPERS MOVED FOR.

Order of the Day for going into Committee of Supply read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. PEACOCKE said, that in rising, according to notice, to call the attention of the House to the affairs of Austria and Italy, his intention was to afford to the Government an opportunity of giving to Parliament some indication of the policy they were now pursuing, and were likely in future to pursue, rather than to excite any angry recriminations between the partizans of hostile States. The most impartial persons would, he thought, admit that it was neither possible to defend all the acts of the Italian Governments which had been overthrown, nor to defend all the acts of that country which had been the instruments of their subversion. He must say he had risen from the perusal of the despatches which had been laid on the Table with an opinion by no means unfavourable to the policy of our Foreign Secretary, who had, on the whole, more or less, fairly adhered to the principle of non-intervention which he had laid down as the rule of our relations with Italy. He could have wished, however, that the noble Lord had more strongly condemned the invasion of Naples by Sardinia—conduct as much a violation of that principle of non-intervention as an invasion of Piedmont by Austria could possibly be. From what he had himself seen in Italy last autumn, he thought the noble Lord had done wisely in advocating a system of duality as more likely to prove beneficial to that peninsula than a system of unity. He found the greatest jealousy prevaling between the North and the South of that country, great clashing of interests, conflicting opinions, the most marked distinction between the habits, customs, races, and, he might add, language of the people. He witnessed the entry of King Victor Emmanuel into

Naples, and the enthusiasm displayed upon that occasion, and for a Neapolitan population it was not excessive, was much less for the monarch than for Garibaldi, who sat by his side. He further knew that the Piedmontese troops within a fortnight of their entry into Naples were everywhere complaining that they were received by the Neapolitans rather as conquerors and aliens than as liberators and allies. It was not surprising that in Italy there should exist considerable jealousy of the supremacy of Piedmont, and some aversion to Turin as the metropolis, when it was found that the very first despatch written by the Italian Minister of Foreign Affairs to the Minister in this country respecting the proclamation of the King of Italy, was written in the French instead of the Italian language. He did not think that hon. Members could approve the means by which Piedmont had brought about the unity of Italy. Hon. Members no doubt supposed that that union had been brought about by the ardent patriotism of the Italian people; whereas, had they been at Florence or Naples they would have known that that result had been brought about by corruption which would have done honour to a contest for Sudbury or St. Albans, and which quite justified the expression which had been used in the French Chamber, that Piedmont did far more to promote the cause of Italian unity by putting her hand into her pocket than by laying it upon her sword. But however that might be, he did not wish now to revive the discussion as to whether union or dualism would be best for Italy, because a practical Government must recognize accomplished facts, and, looking to what had been done, he thought that it was for the best interests of England, of Europe, and of Austria herself that the union and independence of Italy should be secured. It was true that Austria retained possession of Venetia; but, in his opinion, that province was a source of weakness rather than of strength to the Austrian Empire. In peace it was a festering sore eating into the finances of Austria, and in time of war its people were a hostile population menacing her flank. He might be reminded of the strength of the Quadrilateral; but any military man knew that a general who should for strategical, and not political purposes, invade Austria on the side of Italy, would be fit for a lunatic asylum. Austria was not menaced from Italy, because as regarded war the Germans were a superior race to the Italians. Her hereditary enemy was France, and where Austria was vulnerable was upon the Rhine and Danube, and if a French army were to menace Vienna the troops must be immediately withdrawn from the fortresses of the Quadrilateral, and removed to the field upon which the decisive battle was to be fought. If the Austrians were defeated in the plains of the Danube, and Vienna fell into the hands of the enemy, these fortresses would fall, as military men term it, "by position," and any troops that might be in them would become prisoners of war without striking a blow. The only purpose which the possession of the Quadrilateral by Austria could serve was to act as a menace to Italy; but he believed that there was nothing so fatal to the interests of Austria as the maintenance of such an attitude towards that country. As long as the fortresses of the Quadrilateral frowned upon the independence of Italy so long would the King of Italy be reduced to the condition of a mere Prefect of France. If, on the other hand, that menace were withdrawn there was every reason why France and Italy should be on the worst terms, because they both had large seaboards on the Mediterranean, and consequently there would be great rivalry between them for supremacy in that sea. If Austria retired within her natural boundaries, the Alps, she would, in case of a war with France, have her flank protected by a neutral Power, instead of having it menaced by 20,000,000 Italians. He made these observations in no spirit of hostility to Austria, because he believed that a powerful and united Austria was necessary to the best interests of England. Austria had had recently but a scant measure of justice dealt out to her by the people and press of this country. She was for more than a quarter of a century our faithful ally in withstanding the aggressive designs of the First Napoleon, and it was in the wars which she then carried on, that she had incurred the greater portion of that debt by which she was now weighed down. Austria was, indeed, our natural ally. There were many persons who had feelings and prejudices against Austria; but when material interests were at stake, sentiment must yield to geography, and he believed that if war broke out again in Europe England and Austria would be found fighting side by side. It was often said that Austria was a despotic Power. But that was no longer the case.

Austria now possessed a Constitution as free as that under which we lived, and had recently given to her provinces an autonomy and independence which would only be paralleled on the other side of the Atlantic in the Constitution which lately existed in the now dis-United States. Those provinces would now enjoy a far larger amount of autonomy and self-government than we gave to Scotland or Wales, and much more independence than we were willing to grant to Ireland. For federal and imperial purposes Austria now possessed a Constitution fashioned after the likeness of our own. She had a Lower Chamber elected by the Diets of the Empire, which were in their turn elected by a suffrage which not even the hon. Member for Birmingham (Mr. Bright) would call illiberal, because every man who paid five florins, about 9*s*., in taxation, had a right to vote. In addition she was to have an hereditary Upper Chamber and an hereditary Sovereign. The Hungarians objected to this, and wished to have separate Ministers for finance, war, and he believed foreign affairs. If Austria granted these demands she might as well dismember her empire. If we made such concessions we should not only repeal the union, we should re-establish the heptarchy. Austria ought to be encouraged and cheered on in the path of constitutional reform on which she had entered, rather than checked and arrested in her progress by having made upon her demands with which it was impossible that she should comply. It was with particular satisfaction that he at this moment pointed to the existence in Austria of an hereditary Upper Chamber founded upon a territorial class, because recent events had shown that an independent territorial class was the safest breakwater against both the tyranny of despotism and the disorders of democracy. It was not the power of every country to possess an hereditary Upper Chamber, because some countries had not within them the essential element, an independent territorial class. Italy possessed that advantage, but had not availed herself of it. In the States of the Church and in Lombardy there was a law of primogeniture, and consequently a territorial class; but M. Cavour had declared that he would introduce the Code of Piedmont and under it the forced division of property into every portion of Italy which was annexed to that kingdom. Already he had endeavoured to introduce it into Lombardy; but the attempt was so unpopular that he had been forced to desist from his efforts. Under the Constitution of 1812 — commonly called Lord William Bentinck's Constitution—the forced division of property did not exist in Sicily; but when the Bourbons were restored they re-established that law, because they were unwilling that an independent territorial class should stand between a servile people and their leaden sway. If he had any fault to find with the despatches of the noble Lord, it was that he did not find in them a single word of protest against the decision of M. Cavour to introduce the forced division of property throughout Italy. He felt strongly upon this subject. He thought that it was the duty and the mission of England to proclaim the doctrine of primogeniture throughout Europe, in contradistinction to that of the forced division of the soil, because in every country in which there was a forced division of property we found sympathy with the institutions and greatness of France, while, where a law of primogeniture existed, there we found sympathy with England, with her institutions and with her greatness. In moving for these papers he could assure the noble Lord that he did not wish to cast the smallest reflection upon his foreign policy, because he believed that, upon the whole, that policy deserved the approbation of his countrymen, that the honour of England was safe in his hands, and that his displacement from office at the present moment would be a most untoward event.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Papers or Despatches which have been received from our Ambassador at Vienna, detailing or describing the nature of the Constitution lately granted by the Emperor of Austria to the various Provinces and Subjects of his Empire.'"

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ST. AUBYN said, it was not his intention to follow the hon. Gentleman throughout his statement. In reference to the case of Austria it was evident that her internal affairs were so rapidly approaching a crisis that the well-founded opinions of to-day might be scattered to the winds by the events of the morrow: he would, therefore, confine his remarks to the general question of the independence and unity of Italy, and the future prospects of the Italian peninsula. He believed that nine out of ten Members of that House, and of thinking persons in this country, were anxious to see a united and independent Italy. But he was not one of those who could view with satisfaction the dismemberment of the Austrian empire. He believed it was the interest of all continental nations, and especially of this country, that a powerful State should exist in the centre of Europe—a State, not merely powerful in the affections and good dispositions of its subjects, but also powerful in the administration of good government. Austria, it was said, was now going in that direction, and so far it ought to possess our warmest sympathies. But the retention of Venice did not strengthen Austria. The case of Venetia was not like that of Hungary. The Venetians were Italians, and they alone of all Italians were now under the domination of a foreign and oppressive Government. It could not be supposed that the Venetians would be content with this state of things. They felt as the men of Kent or Sussex might be supposed to feel if they alone of all Englishmen were subject to a government alien in race, in manners, and in language. Under those circumstances Austria could not hope to maintain a hold upon the affections of the inhabitants of Venetia, who would assuredly, on some day or another, emancipate themselves from her thraldom. He mentioned these things for the sake of Austria herself, which must feel her power more or less crippled so long as such a state of things was allowed to continue. She was at an immense expense, both as regarded money and men, in order to maintain her position in this discontented province, and it must be for her own interest, both as regarded Italy, and as it regarded her position in Europe, that she should withdraw from her Italian province. But even if Austria withdrew from Venetia there was another obstacle to complete Italian unity—the delicate subject of the occupation of Rome by the French troops. The affairs of Rome were complicated by considerations other than those which affected the nationality of Venetia. The position of the Pope as spiritual head of the Catholic Church had immensely complicated the affairs of Italy, in consequence of the occupation of that capital by the French army. Opinions, he believed, were rapidly gaining ground amongst the Roman Catholics that the Pope would be best able to discharge the duties of his spiritual office by being relieved of his temporal authority. To the French Emperor and the French people generally the Italians owed a deep debt of gratitude, and it was in his power to assist them to the possession of their ancient capital, and so complete the work he had begun. He did not think it was too much to say that without the intervention of the Emperor of the French the power of the Italian people to obtain their liberty would have been utterly hopeless; now, on the other hand, by refusing to accede to the reasonable demands of the people of Italy the Emperor was gradually destroying his own influence upon the affairs of the Continent generally. The withdrawal of the French troops from Rome appeared to him (Mr. St. Aubyn) to be the only step that could obviate the disasters of a long and bloody war, that could strengthen the Imperial policy and ensure the peace of the civilized world. He regretted that the Motion of the hon. Gentleman opposite was not one that was calculated to elicit a strong feeling on the part of the House of Commons. It was possible that a Resolution of the House of Commons might have some little influence upon that arm that was directing the movements of so many men around the capital of Rome. It was not the less important and necessary, when a question of vital importance was brought before the House, that they should give expression to their views. He regretted the hon. Gentleman had not taken the opinion of the House upon the Italian question. He trusted, however, that during the debate sufficient evidence would be given to prove the real opinions, not only of this House, but of the country generally, on this important subject of Italian affairs.

MR. BAILLIE COCHRANE said, he should not have intruded himself if he had not heard some very strong opinions expressed by the two hon. Gentlemen who had preceded him; but he thought that neither Austria nor the Pope were likely to feel very grateful for the good advice tendered them by the hon. Gentleman opposite and his hon. Friend—the one of whom advised Austria to cede Venetia and the other the Pope to retire from Rome. His (Mr. Cochrane's) views, and he believed those of the noble Lord the Secretary for Foreign Affairs, who, a few nights ago, insisted on the importance of keeping Austria strong, were that she should continue to possess the important province of Venetia. He did not regret that this subject had been brought forward. The Italian question had not been properly discussed hitherto, but it had been brought forward on occasions only to be made a question bearing upon the conduct of the Pope and the King of Naples. He said the question ought to be, What was the interest of England in the foreign policy of Her Majesty's Government? He, for one, did not think that our foreign policy was such as to promote the interests of England on the Continent. Our position with regard to the Continent was an exceptional and an extraordinary one. We had at that moment literally not one ally in Europe. We had estranged ourselves from France by our ridiculous fears of invasion from that quarter. We had estranged Austria and all our old allies by our unnecessary interference in the internal affairs of other countries. And at the present moment Her Majesty's Government were arming the whole country from dread of the only Power which we professed to have as an ally. He was struck by the observations of the right hon. Gentleman the Secretary for the Home Department yesterday, and he was desirous of seeing how the principle which that right hon. Gentleman then enunciated was to be carried out by Her Majesty's Government. Those observations arose on the question of the war in America. The right hon. Gentleman said it was in the contemplation of the Government to issue a Proclamation for the purpose of cautioning all Her Majesty's subjects from interfering in the hostilities that were going on between the Northern and Southern States of America, and that in that Proclamation the general principle of our laws would be laid down—that principle being that no British subject should enter the service of any foreign Power or engage in any hostilities carried on between foreign States. This was an admirable principle. But had this admirable principle been always applied? He thought he had heard of a foreign legion being recruited for service in the Neapolitan States. He thought he had heard that an office had been opened in Westminster in order to recruit a legion for Garibaldi. He asked whether, if the principle laid down in the speech of the right hon. Gentleman was a sound and proper principle, why it was not consistently carried out? He asked whether it was straightforward and consistent to allow recruiting to go forward in this country to assist an ambitious Power in an aggression upon an old ally? Prussia, too, was a most faithful ally, which had rendered us the most important services in 1814. Without referring to the merits of the case of Captain Macdonald, he thought it was to be regretted that the noble Viscount at the head of the Government should have made such observations against the Government of Prussia as he had done the other night—observations which had excited the strongest feelings of disapprobation in Prussia towards the Government of this country. They had heard statements made about the peaceable state of Italy. The telegrams, however, which arrived every morning from that part of the Continent informed us that there existed now in Italy all the elements of disorganization. The noble Lord the Secretary for Foreign Affairs had in his memorable despatch of October last laid down the principle that if a majority of the people chose they might change their form of Government. [Lord JOHN RUSSELL: Nothing of the kind.] The noble Lord might not have used those precise words, but he said that each nation was the best judge of the form of Government to which it was to be subject [*Cheers*]. He (Mr. Cochrane) regretted that cheer, because it struck at the root of all constitutional order. Why, then, was not that principle applied to the Ionian Islands, the inhabitants of which almost unanimously desired to get rid of British authority? The noble Lord stated the other night that there had been no disturbances in the Ionian Islands.

MR. SPEAKER said, the hon. Gentleman was out of order in referring to a past debate on the Ionian Islands on a Motion for copies of despatches relating to the Austrian Constitution.

MR. BAILLIE COCHRANE said, he was merely referring to the case of the Ionian Islands as an illustration of the argument of nationality. Although the noble Lord stated there had not been any disturbances in the Ionian Islands, the newspapers of that morning mentioned the fact of some serious disturbances having occurred in Zante. Referring to the despatch of the noble Lord, he thought that the policy therein laid down was calculated to prejudice English interests on the Continent instead of creating respect for our power and our institutions.

LORD JOHN RUSSELL: I wish to make some observations upon the speech of the hon. Member who has brought forward this subject. I do not think it would be advisable to produce the despatches to which he referred. They are despatches not entering accurately, or with much of remark, into the present constitution of the Austrian Empire. Of course there are among them official papers, but those papers have appeared in the *Vienna Gazette ;* they have been copied into the newspapers of this country, and, on the whole, I do not think I should be justified in producing these papers to Parliament. Undoubtedly it is a matter of great interest to this House and the country, but at the same time it is a matter the primary decision respecting which must rest with the Government of the Emperor of Austria. The Emperor of Austria has changed the institutions of his country, and has given his people a constitution, founded upon free principles. He has very lately declared the entire religious freedom of his Protestant subjects — a question upon which I had ventured more than once to remark that the Protestants of the Empire were entitled to greater consideration than they then received. With regard to the general constitution which he has given to the empire, it is, as the hon. Gentleman very fairly says, founded upon the principles of the United States' Senate. There are separate local bodies of representatives in Bohemia and in various other provinces, and each of these bodies sends members to the governing body—the Reichsrath. How this system will answer it is beyond our power to say. At all events, we cannot but rejoice that the principles of representative government are recognized, and that the representatives of the people are called together, and that to them will be submitted questions affecting the taxes and expenditure. We cannot but see in those provisions the germs of free representative government. And I hope there is no man so prejudiced against Austria as not to desire to see the Emperor and his people proceed together in the path of free representative institutions. But this grant of a constitution to Austria raises other questions which are of a very difficult nature. It is to be observed, with regard to the recent constitutions which have been created on the continent, that, while they give great satisfaction to the nation at large, in those States which are composed of people of different races and nationalities you do not excite the people against the Government, but you give greater scope to those popular feelings of jealousy, and perhaps of dislike which prevail among those races. Thus, in regard to Poland, since Alexander I. established a constitution in that country, there has been a strong feeling on the part of the Russian subjects of His Majesty against further concessions and further liberty being granted to Poland ; and in the same way we find that the Liberal press of Vienna is quite against making further concessions to Hungary. The dissensions, therefore, which have occurred are not owing to attempts on the part of the Sovereign to coerce or act tyrannically towards his subjects, as to the efforts of the several national parties against each other. The Emperor of Austria, I believe, has intended to act fairly towards Hungary ; but the people of Hungary are, as I think, very naturally attached to the ancient principles of their constitution. I quite agree with the hon. Gentleman that if the constitution of 1848, with a Foreign Minister, a War Minister, and a Finance Minister to Hungary, were effectually carried out, it would lead to the dismemberment of the Austrian Empire. What one must wish is that the principles of that ancient constitution may be observed, and that the Emperor as King of Hungary may be able to reconcile the desires of the people of Hungary for the continuance of their ancient national constitution with the unity of the Empire at large. It is a question of the utmost importance, requiring for its solution the wisdom of statesmen who thoroughly know those countries, and it would be very presumptuous, therefore, for any foreign Government to say in what way those great problems should be solved. All we can do is to show our sympathy both for the Sovereign of Austria, who is endeavouring to effect those great improvements, and for the people of Austria and the people of Hungary, and to express our heartfelt wish that they may be able to overcome these difficulties, and to give fresh stability to that ancient Empire of Austria and that ancient kingdom of Hungary by whose side we fought, not yesterday, or the day before, but throughout many of the troubles of old times. On the subject of Venetia I cannot venture to pronounce a positive and dogmatic opinion; but I must say that the inclination of my mind very much agrees with the opinion expressed by the hon. Member for Maldon (Mr. Peacocke). For a long period the empire of Austria had attached to it those provinces which now form the kingdom of Belgium, and the Austrian statesmen found that a great burden was imposed upon them by provinces so far removed from the seat of Government, in which there were fortresses which they were obliged to defend at very heavy cost whenever war took place between France and her neighbours. Any one looking at the diplomatic correspondence of that time will see that Austrian statesmen were always anxious to get rid of that burden; and at last, after the defeats which they sustained in Italy in 1796, they made what I have no doubt they thought a very beneficial arrangement, giving up the Low Countries altogether, and obtaining in their place the provinces on the Adriatic which had belonged to the Venetian Republic. I must say that I do not think that was a well-considered or well-principled arrangement. The Venetian Republic, which had never been an enemy of Austria, and which had been faithfully neutral in that war, was absolutely destroyed, and Austria obtained what was no less a burden to her than the Belgian provinces had been. The people of Venetia are not well affected towards Austria, and the attempts made by her to conciliate them seem always to have failed. The attempt now made to obtain representatives from Venetia to be sent to Vienna have failed also from that national feeling which prevails in Venetia, and which we are told would make it unsafe for anybody to go from Venice to Vienna. That is a most unsafe tenure for any governing Power to have of its provinces. I must say, at the same time, that the accusations against Austria on this subject are often very incorrect. This House and the English public have lately read a very able despatch from Count Cavour on the subject of the formation of the kingdom of Italy and the conduct of that kingdom towards Austria; and hon. Gentlemen will probably have observed in that despatch an assertion of Count Cavour that for a long time there has been a state of siege in Venice. But the Austrian Ambassador brought me a despatch the other day from Count Rechberg, in which he says that a short time after the Treaty of Villafranca the state of siege was raised, and has never since existed in the province at all. He denies, also, some other assertions; but, although those assertions may be inexact, and although many of the charges of tyranny against the Austrian Government are not true, it is quite true that there are continual attempts in Venice to show their dislike and disaffection towards Austria, and that those attempts are punished by the Austrian Government. There seems, unfortunately for Austria, such a disaffection in Venice towards the Austrian Government that, in my opinion, Venetia can never form part of the strength of the Austrian Empire; nor, as long as Venetia forms part of the Austrian Empire, can it be said that Austria and Italy, or even Germany and Italy, can ever be on those terms of amity which are so desirable for the maintenance of the balance of power in Europe. How that problem is to be solved I know not; but he would be no true friend of Austria who would tell her that the provinces of Venetia formed part of her strength, or that she ought to waste her military power or impose heavy burdens on her people for the sake of maintaining them. I speak of these things, not as matters of internal concern, but as matters which affect the general interests of Europe. I trust, with Count Cavour, the day may come when this question may be settled without war by a general agreement between Austria, Italy, and the Powers of Europe. We have yet to hear what the Austrian Chamber of Deputies—what their House of Commons—may think with respect to these questions; what they may think as to the heavy taxes which the Austrian people have to pay, how these taxes will be best distributed, and what amount of army they should maintain. All these are questions for the representatives of the Austrian people to settle with their Government, and it is for them to consider in what way the empire can best be served. I have already stated that I do not think that, although there is no secret about the matter, it would be desirable to produce the papers asked for, and which relate so entirely to the internal affairs of Austria. I will only repeat, whatever reproaches I may bring upon myself of being an old-fashioned politician holding obsolete notions, I have undoubtedly formed and do entertain the strongest desire for the prosperity and the reviving strength of the empire of Austria.

MR. PEACOCKE said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

SYRIA AND TURKEY.—PAPERS MOVED FOR.

SIR JAMES FERGUSSON rose to call the attention of the House to certain papers recently presented to Parliament relative to the affairs of Syria, and to move an Address for a copy of the final recommendations of the International Commission for the future government of the Lebanon, and to ask Her Majesty's Government whether it was their intention to urge the adoption of the plan of Her Majesty's Commissioner for the government of Syria upon the Sublime Porte? Although questions connected with the finances of the country naturally occupied the public attention at that moment, a little consideration would show that the affairs of Syria were not unworthy of deliberation, for those remote occurrences often exercised more influence even on the financial affairs of the country than would at first sight be believed. The China war in its beginning was insignificant enough, but it since attained a formidable magnitude in its bearing on our financial affairs, and probably we had not yet heard of it for the last time in our Estimates; and when we considered that a question relative to Syria led to the Crimean war, in which we lavished so much blood and treasure, and remarked the language held by more than one great Power in Europe—bearing so remarkable and significant a resemblance to the events that led to that fearful struggle, he thought the House would not do amiss if they considered the question which now presented itself with regard to Syria in all its bearings, and pressed on the Government the pursuit and the perseverance in a policy which being at once avowed and unswerving should steer clear of those dangers which had ever beset a vacillating policy. He did not think it necessary to go deeply into the history of the civil war which broke out in Syria last year. At first the sympathy of the British was naturally with those who were Christians, at least in name. He ventured at the time to express a belief that the quarrel would be found to be one, not of religious differences, but of hostile race; and he only referred to this now because it was a great satisfaction to him to find that the noble Lord who had so well represented this country in the internecine commotions of Syria had now come to be entirely of the same opinion. He would refer briefly to the account which Lord Dufferin, with his mature experience, gave of the outbreak amongst the tribes of the Lebanon and the outrages that were committed north of Damascus. In reading the blue book one could not fail to be struck with the firmness which Her Majesty's Government had shown in dealing with so difficult a question. From the first the Government saw the difficulties that were likely to arise from the occupation of Syria, and he did not doubt that they regretted the hasty consent they had given to the mission of the French troops to that country. He thought they had great reason to contratulate themselves on the universal meed of approbation which had been accorded to their representatives in Syria. Nor had there been wanting a manifestation of a spirit of benevolence by British officers, who, travelling in Syria for their own pleasure, had yet been instrumental in warding off many of the evils of civil war and of attaching the population to England, inasmuch as their conduct had well exhibited the unselfish policy of this country with regard to other nations. It would have been matter of further congratulation had we succeeded in doing more in procuring the administration of unswerving justice in Syria. It was to him matter of astonishment, after reading the opinion of Lord Dufferin on the history of the quarrel, to find that punishment had been meted out to only one party in that quarrel; and that although it had been proved on the clearest evidence that not only the Druses but the Maronites were guilty of premeditated war. In one of the despatches in the blue book which he held in his hand, our Government were congratulated by Sir Henry Lytton Bulwer on the success of their endeavours to rescue from an unmerited death one of the great chiefs of the Druses. If they had succeeded in nothing else it was a great thing to rescue from undiscriminating punishment one who, so far from having been proved guilty, had been proved to be innocent. He was sorry to say that the congratulations were at least premature; for just before he entered the House that evening he received a letter which filled him with pain and regret. He had believed that when Her Majesty's Commissioner in Syria had expressed a decided opinion of the injustice of the proceeding by which the condemnation of Said Bey had been obtained his liberation would have been at once brought about. But he had received a letter from a gentleman now residing in Paris, who had often furnished him with valuable information, which letter he would hand over to the noble Lord at the head of the Foreign Office presently. The writer said, "I have just heard that poor Said Bey is dying in prison, with many suspicions of foul play. For God's sake interfere, so that a despatch or telegraph from the Government may desire his liberation." The letter went on to say that the continuous French occupation of Syria had greatly diminished our influence there. No doubt the noble Lord had received information on the same subject, and he trusted that if the Government gave the slightest credence to the rumour, they would not allow the man in whose innocence they believed to languish or die in prison. Lord Dufferin, in a despatch written on the 24th of February, said that when he first went to the country he was actuated by feelings of indignation against the Druses for their attack on the Maronites. But he soon found the affair was complicated; he saw there were two sides to the story; and that as the true state of the case unfolded itself, it became a certainty that, however criminal might have been the excesses of the Druses subsequently, the original provocation came from the other side. A despatch of Mr. Brandt, Her Majesty's representative at Damascus, expressed his opinion that the quarrel was one of long standing, and that it was an old wound re-opened. He attributed the outbreak there to the weakness of the Government in the provinces. The Pachas had no money to pay their troops; no means of repressing disorders; they had gone on careless of what took place; they were not troubled by the passions of the Mahommedans which always disturbed them, and at times broke out in a general massacre. This was different from the quarrel in the Lebanon. There it was a contest between hostile races. The disturbances in the towns were of a kindred nature to those in India. They were temporarily checked in 1858, when the first outbreak took place in Jeddah; and in his opinion they might have been checked in Syria, had the same vigorous action been continued. What, then, had been the conduct of the English and French Governments? When the outbreak took place, when the news of the massacres in the Lebanon reached this country, Her Majesty's Government took proper measures, which were consistent alike with the independence of Turkey and their duty to British subjects in Syria. They gave orders to despatch ships to the coast of Syria, and called on the Porte to repress the disorders. At first the French Government took the same course, as appeared by a dispatch of M. Thouvenel on the 16th July. He expressed himself satisfied with what had been done by the Porte, and declined to take any part with either of the two populations. But on the 17th M. Thouvenel wrote a second dispatch, in which he said he had been to St. Cloud and seen the Emperor, who considered it absolutely necessary that troops should be sent to sustain the authority of the Porte and to prevent the recurrence of fresh disorders. It was true that news had, meanwhile, arrived of the massacre at Damascus; but the information which the French Government had received years before must have convinced them that such an occurrence was to be expected; and it was remarkable that one day should have sufficed to make such changes in the views of the French Government. The Emperor concluded that the Porte had no authority left, and that it was impossible for it to send to Syria the necessary troops. Then the noble Lord took a step which he (Sir James Fergusson) thought he must have repented ever since. On the 18th of July he consented to the occupation of Syria by French troops. By the 21st he saw reason to change his opinion, and said he thought the despatch of troops unnecessary. But in the meantime the *Moniteur* announced that the English Government concurred in the step of sending troops to Syria. Then it was that the French were able to establish what he might call their leadership in the intervention in Syria. The noble Lord having consented to the step, seemed to think that that would satisfy France, and for some time afterwards he took no further steps in the negotiations. But the Porte protested against the sending of troops, and the British Consul at Damascus reported that the Turkish Government had succeeded in re-establishing order there. The despatch of the troops had therefore become unnecessary; but here was the point on which all the after negotiations turned. The noble Lord having consented to the despatch of French troops, did not insist on limiting their action to the occupation of the towns on the coast, where they would be able to give a moral support to the Turkish Government. It would be seen that most of the troubles of the French occupation were caused by the troops not being confined to these towns, where, if they had remained, they would not have roused the passions of the country in the manner that they had done. The Emperor agreed in the Conference to send his troops to act in concert with those of the Porte; but the language held to the troops themselves was hardly consistent with that idea, for in the "general order" issued to them on their leaving all the traditions of the First Empire were invoked; they were told that they were charged with a great mission to the East—that they were going in the spirit of the first Crusaders. At the same time the other Powers were assured that the occupation was to be wholly a peaceful one, its object being to give moral support to the Turkish Government. On the 3rd of September the real policy of the French Government was made plain, when the French General, Beaufort, protested against the French troops being left inactive at Beyrout, and applied for permission to march up the country. Remonstrance was in vain, and the consent of the Turkish Government was unwillingly given to their advance upon the Mountain, where the General insisted on the occupation of the hostile territory of the Druses. About this time the noble Lord thought fit to interrogate the French Government, wanting to know how long the French troops were to say in the country; but he could obtain no satisfactory answer, and matters went on till, on the 7th November, he wrote a despatch stating that he saw insuperable objections to a prolonged occupation. Still the French made no sign of moving, though the Emperor continued to profess his anxiety to withdraw as soon as a settled government could be established in the country—but he refused to see that it was the continued occupation of the French troops that led to disorder. The negotiations became rather angry, the noble Lord again requesting that the troops might be withdrawn, and M. Thouvenel reiterating his opinion that the state of the country rendered that step impossible. On the 28th of January a despatch was written by M. Thouvenel which appeared to him to contain the key to the whole policy of the Syrian occupation. He stated that the troops would be withdrawn as soon as it was clear that the Maronites were not placed in a worse position than they were before, and that it could be made clear to the Catholic world that they had done all that could possibly be done for their protection; for if there should be a renewal of these atrocities after the evacuation the whole blame would fall on the French; and he (M. Thouvenel) would not deny that the French Government placed a certain value on the preservation of their influence over the Maronites. He thought the French Minister had been seized with an unwonted fit of candour when he wrote those words. He would not, then, inquire whether it was not that influence which for a great number of years had proved most detrimental to the good government of the country, by setting the Maronites against the Turkish Government, and leading them to expect aid from France. But by this despatch he thought it was clearly proved that the object of the French occupation of Syria was to encourage the Christian population to lean upon France for protection rather than on the Government of the country to which they belonged. It was originally agreed that the occupation should terminate in March, and some curious negotiations had taken place as to the prolongation, which, to speak fairly, were as unworthy of a great country as it would be of a private gentleman. After some difficulty it was agreed that the evacuation should be postponed to the 5th of June. M. Thouvenel then made objections to the evacuation being made effective on the 5th of June, and proposed that it should be enough if the transports were off the coast by that day. The English Government agreed to waive the term that the troops "shall" leave the country on the 5th, and substituted the word "ought," but insisted that there should be a "*terme definitif.*" The French Government objected to the word "*definitif,*" and that was struck out. Then the French Government applied that the evacuation should be postponed for ten days more; and then the noble Lord, in a despatch which must commend itself to the approbation of every gentleman who had read it, as the firmest that he believed was ever written by an English Minister, wrote that there must be an end to these discussions. Well, what had been the effect of this occupation? Had it tranquillized the country? His conviction was that the manner in which the French occupation had been carried on, so far from being conducive to the tranquillization of the province, and the re-establishment of the Sultan's authority, had had quite the contrary effect, and that every day it was prolonged it rendered more hopeless the restoration of a state of things in which commerce could be expected to flourish, and the peace of the Turkish Empire be preserved. This led him to the point which induced him to bring forward this question. It was a very serious matter for any one who advocated the early evacuation of Syria to consider what events might follow that evacuation. He had received letters during the last month from gentlemen holding different opinions on Syria; but all entertained the greatest dread of what might follow the evacuation of the country by the French. He received a letter yesterday from a gentleman at Beyrout, in whose statements he had reason to place every confidence, describing the state of uneasiness which existed at Beyrout as very serious, and mentioning that families which had been there for twenty-five years were now talking of leaving the country. There were several passages also in Lord Dufferin's despatches indicating his dissatisfaction at the state of affairs, and his anxiety as to what might follow the evacuation. He made these statements in all candour, as not wishing to keep back anything that ought to be known; not because this was an argument to prolong the occupation, but to show the necessity of early measures being taken to make a fresh outbreak impossible. If Englishmen were to shut their eyes to the dangers which undoubtedly existed, they would lay themselves open to the imputation—which the French would not be slow to cast upon them—that the jealousy of France rendered them insensible to the real interests of the country. To show that these imputations were already cast, he might refer to a clever article which appeared three months ago in the *Revue des Deux Mondes;*—and, by the way, he might observe that it was a most extraordinary thing that this article was written three months ago on a paper which had only just been presented to Parliament. That paper contained the reports of the British Consuls in various parts of Syria; they were confidential reports, and were printed only for the use of the Foreign Office. Until quite recently the noble Lord said it would not be for the public advantage that they should be presented to Parliament; yet this was the document on which a writer in the *Revue des Deux Mondes* commented three months ago. The commencement of that article was cercertainly the coolest he ever read. The writer said he would give a free translation—

> "We have before our eyes certain reports which were sent by the British Consuls in Syria to Sir Henry Bulwer and to Lord John Russell. These reports were not intended for the public or for Parliament. We see that they were printed confidentially for the use of the Foreign Office; but we have thought that it would be good that these valuable and curious reports should be printed, in part, at least, for the guidance of public opinion, and for that reason we give an exact analysis of their contents."

It was clear, therefore, that documents which had only just been submitted to the British Parliament, were in the possession of a French pamphleteer as early as February last. The writer then proceeded to make a careful analysis of these reports, and he hinted that the jealousy of England was such that she would rather see a recurrence of these outrages than the continued occupation of the country by the French. He concluded by stating—

> "Unhappy country! there is on its horizon a cloud of blood, which, if it falls, will fill Europe with remorse and shame. Think of the effect which the cry will have in history when it is stated that 30,000 Christians were massacred in Syria in 1860, and 30,000 more in 1861, because England did not wish that they should be saved by France, as that would increase her influence in the East."

Now he thought this justified him in urging on the Government that they should insist on the Turkish Government taking those steps at once which would alone be sufficient to prevent any evil consequences from the withdrawal of the French occupation. Lord Dufferin pointed out in his despatches that the Maronites were increasing in insolence, that they depended on France, and that so long as her shelter was thrown over them they neither knew nor cared for any other Government. What propositions had been made for the amelioration of Syria? Lord Dufferin had addressed himself to that question with great ability, and he had gradually brought round to his opinion the other members of the International Commission. It was to be regretted that the necessity of concluding these deliberations, so that there should be no excuse for the further occupation by the French, had obliged him to limit his deliberations to the settlement of the Lebanon, and prevented him from extending his plans to the future Government of Syria. He had, however, laid down important principles for that Government. He pointed out the viciousness of the present system, arising from the farming out of the taxes, and the rapacity of the Pachas, who knew they would not be continued in office long. Mr. Skene, the Consul at Aleppo, dwelt on the same grievances, and showed that the vices of the existing Government sprung from the weakness of the central authority and the mischievous practice of farming out the revenue. The peasantry were driven to despair, because if a man had more than an ordinary crop he knew he would be subjected to fresh exactions. The Pachas were never secure of their position for a year; and when, as sometimes happened, they were honestly inclined and wished to make roads or carry out other improvements, they found themselves surrounded by greedy followers who had friends at Constantinople, and whose rapacity they were compelled to satisfy for their own interest. Lord Dufferin represented that the future Governor of Syria must be a man who would be able to be independent of the hateful influences of Constantinople, who should be relieved from the necessity of paying black mail for his appointment, and who would be independent of the sinister influences of the different European Consuls, who were too often engaged in furthering other interests than those of the country. The noble Lord further stated that his scheme would fail unless a man was appointed who would command the respect of the European Powers; and that the people naturally looked on Fuad Pacha as the proper person—a view taken also by Sir Henry Bulwer. The noble Lord pointed to the absolute necessity for the de-centralization of Syria from Constantinople and the centralizing of power in Syria. Now it might be said that Fuad Pacha already possessed these powers. But he had not the power of appointing or removing his subordinates, he had no control over the commander of the army, who received his orders direct from Constantinople, or of distributing the revenues of the country, after a fixed tribute had been sent to Constantinople. Both Sir Henry Bulwer and Lord Dufferin stated that, unless in these respects the Governor had full and complete authority, it was useless to expect good government in the future. Lord Dufferin pointed out the absolute necessity of separating Syria for administrative purposes from Constantinople, and centralizing authority in that country. A plan for the Government of the Mountain had been prepared by the International Commission, according to which it was proposed that a Christian should be placed at the head of it, but that the Druses should be under a Druse, the Maronites under a Maronite, and the Greeks under a Greek. This plan was entirely in accordance with the suggestions contained in a remarkable Memorial which was presented to Lord Malmesbury in 1852, in which it was pointed out that the Lebanon could never be tranquil under the arrangement which divided the Mountain between two Kaimakans, leaving in some places Druses under the Government of a Maronite, and in others Maronites under that of a Druse. The Commissioners, with the exception of the French Commissioner, were unanimously of the opinion that the head of the Mountain ought not to be a native; but, unfortunately, the French Commissioner insisted that a Maronite should be appointed to that office. At that point the real information contained in the blue book ended, and the House was not informed whether the International Commission had come to any decision, or whether its appointment had been a failure. In the mean time, there appeared on the part of the French a disposition to throw on the English the responsibility of removing the troops, and of those torrents of blood which it was predicted would flow on their removal. The French had pointed out to the Maronites that their troubles were at an end, and that they would take care of them for the future, and in consequence of these assurances the Maronites had used language as against the Turkish authorities to which they had never before been subjected. It was probable, therefore, that, unless active measure were taken to induce the Porte to improve the Government of the country, and to give to one man power to repress disorder for the future, disturbances would again break out which would give France a colourable excuse for the despatch of a fresh expedition, without the consent of the Powers, for a new occupation of Syria, which might be indefinitely prolonged. In this state of things a good opportunity presented itself to England. Turkey regarded this country with a friendly eye, and although Turkey had protested against the establishment of an independent province in Syria, as fatal to the existence of her authority elsewhere, he thought that a middle course could be adopted, by the appointment of Fuad Pacha, not with a perpetual tenure of office, but with a power of continuance until he had had time to reform the Government. The Government of the Emperor of the French must, he thought, feel embarrassment on this question, and instances were not wanting in the despatches of M. Thouvenel which would lead to the belief that his Government would not be unwilling to recede from the position they had assumed. In this matter England could not be charged with pursuing any selfish policy, notwithstanding what had been stated by some French pamphleteers; and if we could prevent fresh disasters in Syria we should only be adding another to the many services we had bestowed on Turkey. We had already, through our Ambassador, Lord Stratford de Redcliffe, done much to improve the condition of the Christian subjects of the Porte, and the policy recommended by that noble Lord might, if fully carried out, become in the future, the foundation of the stability of the Turkish Empire. When the results of selfish ambition and aggression should have passed away, there would remain the fruits of the honourable policy which have ever characterized England, and which would bring eternal lustre upon the name of the Minister who should more successfully carry it out.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the final Recommendations of the International Commission for the future Government of the Lebanon.'"—instead thereof.

LORD JOHN RUSSELL: Sir, the hon. and gallant Gentleman has called attention to the condition of Syria, the policy of the European Powers who have intervened in its affairs, and the course of Her Majesty's Government with respect to that policy. After the able speech of my hon. and gallant Friend, I think it right that I should state, as far as I can, the present position of these affairs, and the views of her Majesty's Government with respect to them. The hon. and gallant Gentleman says truly, the papers that have been produced contain various recommendations with regard to the Lebanon that have been offered from time to time. One of those recommendations is that there should be a Governor General of Syria having extensive powers, and under him a Christian Governor of the Lebanon. I own it appeared to me that this arrangement would have been to the advantage of Lebanon, would have conduced to the welfare of the inhabitants, and been on the whole the best arrangement that could have been made. The Porte, however, felt great objections to the proposal to appoint a Governor General of Syria, apprehending he might assume an independent position, and imitate in Syria what has taken place in Egypt. As there were no means of deciding this point in opposition to the wishes of the Porte, the Commissioners thought that there might be a three-fold division of authority—that a Kaimakan might be appointed for the Maronites, another for the Druses, and a third for the natives belonging to the Greek Church. It was also proposed that a system of "disaggregation" should be adopted. The word is used to describe the process by which certain villages inhabited by Maronites should be taken from under the authority of the Druse Kaimakan, and transferred to the Kaimakan of the Maronites; and *vice versa* other villages inhabited by Druses taken from the Maronite authorities, and transferred to that of the Druses. But this arrangement could not be easily accomplished; it was much opposed by the French Commissioners, who were supported in their view by their Government in Paris; and it became impracticable. It then appeared to me that the best plan was to go back to the original proposition, leaving out those points to which the Sultan objected; the best solution of the difficulty seemed to be the appointment of a Christian Governor; and it had the merit of having received in its former shape the concurrence of all the Commissioners. Their only differences of opinion were on the point—certainly one of great importance—whether the Christian Governor should be a native or not. Four out of the five Commissioners thought he ought not to be a native; and it struck me as obvious that there would be a danger, if the Governor were a native of the Lebanon, that he would retain in his own breast, and cherish in the breasts of his family and tribe, those resentments and hatreds which have caused so much desolation and bloodshed already. My own opinion is that the arrangement to which I have just referred should take effect; but the French Government are still of opinion that a Maronite chief would afford the best kind of Government for the Lebanon. The last Report of the Commissioners I have not yet seen, but I believe it is nearly in accordance with what I have stated; it has been sent to Constantinople in order to be considered there. The hon. Baronet will see that I cannot produce the further papers he asks for. We are just at that point of the negotiations at which it is the general rule and practice not to produce to the House such documents, and some of them, indeed, have not yet reached my hands. I hope, with the hon. Baronet, that we may be able to find some means for the future good Government of Syria. I quite concur with what the hon. Gentleman has said of the merits of Lord Stratford de Redcliffe's exertions in Turkey. But there is this difficulty that has since arisen, and still continues; the Russian Government has always considered itself bound to take under its special protection the subjects of the Sultan who belong to the Greek Church. The French Government, on the other hand, considers it a matter involving the pride and glory of France that it should extend its protection to the Roman Catholic Christians. Our course has been, and we have invariably pursued it, to induce the Sultan to endeavour to give to all his subjects the protection and good Government they are entitled to, whether they are of the Greek Church, Roman Catholics, Maronites, or Druses. We think they are all equally entitled to good Government. We see with great pleasure the improvements that have been made from time to time; they constitute, on the whole, vast changes from the condition of the Christians in Turkey twenty or twenty-five years ago. Other questions remain, in some parts of the Sultan's dominions, with regard to those changes. I cannot now enter into the particulars, but the negotiations now cannot last very long, as the points under discussion have been reduced to very few—almost to one. With regard to the evacuation of Syria by the French troops, we have every reason to rely on the good faith of the Emperor of the French in carrying out the engagements into which he has entered.

Mr. LAYARD thought the present question involved precedents of very great importance, not alone as far as Syria was concerned, but as applicable hereafter to other parts of the Turkish empire. The House was indebted to the hon. and gallant Gentleman opposite for the able manner in which he had, on more than one occasion, dealt with this matter. They could not doubt that the hon. Gentleman was well informed, as the facts he had stated had always turned out to be true. He was himself not prepared to go to the extent the hon. Gentleman did in the policy he advocated; but the Motion would tend to strengthen the hands of the Government. The papers laid upon the table of the House proved three things: first, that there was great difficulty in governing Syria; next, that mischief under foreign occupation had already occurred; and, thirdly, that in the past outrages the Christians were the aggressors. It would appear that the Maronites were instigated to the aggression by their priests, or by foreign agents; that the Druses, convinced at last they should be attacked, endeavoured to anticipate the Christians; that sanguinary battles ensued in which, as in all barbarous warfare, there was much unnecessary slaughter. The papers proved also that some of the Turkish population of the towns, generally of the lowest order, joined the Druses and took advantage of the outbreak for the purpose of plundering. On the other hand, it was proved that a large number of the higher class of Mahommedans gave protection to the Christians. Before the French occupied Syria it had already been shown that the Porte could repress these disturbances; some of the guilty it had already punished, but it allowed others to escape who ought to have been punished—for which it deserved reprobation. It was evident that since the French occupation an unsatisfactory state of things had prevailed in Syria, arising out of the misconduct and irritating attitude assumed by the Maronites, who had, murdered a large number of men, women, and children in cold blood. The French occupation had only led to mischief, as it had encouraged ideas of vengeance on one side and retaliation on the other. He believed the French would leave Syria in June, according to the Convention; but what was to be done with Syria when they did leave? The difficulty of governing Syria was increased by the fact that it was inhabited by ten races divided into seventeen fanatical sects. Lord Dufferin was a high-minded, liberal gentleman, possessed of good sense and judgment, but before he had been in Syria two months he proposed a plan for the government of that country—a problem which had for years puzzled those best acquainted with the East. That plan was sent home, accepted by the Foreign Office, and Sir Henry Bulwer was instructed to press it on the attention of the Porte. The Porte, however, very naturally protested against this scheme on the ground that it would place Syria in the same position of virtual independence as Egypt. It was first suggested that the mountains should be divided into two parts with a Christian and Mahommedan governor. Then Lord Dufferin and the Commissioners agreed that there should be one Christian governor for the Lebanon, but the French said he must be a Maronite. Lastly, it was suggested that there should be three governors—a Greek, a Druse, and a Maronite; but all these plans appeared to him equally unworkable. He thought they ought not to suggest to the Porte any plan whatever. It was unjust to force on the Porte a plan for the government of Syria, and then to make it responsible if that plan did not succeed. Either the Great Powers should take the government upon themselves, or they should leave it to be administered by Turkey, holding Turkey responsible in case of failure. It was admitted that the Porte was fully alive to its responsibility towards the civilized world, that it would do its utmost for the good government of Syria. But the greatest difficulties the Porte had to contend with arose from the Christians themselves. When Fuad Pasha left a Christian governer at Damascus he was actually obliged to turn him out on the complaint of the Commissioners, because of his oppression towards both Christians and Mahommedans, and because he committed outrages upon unhappy women who went to him for redress; and Lord Dufferin stated that the worst and most bloody feuds on the mountains had been between the Christians themselves. Any general principle or precedent which might now be laid down for the Government of Syria required the utmost consideration, because they might hereafter become applicable to other parts of Turkey. If the principle now attempted to be established with regard to Syria were accepted, Russia had an equal right to claim the application of the same principle to the rest of Turkey. Allusion had been made to an article in the *Revue des Deux Mondes*, as containing misrepresentations. Unfortunately it was the custom of French writers to endeavour to give a false notion of our policy in the East. If he should not be out of order he wished to refer to an instance which involved a matter personal to himself. An article had appeared in the *Débats* grossly misrepresenting him.

MR. SPEAKER said, the hon. Member might refer to anything which he construed into an attack on his personal character, but it was not in order to quote documents referring to debates in this House.

MR. LAYARD was aware of this, but the statement to which he was alluding did affect his personal character. It represented him as having said that the English Government should ask the Sultan to send two Albanian regiments, whose pay was in arrears, to the Ionian Islands, and that then the Ionian Islands would know how to appreciate the English rule. No English gentleman would have expressed such an opinion, and to impute it to him was a reflection on his character as a Member of this House. With regard to the state of Christians in Turkey, the consular reports recently laid upon the table, showed that, after all, their condition had very much improved, and if it had not it was due to themselves rather than to the Turks. They would not help themselves. The papers would show that many of the so-called Christians were a shame to the name of Christianity. He thought these papers creditable to Turkey, but at the same time complained that it was a hard thing that they should be published. Fancy sending to Ireland a Consul from every nation in Europe, and inviting them to make a report upon the differences between Catholics and Protestants in that country. It would be impossible to govern Ireland a week after the publication of such a report. It might appear a paradox, but it was literally true that the present position of Turkey was entirely owing to her toleration of religious creeds. It was a mistake to suppose that when the Turks conquered the provinces now forming that empire they found a highly civilized people. Any student of history would know that the Byzantine Empire was at that time so low that it was falling to pieces of its own accord. A Christian body would have exterminated the conquered race as the Spaniards had exterminated the Moors, or as Russia was now ruthlessly exterminating the Tartar races in the Crimea; yet Russia had the audacity to complain of the conduct of Turkey! There was, no doubt, a great deal of misgovernment in Turkey, but any one who read those papers would see that there was a steady desire on the part of the Sultan, and on the part of the higher dignitaries, at least, to introduce improvements; and in a few years' time the country might be expected to be in a far better position than at present. It appeared from the report of Mr. Consul Skeen that in Northern Syria there was an absence of crime of any kind, which could not be recorded by any civilized country in Europe. He asked them to leave the Porte to govern Syria, and to make the Porte responsible. To do this they must stop consuls and priests from being political agents. He could tell them the present position of a Governor of a Turkish province. When a new Pasha was appointed he was waited upon by the English Consul, who recommended the imposition of such and such taxes, and the remission of others. The

French and Russian, and Russian and Greek Consuls called and made their recommendations in the same way; of course, the unhappy man could not adopt them all, and then those consuls whose suggestions were not adopted wrote to Constantinople that the Pasha was corrupt and unfit to govern a province, and in a short time the unhappy Porte was compelled to withdraw him; and so it went on, Pasha after Pasha, till government was utterly impossible. Of all the curses to a country the greatest was the political agitator in the garb of the *soutane*, and Turkey suffered more than any other country from this source. All sects were alike in this respect. As a general rule there was no systematic oppression of the Christians in Turkey. He desired to see them flourishing and happy, but a great deal depended on themselves; and he hoped, therefore, that the noble Lord at the head of the Government would support the Turks in this matter, and would not force upon them an impracticable plan, which could only end in failure.

MR. C. CLIFFORD said, he felt greatly indebted to the hon. and gallant Gentleman for having brought forward this subject, and begged to remind the House that he had been the first to warn it to suspend its judgment when the conflict broke out last year. He (Mr. C. Clifford) spoke from his own personal experience of the miserable condition of the Lebanon, in consequence of the political intrigues of the Christian priests. In 1844, when he was over there, a war broke out, which was begun by the Maronites, and had it not been for the interposition of a gallant officer an equally dreadful massacre would have been perpetrated to that which had horrified them last year. The country was deeply indebted to Lord Dufferin for the manner in which he had made a stand against the wholesale massacre of the Druses which was at first demanded by the Maronite bishops, and also against the heavy fines it was proposed to levy on them. Those priests handed in at first a list of 4,600 persons whose death they demanded, and that list was subsequently reduced to 1,200; but that sanguinary suggestion, thanks to Lord Dufferin, was not carried out; and next to impose a fine of 1,000 piastres, or about £8, upon each male Druse above fifteen years of age, which would have produced heart-rending misery. The plan developed by Lord Dufferin in his despatch of the 3rd of November was very well calculated to remove the difficulties which beset the government of the Lebanon, though he despaired of seeing the time when the hostile tribes would be brought into true reconcilement with each other. He could not, however, agree with that part of the plan which proposed a loan, to be guaranteed by the different Governments of Europe. The manner in which the great offices at Constantinople were disposed of was most scandalous. Lord Stratford de Redcliffe, the foremost defender of Turkey, admitted the corruption which was practised, and all he could say was "corruption was not long ago also rife in England, and even now the words of Mr. Burke are ringing in our ears." But, if corruption did at one time prevail in England, we had never appointed as governors of provinces persons who would become the accomplices of murder and treason. When he (Mr. C. Clifford) was in Beyrout information arrived there that a Christian garrison had been shut up in a fortress, and that they had surrendered to the Druses. It appeared that those Christians were subsequently led captive into a certain ravine, with the intention of being massacred. A gallant officer, however, went to their rescue, and by his influence over the Druse chiefs saved them from the fate which threatened them. The Christians, numbering 160, and composed of men, women, and children, were brought in safety back to Beyrout. The gallant officer to whom he alluded was the same who had marched from victory to victory in India, and had retrieved our fortunes there when they looked gloomy in the extreme. His name was Sir Hugh Rose, whom he (Mr. C. Clifford) was proud to call his friend.

SIR HARRY VERNEY addressed the House and was proceeding to point to the corruption and mal-administration that pervaded the Turkish Empire; when—

Notice taken, That Forty Members were not present; House counted, and Forty Members being present,

SIR HARRY VERNEY proceeded to say that this corruption and mal-administration were at the root of all the disturbances in Syria and other parts of the Turkish Empire; and that it was to the remedying of those evils that attention must be turned if we hoped to avert the danger arising to Europe from the present condition of the Turkish Empire. The hon. and gallant Member was very imperfectly heard.

MR. MONSELL thought that the House

had diverged from the important question brought before it by the hon. and gallant Gentleman opposite. The object of the hon. and gallant Member was, he believed, to impress upon Her Majesty's Government the necessity of devising some reliable security that the disgraceful scenes which took place last year in the Lebanon should not be repeated. The hon. Member for Southwark (Mr. Layard) was for leaving matters entirely in the hands of the Turks; but he (Mr. Monsell) would venture to suggest a difficulty in the way of adopting that proposition, and that was that this country had entered into solemn engagements with reference to the Government of the Lebanon. In the year 1842 the Secretary of State for Foreign Affairs stated in a despatch that he had communicated to the Christians of Mount Lebanon the pledge that their ancient rights should be respected, and one of those ancient rights was that they should be governed by rulers selected from among themselves. The suggestion, therefore, of the hon. Member for Southwark was entirely inconsistent with the honour and good faith of this country. It was one of the first statements made by Lord Dufferin—and he repeated it over and over again—that if a tolerable Government existed, and no sinister influences were allowed to engender discord between them, the Druse and Christian populations would be inclined to live in perfect harmony; and that view was supported by the fact that there had been no massacre without the presence of Turkish troops. He utterly denied the statement of the noble Lord, that the bloody encounters of hostile tribes had been for ages the scourge of Syria; and everybody who had looked but cursorily into the history of that country must know that religious wars never took place there until 1838. Since the influence of the Turkish Pachas was introduced in 1841 the tribes had been set one upon the other, and the Turks were at the bottom of every single disturbance that had since broken out in the country. If the Turks were allowed to arrange the affairs of the Lebanon the result would be most disastrous. A remarkable petition, signed by 438 merchants and traders in that part, belonging to all the different nations of Europe, had been presented to the Commissioners, and the persons signing the petition expressed their belief that nothing but ruin and misery would befall the Christians in the Lebanon, if European occupation were withdrawn before some proper system of government was established. It would be an outrage against humanity if this country were to permit such a result. He thought that, when all the sufferings of the Maronites were considered, they ought to be spoken of in more tolerant language than was used when they were described as being Christians only in name, and some allowance should be made for the feelings of persons who had had such horrible atrocities perpetrated upon them. There had been 288 murders of Maronites by Druses since Fuad Pacha arrived in the Lebanon; so that, if the Christians had committed outrages, the Druses had committed outrages likewise. He concurred in thinking that neither of these tribes ought to be hardly dealt with. Each was necessary to the other, and the true policy was to endeavour to bring them together in the same state as they were in about twenty-five years ago, and to place them in a position to be able to resist any attempt on the part of the Turks to intrude on the Government of the Lebanon. Unless that were done, any scheme that might be proposed would entirely fail, because the Turks would endeavour to change their *suzeraineté* into a sovereignty. The influence which this country possessed with Turkey imposed on it in the eyes of Europe the solemn responsibility of compelling the adoption of a fair and just system of government in the Lebanon, and he entreated the Government not to allow European occupation to cease until some security against the repetition of these terrible massacres was obtained.

Mr. FREELAND said, Sir, I am sorry that I did not hear the commencement of the speech of my hon. and gallant Friend the Member for Ayrshire. I understand that he paid a high tribute to Lord Dufferin, and I should not do justice to my own feelings if I did not express my deep conviction that the Government of this country have been exceedingly fortunate in their choice of a Commissioner for Syria. Lord Dufferin, in circumstances of peculiar difficulty, has shown an amount of energy, sagacity and firmness, and, in dealing with the cases of particular prisoners, a judicial impartiality most honourable to him and creditable to the country of which he is the representative. There are many points connected with the question now before us, which, although discussed at length in the papers which we have received, we cannot, I think, discuss with advantage in this

House. Such, for instance, are the different degrees of criminality attaching to the Turkish and Druse prisoners at Beyrout and the Druses imprisoned at Mokhtarah. I allude to this point only for the purpose of stating that to M. Thouvenel we are indebted for the merciful suggestion that one or two only out of twenty-two Druse prisoners set apart for execution at Mokhtarah should be executed. This suggestion must be regarded as highly honourable to M. Thouvenel when we consider the peculiar and delicate position in which France stands relatively to the Maronites. It was, moreover, at variance with the opinion of the French Commissioner in Syria, who had thought that a much larger number should be executed. I am glad to find also from the papers before us that M. Thouvenel has expressed his satisfaction at the conciliatory spirit shown by Her Majesty's Government as regards the proposals for prolonging the occupation. I trust sincerely that a spirit of conciliation may animate all the great Powers of Europe in arriving at a solution of this question, and that they will not act as the patrons of the Greek Church, or the Maronite Church, or of the Druses, but as the apostles of humanity. With regard to the term of the French occupation, the Secretary of State for Foreign Affairs has taken up a very decided position, and I think that this matter may very safely be left in his hands. In his presence, I hardly like to say how much I admire his foreign policy, not in Syria only, but in Italy. I think, however, that my hon. and gallant Friend opposite, in commenting on the proceedings of M. Thouvenel, has hardly made sufficient allowance for French sympathies and for the extent to which, in connection with Syria, ecclesiastical influences have been brought to bear on the French Government. The question as to the origin of the disturbances in Syria is, no doubt, a question of great interest. I will not now refer to it except to state my opinion that as between the Druses and the Maronites, the latter, instigated, as I believe, by the intrigues of their priesthood, were the aggressors. Sir Henry Bulwer, Lord Dufferin, and M. Novikow are of this opinion. M. Thouvenel speaks fairly enough on this point, and hardly disguises his opinion, as regards the Maronites. He states, moreover, that he has no wish that the truth should be concealed. But after all there can be no doubt that the chief blame lies with the local authorities and the Ottoman Government. The Secretary of State for Foreign Affairs attributed in one of his despatches the whole misfortunes to the connivance of Khoorshid Pasha at Deir el Kamar and the cowardice of Achmet Pasha at Damascus. Sir Henry Bulwer writing to the Secretary of State for Foreign Affairs on the 27th of June, 1860, says—

> "I must add with deep regret that the Ottoman Government is the more to blame for what has occurred in Syria, since assuredly a week has not passed during the last year that I have not been constantly bringing the state of that province under the attention of Fuad Pasha, and the three grand Viziers who have succeeded each other."

That is what Sir Henry Bulwer says; but what did the Turkish Government do in the teeth of all these warnings? What says Consul Brant, writing from Damascus to Sir Henry Bulwer in May of the same year? After speaking of the disordered state of the Lebanon, he adds—

> "Unfortunately, there are very few troops here, the greater portion having been recalled to Constantinople; our Pasha is, therefore, almost powerless."

In the teeth of all these warnings the Turkish Government withdrew its troops to Constantinople. I am, therefore, Sir, unable to concur with my hon. Friend the Member for Southwark in the extent to which he goes in his eulogiums on the Turkish Government, though I honour the spirit in which his speech was made. As to the future, we cannot here discuss in detail any plans for the Government of Syria. But it seems to me that, in any settlement of this question, there are two main points which ought to be attended to. The first is, that the Government of the whole of Syria, as well as that of the Lebanon should be provided for in the settlement. The other, that Syria should be governed in the interest of the Native races and not in the interest of this or that particular Power. I do hope that some plan may be adopted to prevent a recurrence of those terrible calamities which have been so feelingly referred to by my right hon. Friend behind me, the Member for Limerick. No doubt it may be difficult to devise a plan. But the greatest difficulty appears to me to be to obtain a guarantee for the faithful carrying out of the plan, whatever it may be, and of any reforms promised for Syria by the Ottoman Government. It may be said, there is the good faith, there are the promises of the Ottoman Government. Well, but that good faith is pledged already. The Hatti Sherif of Gulhane in 1839, the Tanzimat of 1844, the Hatti Humayoun of 1856, promised reforms large enough to regenerate, not Turkey only, but every empire in Europe. Have those reforms been yet accomplished? The Hatti Humayoun promised reforms in the provincial and metropolitan police. But, has the police system been yet reformed? Murders and pillage are the reply. The system of farming the taxes, too, was condemned, but is not yet abolished. Reforms were promised in the provincial councils, but the Medjlis is still the centre of misgovernment and corruption. Canals and roads were promised. How many have been made? How do matters stand as regards agricultural produce, and the mode of collecting the Government tithe? Major Cox speaks of crops having been cut and then left three weeks on the ground; and one of our consuls speaks of a case in which they remained on the ground two months before the tithe collector could be found to assess their value. No doubt, in 1860, the tour of the Grand Vizier Mehemet Kibrisli Pasha was attended with beneficial results; and I have great hopes of reforms, looking to his past history, from the proposed mission of Omar Pasha to Bosnia. But these are partial reforms only. Large and general reforms are needed. I am told that the most necessary reform is that which is required in the Seraglio. The extent of that establishment, with its countless women and troops of enuchs is something beyond belief, and the cost of it bears a proportion by no means inconsiderable to the entire expenses of the Turkish army, the payment of which is often left in arrear. If Her Majesty's Government are desirous of saving Turkey they must speak plainly to the Turkish Government. They must urge it to adopt at once some comprehensive plan of Reform, and obtain if possible some guarantee for its being carried into execution. By this course they may confer enduring benefits on the population of the Turkish dominions—Mahommedan as well as Christian. By this course they may fulfil the expectations of Europe, and give stability to what is now a tottering empire.

Mr. DARBY GRIFFITH said, that we had endeavoured to support the Turkish Empire, but had not found the means necessary for the accomplishment of that object. Serious evils had arisen from French influence in Egypt, and from the Turkish law of succession to the Sovereignty. The principle which we ought to adopt was, to prevent foreign conquest of Turkey; but while encouraging liberty in other parts of the world it was impossible for us to stay the march of progress in its effects on the Turkish Empire.

Question, "That the words proposed to be left out stand part of the Question," put and *agreed to.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

AFFAIRS OF MEXICO.

QUESTION.

Mr. BUTT said, he would beg to ask the Secretary of State for Foreign Affairs, When the Papers relating to the affairs of Mexico will be laid upon the Table of the House, and whether any instructions have been sent to Sir Charles Wylie to enforce the Conventions relative to the appropriation of the Customs' Duties?

Lord JOHN RUSSELL was understood to say that he was not in a position to give further information than this, that instructions had been sent out.

INDEMNITY BILL.

QUESTION.

Mr. HADFIELD said, he would beg to ask the Secretary of State for the Home Department when the yearly Indemnity Bill will be brought in, whether the form and purport of it will be the same as have been used annually since 1828, and whether he will cause it to be printed in the way usually done on the introduction of other Bills for consideration and discussion? The late Government had neglected to take the test required, and, therefore, all their subsequent acts while in office were, in point of fact, void. He wished the Bill should be brought in regularly, and printed, circulated, and discussed. At present it was brought in in a manner which precluded any hon. Gentleman from expressing an opinion upon it—it had certainly never caught his eye.

Sir GEORGE LEWIS said, he was afraid it was his unfortunate fate to dispute both the facts and the law of his hon. Friend. His hon. Friend had said the Indemnity Bill was not brought in in a manner before the House that any Gentleman could express an opinion upon it; that he had never been able to keep his eye upon it as it passed through the House; and that Parliament passed it without any knowledge of its contents. His hon. Friend was entirely mistaken in that supposition. The Indemnity Bill was annually brought in by the Under Secretary for the Home Department. It was a short Bill and was printed at full length. It was by no means treated like the Mutiny Act or the Appropriation Act, which were sometimes not presented in a printed form, but was presented in such a form that every Member had an opportunity of fully considering its contents. With regard to the law of the case, his hon. Friend spoke of the neglect of the late Ministers to take what he called an obsolete test. There was no test now in force; there was only a declaration, and no doubt persons were required annually by law to make it when they took office. But if they did not make it, they were saved from the consequences by the annual Indemnity Act, which relieved them from all penal consequences. No doubt it only saved them for the year; but, practically, it afforded entire exemption, as the Bill was passed annually. If the House should be desirous of making any alteration in the Bill they would have abundance of opportunity while the Bill was before the House.

Main Question, put, and *agreed to.*

SUPPLY.—ARMY ESTIMATES.

COMMITTEE.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £398,695, be granted to Her Majesty, to defray the Charge of the Manufacturing Departments, Military Storekeepers, Barrack Masters, &c., which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

MR. NEWDEGATE said, he wished to draw the attention of the House to a discrepancy in the accounts relating to manufacture of small arms at Enfield; which, in 1854, were stated to be £352,583, and in 1858, to be £305,798. This arose from certain items in the former being omitted in the latter. The Small Arms Committee had recommended the introduction of a careful and accurate system of accounts, but their recommendation had not been attended to. The object of this recommendation was not merely to obtain a supply of arms, but to keep a check on the trade; but it was impossible to constitute a fair comparison, unless the House had an account of the whole of the money expended on these works. It was necessary, in order to arrive at a reliable opinion of the cost at which rifles were manufactured, that there should be included in that cost the interest on the outlay on the establishment. A Return presented to the House showed the number of muskets made at Enfield, and any person looking at the Return superficially would think that if they divided the expenditure of the year by the number of muskets produced they would get at the cost per musket. That, however, was not the case, as there were many items of expenditure which were not included in the Return. Two separate Committees had recommended that full Returns should be laid before the House, and he hoped that these recommendations would at last be complied with, and that the Government would lay before the House a complete account of the expenditure up to the 31st of March of last year. The House ought not, indeed, to entertain these Estimates until the accounts were laid before the House in the manner recommended by the Committee. He was also anxious to direct the attention of the Government to the increase of manufacturing establishments. There was a manufactory at Millbank, for which £16,000 was charged for the item of wages; and another at Weedon which cost £3,000 for wages. He could not think that this increased number of establishments was necessary for the purpose of carrying on the manufacture of arms.

MR. CARNEGIE drew attention to the large increase in the local expenditure and travelling items, and in that of the lodging money.

MR. W. WILLIAMS wanted to know why the Vote for the present year was £24,695 in excess of that of last year? The lodging money to married soldiers was increased, as well as other items.

SIR FREDERIC SMITH said, the Government were deserving of every praise for the provision they had made in respect to the allowances for the lodgings of married soldiers. Nothing they had done had so much attached married soldiers to the service as the granting them lodging money when there were not special quarters for them in the barracks. He fully supported the application of the hon. Member for North Warwickshire for full and complete information respecting the cost of manufacturing arms at Enfield; but it would be absolutely necessary, in order to arrive at the fact, that there should be a full account of expenditure, an account of the building and plant, fuel, gas, lighting, and other expenses, which would be included in an account of ordinary commercial character. But he thought that even if they could attain the utmost degree of economy, it would be better to keep up small manufacturing establishments, and employ private firms as much as possible.

Colonel DUNNE stated that it had been on several occasions recommended and promised by the Government that a complete debtor and creditor account of the establishment at Enfield should be laid before the House, but no information of the sort had yet been given. There was no doubt that the accounts were admirably kept by the officer in charge at Enfield, but the House was in all but complete ignorance on the subject. He had never been able to arrive at a satisfactory conclusion as to the cost of a rifled musket, and, indeed, it was a most complicated statement of accounts which was necessary in order to arrive at this result. The sums that had been laid out since 1854 upon the establishment at Enfield, exclusive of the building and repairs, had been, so far as he could make them out, £910,000. Add to this, that during the last seven years, a sum of £2,795,000 had been expended in the purchase of small arms; making together a total, in round numbers, of not less than £4,000,000 for the purchase of small arms. He wanted to know what we had obtained for this expenditure, and where all the small arms had gone to, They all agreed in wishing that our men should be armed in the most efficient and economical manner—but the question was were we going economically to work? He would say the same with regard to clothing. He had called for returns on this subject, and so had the hon. Member for Liverpool (Mr. Horsfall). The prices given in those returns varied. The one was correct, the other incorrect; 20*s.* 6*d.* was given as the price for the tunic of a private of the Line; but the actual price was only 18*s.* 6*d.* Why was this? The hon. Under Secretary for War should take care that his subordinates gave proper returns. He very much feared there was a disposition in some of the public offices to evade the returns ordered by the House of Commons as far as possible. Lodging money had been increased, much to the advantage of the soldier; and yet at Aldershot Engineers had been put into huts to live, and were charged as much for their accommodation in them as they would have to pay in respectable lodging-houses in the town. As to married soldiers, he protested against the right of soldiers marrying at all. It was perfectly absurd to load the army with a number of married people. When soldiers enlisted for twenty-one years it was not unreasonable that they should think of marriage; but when they entered the service for ten years, limited service, at the age of seventeen or eighteen, they might very reasonably be required to remain unmarried until that period had expired. There was no necessity to have such a mass of married men in the army as was now the case. When a man entered the service, he gave up a certain amount of comforts, and married life was one of these. If he (Colonel Dunne) or any other young man—or, rather when he was a young man—joined the service, he knew he should have to endure hard work, and he thought then, as he thought now, that a wife was no part of a soldier's necessaries. Then, again, barracks made for 1,000 men, from the superior comforts that were allowed, could only accommodate 700. The same thing was carried out in almost every department of the State, and the Estimates were framed on a corresponding scale. He was averse to divide the House or vote against any of these Estimates. They were made up on the returns, but it was necessary that Members should speak their mind upon them; and economy had to be pressed on every Government. If he were in the hon. Under Secretary's position he should take all the good advice he received, and follow it as far as possible.

Sir MORTON PETO wished to call attention to a particular item in the Estimate—196 clerks of works from £110 to £300 per annum, £35,395, besides a sum nearly as large for extra clerks of works. He could not understand how such a demand arose. When the New Houses of Parliament were building, two clerks of the works were found sufficient to superintend the whole. This was just one of those things which showed that a Government, in carrying forward any department, without in the slightest degree intending to act otherwise than economically, ran into an amount of expenditure which no private person or man in business would do. He could not conceive it possible that Government could have an amount of works that would render one quarter of that number necessary. This was a very unsatisfactory state of things. He did his best before passing these Estimates to master the details; but from the want of explicitness in the details it was impossible for any one not connected with the Department to do so. With every desire to do his duty, he felt himself in a perfectly helpless position. When he compared the French army and its total expenditure with ours he was perfectly frightened. But when he came upon items such as that to which he had referred he could well understand that there was something rotten in the state of Denmark. He did not attribute any motives to Government for permitting such extravagance. The real fact was that as soon as a Minister was really becoming acquainted with the just demands to be made on the public purse some change of Government displaced him, and all his acquired knowledge of his Department became useless. The mischief would never be got rid of until the commercial and business duties of the public departments were separated from party politics, and men of official experience were retained in their situation until men of still greater efficiency were ready to take their places. In France, Prussia, and other States the *personnel* of the departments was not changed frequently as in this country. With respect to the Vote before the House, he could not see how it was possible that 198 clerks—to say nothing of temporary additions—could be profitably employed in the superintendence of barracks and similar works, at a cost to the country of £34,000 a year.

Colonel DICKSON said, that successive Secretaries of State for War, being necessarily dependent for their information upon their subordinates, who were permanently employed, could not exercise an effective control over the profuse expenditure connected with their office. He thought the hon. Baronet had hit the right nail on the head in drawing attention to the number of clerks. In fact, we were governed by clerks at the War Office, and the constant changes in the heads of that Department made them entirely dependent on the advice of those clerks. He could not understand why the officers of the Engineers could not be trusted with the works of the country, and why they must have 198 clerks to superintend them. He hoped the Government would look into this matter, and that if a reduction could not be made this year it would be next. He was ashamed again to refer to the absence of those Gentlemen who had signed the document urging economy on the Ministers, but there were very few of them now in their places. There was the hon. Gentleman the Member for Birmingham, who told the country that the army was kept up for the benefit of the aristocracy and their hangers-on; but he, as usual, was not in his place when the expenses of the army were under discussion. The real economists must do as well as they could without their assistance. The Army Clothing Department in Pimlico was defended the other night on the ground that on one occasion, when the clothing of an entire regiment was lost, it was supplied within a fortnight. Now, in a town with which he was connected, he was informed that a private contractor lately received an order for 800 tunics for the 60th Rifles on a Monday, and actually delivered the whole number in London on the Friday week following, although in the interim they had had to telegraph to Yorkshire for the cloth. He was diposed to vote for a larger reduction than the hon. Member for Lambeth had proposed; but he would certainly go into the same lobby with him, and if they went on dividing, they would, perhaps, at last force some economy on the Government.

Mr. BARROW said, he hoped the Committee would keep on dividing, for he did not see how economy in the gross was to be accomplished unless they insisted on economy in details. Remonstrances had been repeatedly made to him out of doors against their constantly-increasing expenditure, to the magnitude of which the country had at last awakened. When the hon. Baronet opposite (Sir Morton Peto) complained of the increase of clerks, and professed his inability to understand it, he would suggest to him that probably one cause might be that we lived in a free country, where we had constituents, and where it was thought necessary to provide an unreasonable amount of patronage for the benefit of those who sent them there. It became the more necessary, therefore, for the House to redeem its own character by watching the more narrowly this expenditure." He wanted especially to know why they maintained two establishments abroad for the manufacture of arms? and why the English workmen employed in those establishments could not be employed at home, under the superintendence of the existing staff in this country? If the hon. Member received a satisfactory explanation as to the soldiers' lodging money he should recommend him not to propose the diminution of that item, because he thought that it was desirable that married soldiers should be accommodated in the manner which had been mentioned. He spoke quite disinterestedly, because he had lived to a considerable age without the advantage of a wife; but he thought that it was necessary for the morality of the army that some such provision as this should be made for married soldiers. But he did not understand how, if the amount was fixed last year, it should have increased this.

LORD STANLEY said, he could not assent to the proposition laid down by the hon. Baronet the Member for Finsbury (Sir Morton Peto), that there was no proper control over this expenditure because it was in the hands of gentlemen who were appointed for political reasons, and who were changed so frequently that they had no time to learn their business. The practical effect of the change which he recommended would be to place the control of the expenditure in the hands of permanent officials, who would become, in fact, the Members for their several Departments. Instead of a Parliamentary Secretary of State for War, the hon. Baronet wished to have a permanent Minister for War, who should not have a seat in that House. He could not conceive anything which would tend more directly to destroy our whole system of Parliamentary Government. We had been accustomed to think that the practical responsibility of Ministers to Parliament was enforced by their having seats in that House, and being liable to be called upon to defend their conduct face to face before Parliament. If those who had the control of expenditure were removed from Parliament it would soon be found that the House of Commons had lost its control and almost its influence over the management of departments, and, although the name of Parliamentary Government might be preserved, the substance would be at an end.

MR. W. EWART thought that some light might be thrown upon the Estimates, and some assistance afforded to the Members of the House in considering them, if they were accompanied by annual reports similar to those which were presented to Parliament by the Post Office and the Customs and Excise Departments. He thought some explanation of the 198 clerks should be given to the House.

MR. AYRTON entirely concurred with what had fallen from the noble Lord (Lord Stanley) with reference to the proposal of the hon. Baronet the Member for Finsbury. The fact was that they already had a permanent Establishment whose constant effort was to increase the Estimates which the Parliamentary Secretaries were engaged in a constant struggle to keep down. He wished the hon. Gentleman the Under Secretary of State to give some explanation as to the cost of supervision compared with the amount expended upon works abroad. From the detailed statement which accompanied this Vote it appeared that at Gambia £320 was paid for the supervision of the expenditure of £463; at Honduras, £277 for the supervision of the expenditure of £82; at Jamaica, £550 for supervising an expenditure of £623; at New Zealand, £300 for supervising an expenditure of £352; and at the Windward and Leeward Islands, £1,411 for supervising an expenditure of £2,869. It was possible that the persons to whom these large sums were paid might have other duties to perform, but no mention of such duties appeared in the Estimates.

MR. T. G. BARING admitted that there was in some cases an apparent disparity between the cost of supervision and the work done, but there was a good deal of work done in the way of ordinary repairs which had to be superintended and which the hon. and learned Gentleman (Mr. Ayrton) had omitted to include in his calculations. He admitted that greater economy might possibly be introduced into the system of superintendence. That subject had not escaped the notice of his noble Friend (Lord Herbert), and a Committee had been appointed to consider whether a more economical system might not be devised. The plan now in existence was too military in its nature; a little more of the civil element might be introduced, he thought, with advantage. With respect to the local expenditure his explanation was that the actual amount of the expenditure of former years had been inserted in the Estimates. With respect to the civil allowances, the increase in the Vote had been caused in consequence of a new warrant as to the rank of civil officers, which had recently been altered in a very liberal manner; and the increase in reference to stationary quarters was in consequence of adopting the report of a Committee of that House. As to the comparison between the expense of our army and that of the French which had been drawn by the hon. Member for Finsbury, it should be borne in mind that there was an essential difference between an army raised by conscription and one raised by voluntary enlistment. But beyond this we had not the means of a fair comparison. In the French Estimates they would find that the expenses for the defence of Algeria were omitted, as well as other most important portions of the expenditure upon the army, so that it was difficult to get at the real cost. He agreed with the hon. Member for North Warwickshire (Mr. Newdegate) that it was important they should have correct accounts from our great manufacturing departments, and there were ample materials for giving the House complete accounts. It should be his duty to get such an account prepared for the past year for the Enfield Factory, upon correct commercial principles. As to the discrepancies alluded to, they amounted simply to this—that there was difference of opinion as to what should be included in the capital and plant of the factory and what not, and he repeated that all the authorities wished was to have an account prepared upon a satisfactory principle. The establishment at Pimlico was not for the manufacture, but for the repair of arms; and the Committee must be prepared for a further expenditure under that head, now that there was such a large quantity of arms in the hands of the Militia and the Volunteers. The attention of the Secretary of State would be directed to the various suggestions which had been made, and in the Estimates of next year they might expect some reduction in the expenditure comprised under the vote now under discussion.

SIR MORTON PETO explained that what he meant to draw attention to was that these Government establishments had a tendency to perpetuate and increase themselves; and he repeated that the supervision was hindered by the frequent changes in the political heads of Departments and that directly Under Secretaries became competent to their duties they were removed from their offices.

MR. NEWDEGATE thanked the hon. Gentleman for promising to give Dr. and Cr. accounts of the expenditure of the manufacturing establishments. Seven years ago a Committee recommended that a proper Dr. and Cr. account, in reference to these establishments, should be prepared, and he hoped that that recommendation would be at length complied with, so as to enable Parliament to judge of the expense. It would form a most important precedent in reference to the one establishment to which he had referred; and if the account were properly prepared, any private Member could judge of the expense the same as he could that of any private establishment of his own. Another object to be gained by such an account was that it would enable them to check the charges made by private manufacturers, and, above all, they would cease to be in that state of positive ignorance which they now were in reference to these matters.

CAPTAIN JERVIS said, that having been for years connected with one of these factories, he wished to express his opinion that the system of manufacturing by the Government ought not to be carried beyond the point necessary to ascertain the actual cost of the articles, and check the prices of the contractors. Nothing, he thought, could be more pernicious than that we should keep all the work in Government establishments without giving anything to contractors. The more we could disseminate the manufactures for Government over the country the more we should increase our supplies in case of need. If we concentrated all our resources in Woolwich we should render that an extraordinary object of attack to an enemy. The reason why the French, in their wars with Austria, aimed at Vienna was not simply to possess the capital, but because the Austrians had concentrated round Vienna their military manufactures, and to lose Vienna was, therefore, a most serious disaster. If all our resources were in Woolwich it might be a gain to any enemy who landed to carry it with a loss of 20,000 men; but this would not be so if our supplies were manufactured in various parts of the country. The present case of the United States was exactly in point. The United States had only two establishments—one at Harper's Ferry and the other at Springfield—and the first they had been obliged to destroy; and if a blow were struck by the South it would, no doubt, be at Springfield. The position which America was in in consequence of the system pursued was that she was obliged to send to this country for arms with which to carry on the war. He was glad to see that this principle was being recognized in the manufacture of the Armstrong guns, some of which were made at Woolwich, and some at Newcastle.

MR. W. WILLIAMS moved that the Vote be reduced by £24,690.

Motion made, and Question put,

"That a sum, not exceeding £374,005, be granted to Her Majesty, to defray the Charge of the Manufacturing Departments, Military Storekeepers, Barrack Masters, &c., which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

The Committee *divided*:—Ayes 24; Noes 133: Majority 109.

Original Question put, and *agreed to.*

(2.) £860,447, Wages of Artificers, Labourers, &c.

MR. MONSELL thought that after the distinct pledge they had received from the Under Secretary for War, that the subject of this debate was under consideration with a view to economy, it would be best that the hon. Member for Lambeth should withdraw his Amendment, and allow the Vote to pass.

MR. W. WILLIAMS said, the Under Secretary for War had not touched the point he raised.

MR. MONSELL said, they had to consider along with this Vote the Vote of £2,200,000 for stores, or a total sum of more than £3,000,000. He wished to know what had become of the enormous accumulation of stock which the large sums voted under this head for the last few years must have produced. At present the Government would be able to produce, with the machinery at their command, in six months, as many guns as were used during the Crimean war. That, of course, diminished the necessity of keeping an enormous amount of warlike stores on hand. About £1,400,000 of the Vote was for the navy, the remainder for the army. They were expending £724,000 on small arms alone, which was very nearly as much as the French spent on their stores of every kind. If he did not get a satisfactory explanation with regard to the stores in hand he should move a reduction of the Vote.

CAPTAIN JERVIS said, that we were completely in a transition state as regarded fire arms, and he was afraid we must submit to a large expenditure under this head, not only for this year, but for many years to come. It was only within the last three years that the principle of the rifle cannon had been adopted in Europe. The French commenced the system, and France was followed by Austria. He thought it was to the credit of England that she waited for some time before she commenced. The result of that delay was that England had the finest artillery in the world. For this they were indebted principally to that great philosopher, as he might well be called, Sir William Armstrong. He had not only produced a powerful, but a most simple gun, which could easily be worked. Nor was the country more indebted to Sir William Armstrong for his rifled gun than for his admirable system of preparing the fusee and filling the shell. There was not a wooden ship which his guns would not blow out of the water in a very short time. They had heard a good deal of the iron-built ships of the French, and they were obliged to build such if they wished to resist the large shells which were now thrown by the Armstrong guns; but, at the present moment, our ships were in a condition to attack an iron-built ship, which could not be said of any other country in the world. We must be prepared to look the matter in the face, for, as he had said, the present great expense was due to the transition of the system. The adoption of this gun had rendered necessary a complete change of the armament of our troops and ships. During the Chinese war the French officers had sent home such favourable accounts of the effects of the Armstrong gun, that the Emperor of the French, who was himself an artillerist of no small reputation, adopted the plan of getting a number of articles written in the French newspapers depreciatory of this very gun, which General Collineau had asked Sir Hope Grant to let a column of his troops have for the attack in Pekin. No country could produce the iron to resist these guns in such quantity as this country, but all these changes required a great deal of expenditure, and justified the largeness of the present Vote in some respect. They could not make 100-pounder gun at less than £800, and that showed how great must be the cost of arming their ships and fortifications with such an arm. In his opinion, the Government could not have taken a smaller sum for the Estimates for this head this year.

MR. CHILDERS wanted an explanation of the fact that, after nearly two years of preparation for putting the country in a thorough state of defence, £3,000,000 were required for warlike stores, with every prospect of its being increased in future years. They were perfectly ready to meet any expenditure necessary to obtain the Armstrong and Whitworth guns, but the Committee ought to require a clear and satisfactory explanation.

Mr. BALL gave Her Majesty's Government great credit for placing the country in such a position as to be perfectly safe. He was not himself a man for war, but he was strongly attached to his country, and he could easily understand that it must always be necessary for a country like England to make a large and liberal outlay in order to keep the several departments in a state of efficiency. The whole world was in that condition that the Government would have betrayed their trust if they had neglected to make due provision against a war breaking out, and he feared that they would have to make it while the French Emperor ruled in France.

Mr. P. W. MARTIN said, the Committee ought to watch the casual expenditure rendered necessary by the improvements in weapons, lest it should become the normal expenditure of the country.

Mr. T. G. BARING, in reference to the observations of the hon. Member for Limerick (Mr. Monsell) said, that the Vote for wages was intimately connected with the Vote for warlike stores, and the main part of the money voted for wages was spent in the preparation of rifles, great guns, and ammunition. He would remind the hon. Member for Pontefract (Mr. Childers) that only a small proportion of the whole expense of the Armstrong guns was for the gun itself, the carriage, equipment, and ammunition requiring the rest. The whole cost of the Armstrong guns would be at least £800,000. The ammunition for these guns would come to £500,000, making the total expense £1,300,000. For small arms making under contract the sum of £500,000 was taken, and for those manufactured by the Government £370,000, and these two sums being added to £1,300,000 made about £2,000,000 out of the £3,000,000 which the two Votes together came to. He could account for the whole of the expenditure in detail, if he were not afraid of too far troubling the Committee. With respect to the expenditure, it was to be considered whether it was not wise in the present condition of the armaments of other nations to supply the army, and especially the navy, with the most perfect weapons. The Committee must bear in mind that the state of the other warlike stores had been very unsatisfactory of late years, and it had, therefore, been necessary to increase the expenditure on that account. It was hoped, however, that the increase was temporary, and that the expenditure would be less next year, and still less in the year following. He was certain that the Commitee would be of opinion that this Vote was the last that should be reduced. They might rely that every care would be taken in the expenditure of the money.

Colonel DUNNE thought the hon. Gentleman had not answered the question of the hon. Gentleman opposite (Mr. Childers) as to what had been done with guns and ammunition hitherto manufactured, and also the small arms. They had sold this year an enormous quantity of stores, amounting to £275,000. He should like to know what they were, and why they would not answer for the purposes of the country?

General LINDSAY said, that those who paid the best would naturally get the best iron. This country produced a very limited supply of the first quality of iron, and could not afford to sent it abroad; but by going into the market the Admiralty would get iron of the best quality by paying the best price.

Mr. T. G. BARING said, that the Tower was one of the largest military store establishments in the country, and a large number of assistants was required. The arms manufactured had been given out to Her Majesty's regiments, to the Militia, and to the Volunteers. A large number had also been distributed to the navy, a large number had been assigned to the Government of India and the store was rapidly assuming respectable proportions.

Vote *agreed to.*

(3.) £525,416, Clothing and Necessaries.

Mr. W. WILLIAMS moved that the Chairman report Progress.

Mr. T. G. BARING hoped the hon. Gentleman would allow the next Vote to be taken.

Mr. W. WILLIAMS said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £1,456,834, be granted to Her Majesty, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Mr. DARBY GRIFFITH said, that some time ago he moved a Resolution for the discontinuance of the stoppage from cavalry officers in respect of forage. The Government opposed that Resolution, and continued the stoppage. He saw in the present Vote charges for forage for the Staff. (*Cries of* "Read!") He was reading. It was his duty to read. The Estimates were put into the hands of Members that they might read them. Hon. Gentlemen who signed a "round robin" to the Minister in January last, calling for a reduction in the public expenditure, ought to assist him and other hon. Members who in that House made practical efforts to keep down the Estimates. He begged to move the reduction of the Vote by a sum of £12,454, which would be equivalent to a stoppage of the amount expended in forage for the Staff.

Motion made, and Question proposed,

"That the item of £482,392, for Cost of Forage at Home and Abroad, be reduced by the amount of £12,454."

Mr. CONINGHAM said, he was glad to hear the observations of the hon. Member. Sixty Gentlemen had written to the Prime Minister, enforcing the necessity of economy, and many of those sixty hon. Members were now found voting steadily with Government against those Members below the gangway, who really endeavoured to enforce reduction.

Mr. T. G. BARING said, that though the hon. Member for Devizes objected to the system of stoppages, his present Amendment would have the effect of extending that system.

Captain JERVIS wished to explain that, in voting for the Resolution of the hon. Member for Devizes for discontinuing the forage stoppage from cavalry officers, he did so because he saw that the effect of stoppages was to make it impossible for any one but one man of fortune to hold a commission in a cavalry regiment. The present Secretary for War and his right hon. predecessor in that office had both spoken in favour of doing away with the stoppage for forage from cavalry officers.

Colonel DICKSON was aware that the officers of the cavalry were justly anxious to see the forage stoppage done away with; but he would not rob Peter to pay Paul by voting for the Amendment.

Mr. DARBY GRIFFITH said, that his intention in moving the Amendment had been to bring the argument of the Under Secretary for War to a *reductio ad absurdum;* but having made that demonstration he begged to withdraw the Amendment.

Motion, by leave, *withdrawn.*

Mr. W. WILLIAMS proposed that the Vote be reduced by the sum of £4,500.

Mr. T. G. BARING explained that there was no allowance made to officers of the Guards for mess.

Mr. W. WILLIAMS said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. E. P. BOUVERIE inquired what was the cause of the great increase in the cost of fuel and lighting, the amount being £172,000 as compared with £112,000 last year.

Mr. T. G. BARING said, that the reason of the increased cost was that it had been found that the cost of last year considerably exceeded the amount voted. The sum now asked represented, he believed, the actual amount which would be required, and it had been carefully estimated this year.

Sir FREDERIC SMITH said, the Under Secretary for War had several times told the Committee that the amount actually expended exceeded the estimate. He thought they had a right to know out of what funds the excess was paid.

Original Question put, and *agreed to.*

House *resumed.*

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

WAYS AND MEANS.—REPORT.

Resolution *reported.*

Mr. HENNESSY inquired why the Resolution had been taken in Committee of Ways and Means; and also how it happened that the Excise duties on chicory were 8*s.* 6*d.*, while the Customs' duties amounted to 12*s.* 6*d.*?

The CHANCELLOR of the EXCHEQUER said, notice had originally been given of the Resolution in Committee of Ways and Means, and it was thought better to adhere to that arrangement. The difference between the Customs and Excise duties would be intelligible when he stated that chicory being a plant which only ripened every second year it would not have been fair to impose the full duty on a crop which was not grown in contemplation of it; or, on the other hand, to give the benefit of the increase to the British grower exclusively in one year.

Resolution *agreed to.*

House adjourned at a quarter before One o'clock till *Monday* next.

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HOUSE OF LORDS,

Monday, May 13, 1861.

MINUTES.] *Sat First in Parliament.*—The Duke of Sutherland after the Death of his Father; the Earl Manvers after the Death of his Father.

PUBLIC BILLS. — 1ª Princess Alice's Annuity; Offences in Territories near Sierra Leon Prevention.

RAGGED SCHOOLS.—MOTION FOR ADDRESS.

THE EARL OF SHAFTESBURY: My Lords, I rise, in pursuance of notice, to move an Address for the Evidence on which the Part of the Report of the Education Commissioners which relates to ragged schools is founded. My Lords, this subject may appear to you to be minute, and not worthy of consideration; but I think I shall be able to show that it well deserves the best attention which your Lordships can give to it. When your Lordships bear in mind that in London alone no fewer than 25,000 children are receiving education in ragged schools, and that so strong is the feeling on the subject among the less wealthy classes that they have contributed during the last two years a sum very little short of £250,000 for the purpose of advancing the ragged school system, you will see that the subject is one worthy of attention, because it is deeply rooted in the hearts of the people. The Education Commissioners have recently published a Report, part of which is assigned to ragged schools. That Report I hold to be the Report of the Commissioners who have attached their names to it, and whatever I find quoted in that document without reserve I maintain they have made their own by having adopted it. I shall, therefore, treat it as the work of the Commissioners. I am anxious to know the evidence upon which the statements and opinions embodied in the Report are founded, because when I look through the Report I neither see evidence in detail nor am I referred to evidence in any other quarter for the guidance of my judgment. There is another ground upon which we have a right to come before this House and to request the attention of your Lordships. A public accusation has been made against the whole system of ragged schools, and I maintain, therefore, that we are entitled to a public defence. We are the more entitled to it as we depend altogether upon voluntary contributions for the support of our system, and a strong condemnation coming with the authority of the Education Commissioners cannot but tend to dry up the source of those voluntary contributions on which we depend, and compel us to drive many thousand children again to the streets from which we have rescued them. I undertake to prove that the Report of the Commissioners, as far as it relates to ragged schools, is untrue, unfair, and ungenerous. I am not saying it is willfully untrue, but I do say it is actually untrue; and I do say, moreover, that it is untrue, inaccurate, and incorrect to such an extent that I must believe an explanation will be found of the statements about to be made, because, if no explanation can be given, I must say that a more flagrant abuse of public authority never yet was perpetrated by any body of functionaries.

I shall begin with the statistical part of the question — the number of those who are taught in the various ragged schools throughout the kingdom. Returns are given by the Commissioners for 1858, and I shall test them by the returns for the same year which were furnished to the Commissioners by the Ragged School Union. I find it stated by the Commissioners in their Report that the total number of Sunday Ragged Schools in the whole of England and Wales is 356, with an attendance of 23,157; that the number of Weekday Ragged Schools is 192, with an attendance of 20,909; that the number of Evening Ragged Schools is 14, with an attendance of 707. What were the statements furnished by the Secretary of the Ragged School Union to the Commissioners at that very time? The Ragged School Union state that in London alone the number of Sunday Ragged Schools in 1858, was 178, with an attendance of 23,288 — actually more than the Commissioners give for the whole of England and Wales; that the number of week-day schools was 151, with an attendance of 15,075; and — I hope your Lordships will specially mark this—that the number of evening schools, which the Commissioners state for the whole of England and Wales at 14, with an attendance of 707, was no less than 187, with an attendance of 9,465 in London only. The returns for the present year show the great and increasing interest which is felt in the ragged school system, and prove that we are not so insignificant a body as the Report of the Commissioners would make us appear. In London alone we have now 207 Sunday schools, with an attendance of 25,178; 151 day schools, with an attendance of 17,230; and 215 evening schools, with an attendance of 9,753. Again, the number of counties in which ragged schools are known to exist is 27; but the list given by the Commissioners comprises 12 only, omitting 15. What dependence can be placed on the figures adduced by the Commissioners, when you see so remarkable a deficiency in point of fact—when you are told that 15 counties are not mentioned by the Commissioners, and that London alone contains more schools and scholars than the whole of England and Wales, as stated in the Report? The Secretary of the Ragged School Union informed the Commissioners that the income of the central committee, a body which receives and distributes funds for general purposes, was £5,243 in 1858. That fact is stated by the Commissioners in their Report; but I look in vain for the other fact, also communicated by the Secretary to the Commissioners; that the local efforts in the same year amounted to £31,545. I should like to know why that fact, which shows the deep interest that the poorer classes take in the ragged school system, was kept back by the Commissioners, while the smaller sum expended by the central committee is given in their Report? Let us now see how the provinces are dealt with. Here is a sample of the accuracy of the provincial returns. The Commissioners state that in the whole of Lancashire, with its numerous towns and teeming population, the number of day ragged schools in 1858 was 6, with an attendance of 927. The return of Sunday, evening, and Industrial ragged schools in Lancashire is summed up in one word—"None." What were the facts furnished by the people of Liverpool themselves in 1858? The Sunday schools in Liverpool were 11, with an attendance of 1,515 children; the day schools 11, with an attendance of 1,478; the evening schools 29, with an attendance of 3,379; the industrial schools 2, with an attendance of 210; the total number of schools in the town of Liverpool alone being 53, with an attendance of 6,582, whereas it appears from the statement of the Commissioners that the number of schools was 6, with an attendance of only 927 children. A great increase in the schools in Liverpool has since taken place, for it appears that, for the present year their number stands as follows:—Sunday schools 13, with an attendance of 1,711 children; day schools 13, with an attendance of 1,644; evening 26, with an attendance of 3,451; industrial 3, with an attendance of 460; making a total of 64, with an attendance of 7,678. That being so, I should like to know how this statement of the Commissioners is to be explained. For my own part I cannot but think it must admit of explanation, for I can hardly conceive that such a statement, put forward in a document which bears the signature of a noble Duke who is a Member of the Cabinet, and which is made upon the authority of gentlemen who are persons of credit, could be thrust upon the public without some good reason for the proceeding. But, be that as it may, it is to be inferred from the Report of the Commissioners that the schools in only two towns were examined. I do not say that a more extensive examination was not made, but on the face of the Report such does not appear to have been the case. Plymouth and Bristol, two provincial towns, then, were the only ones examined, and in the former there were found to be three ragged schools, while in Bristol there are, I believe, eight. Of Bristol, however, little need be said, because, as far as I can make out, not a word is mentioned in the Report against the schools which it contains. Against the schools in Plymouth there are some statements of opinion, but not a tittle of evidence to support the justice of the reasons on which that opinion is based. I may further observe, that if the provincial towns examined were ten, instead of being only one or two, the question at issue would stand unaltered, inasmuch as London has not been brought at all into the category. As it is, a single provincial town furnishes the whole of the foundation on which the same accusations to which I am referring repose. Now, I am not going to defend Plymouth — it can defend itself — and I may state that I have received letters from it in which the statements of the Commissioners, so far as its schools are concerned, are entirely denied. The people of Plymouth will be prepared to address your Lordships by petition, and, I have no doubt, you may expect appeals from every ragged school throughout the kingdom, praying that evidence in reference to the charges made against them might be taken before you on oath. Now, I find in the Report a variety of statements embodied which the Commissioners have made their own, and on which I will, with the permission of the House, briefly comment. They, in the first place, say—

> "In good schools discipline and cleanliness are considered essentials, and the gross neglect of these lead to rejection, punishment, or expulsion; but the ragged schools overlook these essentials. The boy or girl may attend when he pleases, he may be regular or irregular, and may come with filthy hands, undressed hair, and a costume no matter how odoriferous."

This is a general statement applied to every school in every town and county in the kingdom, and of that statement I confidently maintain the reverse is the truth. I do not, of course, mean to deny that, owing to the peculiar character of the population which they represent, and its special necessities, we do not invite children to come as they are into the ragged schools. On the contrary, we say to them, "Enter—do not wait till you are clothed or washed;" but then our invariable system is, once they have entered, to encourage among them order and cleanliness, and to take care, as far as we can, that they are properly clothed. In securing these objects we have been wonderfully successful, and I can assure your Lordships our success is to us a source of considerable detriment—to this extent, that those who visit the schools are sometimes astonished at the condition of the inmates—their cleanliness and the way in which they are clad—and leave under the impressiod that those children cannot belong to the poorest classes of society, withholding in consequence the assistance which they might otherw se be disposed to render. We do, therefore, endeavour to clothe these children, and we effect our purpose partly by means of their own manufacture, and partly through the agency of the penny clubs. The statement to which I am alluding is, then, so gross a libel that it will, I believe, excite indignation throughout the whole country.

The Report then goes on to say—

> "The bulk of the scholars appear to be children of parents who can send their children to paying schools, and would do so were there no ragged schools."

How any person who has visited the dens of poverty which exist in our large cities, and who has gone over those schools as I have done, day by day and hour by hour, could make such a statement as that I cannot understand. So far as Plymouth is concerned, at all events, its accuracy is, in the letters which I have received from that town, most solemnly denied. Where did those children go, I would ask, who now are received into the ragged schools before those institutions were established? Have we not seen them wandering about the Metropolis, forlorn and forsaken, with nobody to care for them either in body or soul? Did they find a refuge in the National or in the British schools? No such thing. They would not be received into them. We know very well that if these poor, shivering, naked creatures were admitted in the higher class of schools the only result would be that what I may call the "respectable" children would be withdrawn from them by their parents lest they might by communicating with the others incur disease, or be imbued with some moral taint. I, therefore, say, my Lords, in the most solemn manner, that I believe in my conscience this statement of the Commissioner to be fallacious and unfounded.

But the Report proceeds as follows:—

> "The only efficient mode of reforming such children is to separate them from their families, and to subject them to the strict discipline of the industrial schools."

Now where, I should like to know, are the funds to come from to enable those children to be sent to industrial schools? This, when you have to deal with some 25,000 children, would be rather a grave undertaking. Where are industrial schools to be found capable of receiving so large a class? Besides, I cannot conceive anything more mischievous than the wholesale exoneration on the part of parents from the discharge of their duties towards their children which you would by this means produce. One great advantage of the ragged school system is that through the children the managers of the society are able to get their parents. I could bring hundreds of teachers and persons conversant with the subject to bear testimony to the deep, lasting, and vital influence brought to bear on degraded and besotted fathers and mothers, simply and solely through the agency of their children returned home from these schools, teaching, as it were, a new mode of life, and causing them to be ashamed of the course which they were pursuing. The story is a homely one, but you may go among these poor people, enter the habitation of some one of them, and there perhaps meet a drunken woman, whom, after she has been exposed to the influence which I have mentioned to you, you may revisit and find clean and orderly, and who, if you ask to what cause this altered state of things is to be attributed, will probably say to you, "My little daughter has of late been coming home to me from school with her lessons and her hymns, and I was ashamed of her to go on as I used to do before." Thousands of parents are reached in that way and rescued from their vicious course of life whom you could not reach by means of missionaries, or, indeed, through any other agency than that to which I am referring.

But to return to the Report, I find that the Commissioners state that "the children are withdrawn from ordinary day schools," and in some of those ragged schools there may, no doubt, be children whose parents could afford to pay a trifle for the purposes of their education—just as there will be found in all charitable educational establishments children who have no need of the aid which those establishments offered. If you turn to the Bluecoat Hospital, where education of a first-rate character is given, you will find there a large number of boys whose parents could very well afford to pay for their instruction; so that the argument of the Commissioners on this head is one which applies to other and far higher institutions than ragged schools. To show that this subject has not escaped our notice I may state that before the present Motion was in contemplation we, believing that in some few ragged schools there were children who properly ought not to be in them, sent down two inspectors, who instituted a most searching inquiry into the history and condition of the children in those schools; the result being that out of 256 boys who attended there were only three whom it was deemed right to remove.

The Report then says that the promoters of ragged schools might better effect their object by supplying the children with clothes, and especially shoes, necessary to enable them to attend the ordinary day schools. If the Commissioners had known anything of the state of society among the parents of these children they would never have given such counsel. In the twinkling of an eye every particle of clothing supplied to the children would go to the pawnbrokers and be converted into money, to be spent in many instances at the ginshop; and the recommendation that the children should be supplied with shoes, which they would not keep, instead of education, which they do keep, certainly exhibited extreme ignorance of the habits of the class in question.

It is also denied in the Report that any beneficial effect whatever is produced by the institution of ragged schools. Now, I must say that when a charge of that kind is made it should be made only after close investigation, and after the examination of those most competent to give evidence of the state of things; and yet, if such evidence exists, it is not adduced in the Report. On the other hand I believe I can adduce the strongest testimony in refutation. We are told that no permanently beneficial result has proceeded from the institution of ragged schools. Now, the first thing I look to is this: what effect have ragged schools produced on the state of juvenile delinquency? I have a return of the number of criminals under twenty years of age summarily convicted, and tried and convicted, within the metropolitan district within the last five years, and I find that the numbers were in 1856, 10,194; in 1857, 10,755; in 1858, 9,826; in 1859, 7,860; and in 1860, 7,580; showing a decrease in five years of 2,524 juvenile offenders. This, be it borne in mind, is within the metropolitan district, where an increase of population is produced both by natural causes and by immigration; the latter bringing in a vast amount every year of pauper and uneducated people. From the Mansion House return it appears that the number of juvenile offenders was in 1856,167; in 1857,133; in 1858,97; in 1859, 86; and in 1860, 58; being a diminution in one court alone of 109 in five years. It might have been supposed that, for the purpose of obtaining accurate information on the subject, the Commissioners would have gone to the police. I have in my hand returns from the seventeen superintendents of the seventeen districts of police, given in reply to questions as to the effect of ragged schools in diminishing offences. Division E says—"Any improvement is but partial;" but all the rest join in this representation—"The streets are much quieter than formerly, and the morals and the habits of the boys are greatly improved." The Rev. Smith Warleigh, late chaplain of Parkkurst Prison, informed me the other day that he left that establishment simply because the number of boys there was so reduced that there really was not occupation sufficient for a chaplain. He states that while he was there, out of 1,000 boys he had examined, only six had passed through a ragged school. There is another point to which I wish to call your Lordships' attention. The magistrates sitting at the police courts are men of sound judgment, great experience, and high character. Some of them have written to me, stating that juvenile delinquency has been reduced, but that they have not paid attention to the question whether or not it was caused by ragged schools. One gentleman, however, Mr. Leigh, writes from Worship Street Police Office, and his testimony is valuable. He writes—

> "There are a great many ragged schools in the district of the Worship Street Police Court, under excellent management; and I entertain no doubt whatever that these, in conjunction with the system of committing to reformatories instead of to gaol tend materially to the diminution of the number of juvenile offenders. Previous to my appointment as a magistrate at this court I held for fourteen years the office of stipendiary magistrate for Wolverhampton and part of the mining district of South Staffordshire, and was for twelve years actively enganed, in conjunction with a Committeee, in the management of a large ragged school institution established at Wolverhampton. We took boys and girls from all parts of South Staffordshire; and I can state, as a matter of fact, founded on my own experience there, that there was a very considerable diminution in the number of juvenile offenders in that district in consequence of the successful operation of the Wolverhampton Ragged Schools. The change was so marked that we received letters from Major Fulford, the governor of Stafford gaol; from Colonel Hogg, the chief constable of the county constabulary force; and from Captain Segrave, the chief constable of the Wolverhampton Borough Police, all testifying to the fact, and attributing the diminution in the number of juvenile offenders to the ragged schools. We saved many boys from a life of crime."

I cannot say that it is fair or just, when such charges are made as appear in the Report of the Commissioners, that the great Metropolis should not have been brought into the account, and that all the evidence it is capable of affording should not have been placed before the public. It may be otherwise; but I cannot see in the evidence supplied by the Commissioners that, beyond the mere figures giving a statement of the number of children in the schools in 1858, any further information was sought after. If proper inquiries had been instituted in London the Commissioners would have been able to give such a picture of the means employed in London by the ragged schools to humanize and educate the people as the statement which I am going to read presents, and which was furnished to the Commissioners by the Secretary of the Ragged School Union, and is applicable to the year 1858. The industrial schools were 115, with 4,293 scholars. Now, industrial classes are praised in the Report when attached to other schools, and I should like to know why they are not praised when attached to ragged schools, particularly as they are a source of great expense. The ragged churches were 102, and the attendance 4,077. The parents' weekly meetings were 67, the attendance 1,787. The voluntary teachers were 2,668. Persons of all ranks and conditions devoted their time to this great work; yet they were not thought worthy of mention by the Commissioners. The paid teachers were 369 in number; the paid monitors 371. The scholars sent to situations were 2,327. Now, I beg your Lordships' attention to another circumstance connected with ragged schools—that their rule is never to lose sight of the children so long as it is possible to keep an eye upon them. Some were sent out as emigrants, others were entered in the navy, and others went into the army. Let me say for those in the navy that we have had reports from the captains to whom they were consigned, and they state that they never had boys so well disciplined, so orderly, and so trustworthy as those who have passed through the ragged schools. The number of scholars promoted to the shoe-black brigade was 336, most of whom are earning a good living; of those who became voluntary teachers 70. The number of penny banks attached to these schools is 64, and no one who is conversant with the operations of these banks will doubt their usefulness in teaching thrift, order, and economy. The depositors in these banks were, in 1858, 15498, and the amount of their deposits £4,373. These returns of 1858 were furnished by the Secretary of the Ragged School Union to the Commissioners, yet they do not appear in their Report. There is no diminution of interest in ragged schools among the people, as undoubtedly there would be, were it true that these schools were mischievous things and did more harm than good. I have already referred to the increased attendance of scholars in 1861. The voluntary teachers in that year had increased to 2,972, and the paid teachers to 407. The earnings of the shoeblacks reached the sum of £4,647. The rewards awarded to children for remaining in some situations for twelve months with a good character were 1,215 in number. The receipts in the penny banks had increased to £11,703, being an increase of £9,374 in five years. The number of depositors had increased to 31,503, being an increase of 21,366 in five years. The clothing clubs were 58, and the contributions of the children amounted to £1,006. When all these things were stated to the Commissioners, and their humanizing effect on the public, had we not reason to be grieved when we are told, in a sneering manner, that our best way was to give them clothing and shoes instead of sending them to school, and that these children would go to paying schools if we did not take them in? I say, from long experience, and much intercourse with the mass of the working people, that ragged schools have produced an effect of which your Lordships can hardly be aware over the mass of the population. I have the testimony of those living in the worst localities in London, who themselves have derived no immediate benefit from the system, that the people have been humanized and softened by the very presence of ragged schools. The poor regard them as a testimony of respect to their class, and as a recognition that they are of the same blood for time and eternity as ourselves. And although they may derive no immediate benefit from these schools themselves, I am assured that these schools have had a tranquillizing effect on many of the most abandoned and disturbed localities in the Metropolis.

We have been engaged in this work for seventeen years, and what, I may ask, could have induced us to undertake this most onerous, painful, and offensive labour? It is not by making speeches on platforms, or even by addressing your Lordships in this House, but by diving into the deepest recesses and dragging these children out into the light of day, that this work can be done. We have rescued numbers of miserable, forgotten, and neglected children who were roaming about the streets, no man caring for their souls, or whether they perished in life or in eternity. Many declared that they were altogether outcast, and must be left to their fate—some to the gaoler and some to the hangman. We determined, however, to address ourselves to this great evil, and see what we could do for these wretched children. My Lords, you will never get rid of these ragged schools as long as you have a ragged class; and you will have a ragged class as long as the lower classes of your population are left in their present domiciliary condition. The main and master evil is the domiciliary condition of these people—the miserable and fœtid atmosphere in which they live, the disgusting and filthy courts whence many never emerge into the light of day. Borne down by the pestilential atmosphere, the whole physical system is so reduced as to produce an unnatural craving for stimulants, in order to keep up the semblance of life. It is impossible that anything of the decency of domestic life can prevail where from ten to twenty persons of both sexes live in the same room, where every function of nature is performed in public. In these rooms children are born—no, I will not say born, but spawned—into existence, and who, from that hour until they come under our inspection, are left to themselves, living in filth and misery, hearing nothing but oaths and blasphemy, witnessing the most diabolical scenes of outrage, the beholders of every crime and act of obscenity that could prostrate the heart of man, offend his moral sense, and reduce his physical capacity. From a population in this condition you must expect to have a ragged class, and if you have ragged schools you should cease to decry those who are doing without fee or reward that work from which you shrink with so much dignity and abhorrence. Mark this, that while learned men and various Governments have been for years deliberating about the best system of education we have been acting. We said, "Let them deliberate, but we will not lose the precious time until something perfect is struck out." I never said that our system was perfect, but I do say it was the best that could be contrived under the circumstances. Since we began more than 300,000 children have been placed under our tuition, and can you come to the conclusion that some real effect has not been produced upon that large mass? We will persevere in the course we have begun. We have not asked for the public money. If it were offered us, we would reject it. We have not asked for the countenance of the State. On the contrary, we altogether repudiate it. But we do ask that we may be left alone to pursue our own course, and to do what we think right before God for the advancement of the truth of the Gospel. We also, in the most fervent and solemn manner, appeal to Almighty God against the vile accusations brought against us, and we now submit our cause to the judgment and sympathy of your Lordships and the public. The noble Earl concluded by moving an Address for the Evidence on which the Part of the Report of the Education Commission which relates to ragged schools is founded.

THE DUKE OF NEWCASTLE: My Lords, before I say a word in answer to the speech of the noble Earl, I may ask whether any considerable portion of your Lordships have been able to devote sufficient time to the consideration of the Report now on the table? If even a few of your Lordships have been able to do so, I would ask them whether there is one word in this book, from the beginning to the end of it, to justify the impassioned speech of the noble Earl, and the attack which he has made upon the Commissioners? The noble Earl began by saying that he rose to repel a public accusation. I deny that there is one word in the Report that can be construed into a public accusation against ragged schools. At the same time let me congratulate the noble Earl that he has somewhat modified the language he recently used with regard to the Commissioners when speaking in another place some five or six days ago. One would suppose that the noble Earl had no conception of the duties undertaken by these gentlemen, when, at the request of the Government, they entered upon a most laborious, responsible, difficult, and, after what has fallen from the noble Earl, let me add, thankless task, if he thinks it is decent not merely to say that their Report was untrue, unfair, and ungenerous, but that it exhibited the most flagrant abuse of public authority he ever recollected to have been committed by any public body. These words, however, are "mild as mother's milk" compared with those which he addressed to the Commissioners when speaking in another atmosphere, where he addressed an audience who applauded every word, and where there was no one to answer him—I mean Exeter Hall—where, in that grandiose style in which the noble Earl is accustomed to indulge, he accused the Commissioners of being, not only guilty of wilful falsehood, but guilty of malignity—and asserted that not only were their statements incorrect, but that they with all their assistants had engaged in a wilful and combined malignant effort against the cause espoused by the noble Earl. I may say, as regards the gentlemen who composed the Commission, that I do not believe any one of us had the slightest hostility to any scheme brought under our notice; and of this I am certain, that we do not put forth on our part that hyper-papal claim to infallibility or that ultramontane intolerance of private judgment which the noble Earl exhibits. Is the noble Earl to assail without good grounds seven gentlemen who undertake an onerous public duty? One of those Commissioners is here to answer the noble Earl; but he knows well that none of the six other gentlemen has a seat either in this or the other House of Parliament. It was at the request of the noble Earl opposite (the Earl of Derby) that I consented to enter upon this inquiry. Some of these gentlemen who have been my colleagues I never saw before I entered the room in which we first met; with others I had only a very slight acquaintance; but of them all I will say that I never saw exhibited in any body of men such a spirit of entire impartiality, or a more ardent desire to carry out the great object contemplated by the Government in instituting the inquiry. And yet these are the gentlemen who have been assailed by the noble Earl. I say, to use the noble Earl's own words, it is unmanly and ungenerous to make such attacks upon those gentlemen as have been made in this House and in Exeter Hall.

The noble Earl began with attacking the statistics of the Report. Before replying to that attack let me say that we were instructed by the Royal Commission to make a two-fold inquiry—to inquire into the present state of popular education in England; and to consider and report what measures, if any, are required with a view to the extension of sound and cheap elementary instruction to all classes of the people. We took the utmost possible pains to get information on both these points. We applied to the noble Earl who was at the head of the

Government when our labours commenced to ascertain if he thought it expedient to procure statistical information on the subject through the medium of a complete educational census, or whether we should get from societies and other bodies the best returns we could. The noble Earl, exercising a sound judgment upon the question, gave it as his opinion that the time for taking the decennial census was so near it would not be desirable to attempt that course, and wished the Commission to endeavour to carry out the other alternative which they had put of getting returns from as many sources as possible, with a view to guide them in their inquiries. The Commissioners, accordingly, communicated with all the educational bodies they found on inquiry to exist, and drew out various forms to obtain returns; which, generally, speaking, were received in the best possible spirit. The noble Earl's accusation against the Commissioners implied that they had falsified the returns sent to them. [The Earl of SHAFTESBURY intimated dissent.] He could have meant nothing less than this; for when he repeatedly put the question why we had omitted this point and inserted that if not to diminish the power and influence of ragged school operations, he could only have meant it to be implied that there was a falsification of the returns. If the Report is incorrect in reference to the statistics of ragged schools, the Secretary of the Ragged School Union is alone responsible for the inaccuracy, and not the Commission, for it was from him the returns were obtained. I have the paper here, and here are the figures on which the Report regarding ragged schools is founded. In Exeter Hall the noble Earl stated the number of scholars in ragged schools to be 24,542; but the last published Report of the Ragged School Union for 1860 gives the total number of scholars at 15,430, and the number of schools at 146. The noble Earl says we have endeavoured to depreciate in every respect the exertions of the supporters of ragged schools, and charges us with having omitted, in our statement of their income, all the local efforts which have been made; he says we have put down the income of the London Ragged Schools Union as £5,142, and altogether omitted to mention those great local efforts which have raised £31,500. But if the noble Earl looks into the Report, he will find that the Commissioners gave returns only of the public funds throughout the country, not of the ragged schools merely, but of the National Schools, British and Foreign Schools, Wesleyan Schools, &c. Had we put down the voluntary contributions to those ragged schools, we must have also put down the enormous sums contributed to the National Schools throughout the country; but neither course was within the scope of our duty. The noble Earl complains of the provincial returns. I think it highly probable that he is correct in saying that we have not got a complete return of the ragged schools in the provinces; but, again, I say that the fault is that of the ragged schools themselves. If we have not got it, all I can say is that we applied to the Ragged School Union to give us the best return they could. We applied to them, precisely as we did to other bodies, to furnish us with the names of gentlemen connected with the ragged schools throughout the kingdom; and it is the fault of the gentlemen with whom we communicated, not once but often, if those returns were not made as full as possible. One would have thought that it was the interest of those gentlemen to make the returns complete. We have no right to assume that they were unwilling to take that course, but on the noble Earl's showing they neglected to do so; and, therefore, I assert that any fault on this head must attach to the body with which the noble Earl is connected. I think I have said sufficient on the subject of these statistics; and I shall dismiss it by observing that having taken the utmost pains to collect our materials, we have availed ourselves of them, and that the whole of those returns, such as they were given to us, are now before the public.

The noble Earl then goes on to what he calls our public condemnation of the ragged schools; and here I would remark that I wish those who have not read the entire of our Report would peruse the few pages which refer to these ragged schools. Our Report—this public accusation, this condemnation of the ragged schools—amounts to this, that we do not consider that they are a good permanent element in the national education of the country. We take the same view as that which has been taken by the Privy Council for some years past; and, after weighing the advantages and disadvantages of those institutions, we say that "we think that ragged schools in which industrial instruction is not given, though they may in some special cases be useful, are not proper subjects for public assistance." And why did we report against that public assistance? Why, for this reason — that to give the ragged schools a large amount of public money would be to alter the character of the assistance given to the other schools of the country. We do not say that the ragged schools may not have done good in their way, but we do say that the parochial and other schools of the kingdom are of more importance, and that it would be impossible to give the ragged schools public assistance without altering the conditions of the assistance given to those other schools. In cases where there is a large expenditure of public money it is necessary to lay down stringent rules which should not be departed from; and I should like to know to what extent the annual grant of £800,000 would go if the Privy Council admitted those ragged schools and all those schools which should be taken in with them to a participation in this grant? Why, that sum would swell to treble the present amount. If you adhere to the rules which have been laid down for your guidance in those matters, you cannot make an exception in the case of the ragged schools. They may be fitting objects for the generosity of individuals; but it would not be right to give them public assistance if our so doing would be detrimental to the other schools of the country.

The noble Earl proceeded to say that our Report is derived entirely from the example of one town. If the noble Earl has arrived at that conclusion from a perusal of the Reports of the Commissioners who made the inquiries, his investigations on the subject must either have been very unfortunate or very cursory; for your Lordships will find in those Reports constant reference to ragged schools. We have taken evidence on this point by various means and from various parties. We sent ten Commissioners to different parts of the country, and every one of them reported adversely to the extension of ragged schools. Mr. Cumin was one of the first to report to that effect; and in order to test his report we drew a set of questions on the report furnished by Mr. Cumin, and submitted them to an excellent and charitable lady, who has taken as much interest in ragged schools as the noble Earl himself—I allude to Miss Carpenter; and that lady, in defending the ragged schools, though I am quite sure giving her evidence with the strictest impartiality, has stated what, in my opinion, is sufficient to justify that passage which I have read from our Report. The noble Earl complains that a reference was made to the dirtiness of the children in the ragged schools. Before I heard the complaint I was not aware that such a reference would even by the noble Earl himself be considered a charge against these schools. What is the meaning of the term "ragged schools?" I always thought that those schools were intended for dirty children—for children who were dirty and ill-clad. I think that in construing this into a charge the noble Earl must have been actuated by that morbid feeling which seems to have influenced him in all his remarks on the course taken by the Commissioners, for in a subsequent part of his speech he himself drew a picture of a delicate shivering child in all its dirt, which would not be admitted into any of the ordinary schools, but for whom the ragged school was open. He says we recommend that the 25,000 children at present in the ragged schools should be sent to industrial schools; and he then asked could anything be more absurd—could anything show more gross ignorance of the system on the part of those gentlemen—than that they recommend that these children should be boarded and lodged in industrial schools? We never did any such thing. I defy the noble Earl to point out a line in the Report which bears him out in that assertion. What we said was that there was a certain class of children who derived little or no benefit from ragged schools, and that in industrial schools we believed they would derive advantages. What I am now going to say I beg distinctly to observe is my own opinion. It is one that goes further than anything in the Report, and it is this—I believe that though those ragged schools may at first have done a great deal of good, they are not calculated to form a part of our great system of national education, and that a portion of the children in them might, with much greater advantage, be absorbed into the ordinary schools of the country. I am confident, notwithstanding the ridicule which the noble Earl has thrown on the suggestion, that if part of the money now expended in support of ragged schools were applied to the clothing and due preparation of these children, they would be received into the ordinary schools, and be there subjected to discipline of more excellent character, be suffered to roam less about the streets, and be compelled to attend at more regular hours, than they are required to do in the ragged schools. Then, again, a number of them might be absorbed into reformatories, and there might be a more general extension of industrial schools, which, as far as they have yet gone, I believe to contain hardly anything but unmixed good. And, fourthly, they might be absorbed into a species of schools which we have dealt with extensively in our Report—I mean district schools for the pauper children of this country. That Report has had one small success already, for I learn that in one considerable city, where a struggle has been going on with regard to the establishment of a school for the separate education of these children, the guardians have been so satisfied by our Report, that they have determined on founding a school upon our principle. Then the noble Earl says—"You accuse us of drawing into our schools a great many children who could afford to pay in the ordinary schools. Can anything be so unjust? We have investigated and found that out of 250 children, only two or three ought to be removed in consequence of their ability to pay." The noble Earl will forgive me for supposing that, with his invariable hesitation about everything that we assert, he manifested a little delicacy in his inquiries about the number of children that ought to be removed from the school. But he goes on to say, "Your Report is all one-sided; what do you say about the higher classes of schools and about the Bluecoat School?" Now, if the noble Earl had devoted his time to reading this Report, he would have found that we said exactly the same thing of the Bluecoat School, and that we have given a good deal of offence by dealing with the higher class of schools. We made precisely the same recommendation with regard to them that we did in reference to the ragged schools. The Commissioners have honestly performed their duty, without fear, favour, or affection, and the observations of the noble Earl on that point, therefore, fall to the ground.

The noble Earl proceeded to say that we made a most superficial investigation; and he quoted an immense array of figures, which no doubt produced an effect till you sifted and subjected them to mental examination. One would really have supposed from the statement made that ragged schools were the great invention of the age, that they had completely obliterated crime, and that the general progress which education has been making during the last five years was wholly beside the question. *Post hoc, propter hoc.* The noble Earl was a little more fair when he said, "Why did you not apply to the police?" That is exactly what we have done, and I will read to the House the opinions which a few magistrates and police officers have expressed on the question. Mr. J. S. Handcock, superintendent of the police of Bristol—the town to which the noble Earl was so anxious that we should direct our attention—says, "I know of no fact which should induce me to say that ragged schools have diminished juvenile crime." Acting in the same fair spirit which the Commissioners have shown towards ragged schools, I have no wish to pick out these extracts in order to make up an indictment against ragged schools; but when the noble Earl says we have not done our duty, we must defend ourselves by stating the facts as detailed over and over again in a mass of evidence, and it is for this purpose and in self-defence that I read these extracts. Mr. Handcock proceeds—"From my experience in London I have no doubt that the parents, if they chose, could afford to pay 1*d.* a week for each child capable of going to school." And that is precisely the experience which we ourselves have of the school near the Charterhouse, where 800 children of the class of costermongers are educated—precisely the class that would be educated in these schools at the cost of 1*d.* a week per child. Another gentleman, naturally a very charitable man, with a great predilection for these ragged schools, says—

> "I am clearly of opinion that if the parents chose they could pay 1*d.* a week for each of their children sent to the school. I make no doubt, from the manner in which the children are dressed, the parents could afford to pay for their education."

The noble Earl asks why we did not go to the Metropolis and to Wolverhampton. The reason is very simple. We took specimen districts in order to test the general returns, and Wolverhampton did not happen to be one of those specimen districts; but in the Metropolis we did make investigations. We appointed assistant Commissioners, and we divided the districts between them, and they investigated the subject of education in the Metropolis most laboriously and completely. One of these gentlemen, Mr. Wilkinson, says—

> "My examination of them has convinced me that they furnish another illustration of the general principle that, where anything very cheap and good is provided, the class which takes advantage of it is not so much that for which it is specially

designed as a superior class, which does not actually need, but is glad to avail itself of the benefit. I obtained lists of the occupations of the parents in several ragged schools, and found them to differ in no appreciable degree of competency to pay from similar lists obtained at ordinary public schools; but upon inquiry into the moral character of the parents I found a material difference."

Mr. Wilkinson expresses his concurrence in the following passage, occurring in the Report of the St. Pancras Boys' Home—

"In viewing ragged schools the Committee felt that their plans and modes of working were deficient in the element which alone can elevate the 'ragged' boy to self-respect; that is to say, his reception into his new home as a member of 'a family,' to be fed, educated, and trained into a future 'working man.'"

And Mr. Wilkinson thus sums up his Report—

"The short result of my inquiry upon this branch of my instructions is, that in my district ragged schools do not sufficiently retain the distinctive features with which they were originally instituted, and that thus, while they give instruction to those who desire to receive and often use it for a bad purpose, they do not supply a moral and mental education to those who most want it."

The other Assistant-Commissioner for the Metropolis was Dr. Hodgson, and he says—

"It is not so clear how far they are frequented by children whose parents can, and without these schools would, pay for their schooling elsewhere. That the fact is so to a considerable extent I have heard admitted by some teachers and denied by others; of two teachers who admitted it, one declared that all was done that could be done to make the conditions of admission stringent; the other expressed satisfaction that some children of a better sort were admitted, as they did good to the others and were useful as monitors."

I will put it to your Lordships whether I have not refuted the noble Earl's accusations; whether — I am really afraid to use the word which seems to be perfectly allowable in the mouth of the noble Earl —whether I have not shown his assertions to be perfectly untrue? He says our Report was based on information derived from one single town. I have shown you that we have Reports in precisely the same spirit from both our Assistant-Commissioners in the Metropolis. I am unwilling to trouble your Lordships with lengthened extracts, but I am in some degree compelled to do so, remembering that the characters of seven gentlemen are involved. Every word which I have quoted—and which the noble Earl has been unfortunate enough to overlook—will be found supported a thousand times over; and it is really a pity that the noble Earl had not a little more leisure for investigation. In the Report of the Rev. Thomas Hedley I find it stated—

"Schools called 'ragged' have been recently set on foot at Doncaster and Newark. At Doncaster a few persons have raised subscriptions, hired a room, and engaged a master, and have gathered a good number of children off the streets. At the time of my visit, when the school had only been open a few weeks, the number was forty or fifty. The children who most needed it were supplied with clothing. The persons interested in the school made it their business to look for children, and induce them to come to school. One or two of them expressed the opinion that there are 200 or 300 children in Doncaster who might be gathered into the school. There is no doubt that the exertions of these persons bring many children to school who would not come there of their own accord, and also that in supplying clothes to the ragged they remove one obstacle which would have excluded the children from education. But when the children are thus sought after and brought to school there is no reason why they should not attend with regularity; there is nothing, in fact, to make a separate school and master necessary. The same means which bring the children to a ragged school would, if applied, bring them to any of the schools already existing. And there is at present room enough in them. I do not, therefore, perceive that circumstances require a special school for the lowest class of children in a town of the size of Doncaster; and I doubt whether the exertions and funds for carrying on such a school will be permanent. In Newark three schools have been at work about a year, which are called ragged schools. They are, however, held in an evening, only once a week; they are open to persons of all ages, and to children who are at the same time attending a day school. They are, therefore, only in part doing the work of ragged schools. All these schools are, doubtless, doing good, and giving a little education to some who would otherwise go without any. But in parishes where every family has a settled home of some sort, and where all the children may be found and identified, there does not appear any reason why the efforts of benevolent persons might not as easily bring the children of the lowest class into the schools already established as create new schools on purpose for them. District visitors would have no difficulty in becoming acquainted with the children and watching them; and the fund now collected would serve to clothe the ragged and pay for their schooling. In provincial towns there does not seem to be any necessity at all parallel to that which suggested ragged schools in London and other large towns."

What says Mr. Winder on this subject? That gentleman took the Rochdale and Bradford, Lancashire and Yorkshire districts, and he says at page 202, vol. 1—

"There remain the ragged schools, which provide instruction and food to about 370 children. Unquestionably the greater portion of these are very poor, and probably but very few of them would be at school at all if it were not for the ragged schools. But it must be remembered upon what conditions a respectable man sends his children to an institution of this kind. He must submit to let them associate with the sweepings of the street, with the children of the most depraved and vile of mankind. Consequently, as I was assured by one of the masters, many parents who stand urgently in need of the assistance of a charity school, will not make use of the ragged school; though it is equally true, on the other hand, that there are numbers of people well able to pay for education who will smuggle in their children if they can."

Well, then comes Mr. Cumin's report. That gentleman appears to have so dreadfully frightened the noble Earl that I am almost afraid to shake his nerves by any further quotation from his report. I will, therefore, spare the noble Earl, remarking only, that it appears from the letter in to-day's papers that Mr. Cumin is very well able to deal with the noble Earl upon this question. Mr. Henry Ewers, master of the Charles National School, Plymouth, said—

"I have been in the Cattle Street ragged schools three or four times, and have discussed the subject with the master and others, but cannot say that I should refuse to receive the ragged school children into the Charles School, from their dress and personal appearance. From my experience as a schoolmaster, I should not think it possible to educate the numbers I have seen there with the ordinary ragged school staff. We have lost boys from Charles School to the ragged school. Some have alleged they could not afford to pay; but the majority left from caprice or the distance of Charles from their homes. One boy, ———, has left this very week after paying 2*d*. a week for two years. In discussions in the Schoolmasters' Association the master of the ragged school has been constantly told that the boys admitted by him are the sons of parents perfectly able to pay. I never knew any instance in which a boy who presented himself for admittance into the ragged school has been rejected. This, however, the master alleges to be the fact. I think that if no ragged school existed the most of the children who attend that school would be absorbed by the other schools. In many cases in which a child cannot afford to pay the school-pence in Charles School some charitable person pays for him or her. I think the building arrangements as sanctioned by the Committee of Council are excellent."

I have many others to the same effect, but I will trouble your Lordships with only one more—it is the testimony of the Dean of Bristol—

"Do you think that ragged schools are necessary as supplemental to the ordinary schools?—Not for the pauper, for the law provides a remedy in the case of the pauper child; nor yet, in one sense for any other child, for I presume the money spent on the ragged school in rent, salaries, and all other incidental expenses, would pay 'the pence' for the schooling of all the children who attend it at some ordinary school. But in another sense I can conceive a school, something of the nature of a ragged school, being useful.

"In what sense?—In no case do I mean gratuitous schools. But I believe in all densely populated places there are labourers, some honest enough, some painstaking enough, but others careless, others dissolute, who cannot afford to pay many pence for education, cannot afford to well clothe their children, cannot afford to lose all the time of their children, are willing to send them to school, but are unwilling to send them among better-clad children, or to send them when their attendance must be systematic and almost continuous. On the other hand, I fear that the ordinary schools are becoming raised in the scale of children they only educate, that the teachers daily become more prone to exclude the very poor from the schools, and more adverse to have the regularity of their system intrenched upon by the necessary irregularity of the children of the most struggling and heaviest-weighted of our poor. Unless very great care be taken to maintain an impartial system of general education in our parochial and analogous schools, and unless these schools can be made, without impairing their usefulness to the general body of the labouring classes, to accommodate themselves to the condition, habits, and necessities of the lowest rank of that class, I do not see how we are to provide for the universal education of our people without providing some school of the nature of the present ragged school.

"You speak of a fear of the scale of the ordinary school in respect of the position or condition of its scholars being raised. What leads you to entertain it?—The tendency to raise the fees. I have heard of schools in which the fees have been gradually raised from a sum merely nominal to 2*d*., to 3*d*., to 4*d*., and I believe, in one instance, 6*d*., the larger sum being paid for extra lessons. I grant that I have been assured that the whole amount of fees under the larger scale has always been greater than under the less; that this has not been obtained through a fewer number paying more, but that the number of scholars has not decreased; that, on the contrary, it has increased; that it has not increased by the accession of scholars of a higher class, while those of a poorer class have been forced to leave the school. Yet, nevertheless, I confess myself unconvinced that a high rate of fees, or one ungraduated to the varied and shifting condition of the poor, will not exclude many of the poor from our schools. I as yet believe that very many cannot afford to pay more than a light fee, and would, by its being raised, be forced to take their child from school or hurry it still more than is already too much done in any remunerative work that presents itself. I as yet believe that there are very many, far too many, utterly careless of what their children acquire at school, and sending them there simply to get rid of them from home, or as a refuge from the streets, who would without hesitation subject their children to any dangers rather than pay the additional pence. If there would result such withdrawal of the poorest or of the most depraved from our schools, it appears to me that we should be exactly overlooking and missing the very chiefest end, to obtain which the community should be called on to interfere at all. Either, therefore, we must not allow the doors of the present schools to be shut on the poor, or else we must provide others.

"You have said in no case would you have the schools gratuitous; but how is the neglected child of the dissolute parent to be educated?—The gratuitous education of a neglected child would, no doubt, be a premium on negligence; but unless the Government can with, to me almost inconceivable, ingenuity devise the definition and the statute which shall enable the law to distinguish the criminally negligent and to attach their earnings, I do not see how these neglected children of parents not being paupers can be educated except gratuitously."

Perhaps it may be said that a master of one of these schools would be a prejudiced witness; but I do not know that the noble Earl will find much to his comfort in reading the answers of Mr. Bennett to Mr. Cumin's questions. I think he will find that the general tendency of that gentleman's evidence is very much in accordance with that of those whom the noble Earl has characterized as the enemies of ragged schools—

"What means are taken to confine the class of children in ragged schools to that for which they are intended?—The means taken to insure this object are personal inquiries by the masters and mistresses, and by the members of the committees into the actual condition of the families to which the children applying for admission belong, keeping attention alive to any improvement which may from time to time occur in the circumstances of the parents whose children are already entered on the books.

"Suppose a man earns 30*s*. a week, and has two children, but gets drunk every week, ought the child of such a man to be admitted into a ragged school?—This question is already answered in my reply to the second question. The managers do not think it is the capability of the parent to pay for his children's instruction, but the fact (be the cause of it whatever it may) that his children are not sent to school, and are uncared for at home, that constitutes a valid claim on the part of the child to the benefit of this charity. It is immaterial, therefore, in this view of the case, whether a parent gets 30*s*. a week, or more, or less, if, get what he may, he spends it all at the pot-house. The question is, are the man's children growing up in ignorance, vice, and vagrancy? If they are, let the parents' circumstances be what they may, such children must not be rejected by the ragged school.

"Can you produce any facts to show the good effects of the ragged school?—I wish here to state what I mean by a ragged school. It is not simply a means for giving elementary instruction to a number of children. It is an institution for bringing a moral influence, educational, domestic, and personal, to bear on the character of a neighbourhood.

"Do you know any cases in which boys have been turned from vagrancy to industry by the mere influence of the teaching of the masters, without being fed or clothed or withdrawn from contaminating influences? If so, state them. I know of no such cases except those to which I have before generally adverted. The schools appear to me rather calculated to save the children from falling than to recover them after they have become thieves or vagrants."

But the noble Earl has made another accusation. He says, we have not taken any account of voluntary teachers and penny banks which have been established by the ragged schools. I do not pretend that we have. But I defy the noble Earl to point to a single word in this Report which would imply that ragged schools have done no good. It is, no doubt, true that we did not refer to voluntary teachers and penny banks. Why? Because they were totally irrelevant to the subjects of our inquiry. We were required to investigate the subject of elementary education, and, therefore, we had nothing to do with voluntary teachers and penny banks. We might as well have inquired into the general question of savings banks.

I stated, my Lords, at the commencement that, while we express an opinion upon the whole as adverse to public assistance being given to ragged schools, properly so called, we have in an equally strong manner advocated the establishment of industrial ragged schools; and even the gentleman who has excited the ire of the noble Earl in so remarkable a degree, Mr. Cumin, gives a very favourable view of the Evening Ragged Schools, which are managed by voluntary teachers from the higher ranks in life, while the others are conducted by paid teachers. All I can say on this subject is, let the noble Earl read this book fairly and impartially, and he will find testimony precisely similar to that of Mr. Cumin. The noble Earl talks of an inquiry by this House. My Lords, after the strong language he has used on this subject, and which I cannot help thinking was very absurd, I am confident that neither the Commissioners nor those who assisted them in the inquiry need fear any examination on oath, either by this House or elsewhere. I am certain that the plain and honest verdict of every one who reads this Report will be that the Commissioners have dealt with the subject intrusted to them with the greatest possible impartiality. We do not claim the infallibility which the noble Earl arrogates to himself. We do not say, because this is our opinion, no honest man can entertain an opposite opinion; but I am certain that the universal opinion of your Lordships and the public will be, on reading this volume, that this is one of the fairest, most honest, and impartial Reports that ever was laid on the table. With a sort of sneer against the Commissioners, the noble Earl has said that while we for our amusement, or to gratify a vindictive feeling against him, were deliberating — and we devoted two years and a half to minute inquiries on this subject—the noble Earl and his friends were acting. Well, my Lords, we did deliberate, and I shall be much disappointed if these deliberations of ours do not lead to very considerable good in regard to the education of the country. I have already been assured of this by several persons of competent knowledge. But, while the noble Earl talks of the friends of ragged schools acting, are they the only people that have been acting? What has the Church of England been doing? What have the Dissenting bodies been doing? What has the whole population of England been doing? Ragged schools have done their part; but they have not done the only work. While ragged schools have been spending their £25,000, we and other bodies have been spending millions. The noble Earl says that ragged schools have not asked public money; that they scorn and repudiate it. The noble Earl may do so for himself; but, unless I am very much mistaken—and I do not want to expose myself to a charge of wilful falsehood from the noble Earl—he formed one of a deputation with Sir John Pakington to the Council Office, in 1857, for increased grants of public money to these schools. I must say, however, that whatever may be the opinion of the noble Earl, the friends and supporters of ragged schools generally are not indisposed to receive public money. They do want public money; they have demanded it lately, and the noble Earl is not entitled to come here and speak in their name. Surely the noble Earl will recollect one great meeting in particular, which was held at Birmingham on the subject, and at which Mr. Adderley, to his great praise, expressed openly and candidly his aversion to the extension of the public grant to them, for the simple reason that it must inevitably lower the standard of public education. All that we say in our Report, and what I now again repeat, amounts to this, that the Government do not look on ragged schools as part of a permanent system of national education, and, therefore, cannot recommend the extension of the educational grant to them.

I must again apologize to your Lordships for having occupied so much of your time; but I could not do less than I have done for a body of gentlemen, my six colleagues in the Commission, who gave themselves to the performance of an important public duty with an ability, a devotion, an industry, and a generosity which deserve a better return than the noble Earl has given to them; and I sit down with entire confidence that, whatever you may think of ragged schools, your Lordships will not agree in the most unfair attack which the noble Earl has made upon the Education Commissioners.

LORD PORTMAN said, that the Reports of the Commission were very able and important public documents; but they contained recommendations which he doubted very much whether their Lordships or the House of Commons would ever consent to carry out. With respect to the ragged school part of the question, he was convinced that they were too important to be spoken lightly of; but, at the same time, they could not be reduced to such a system as would entitle them to have a portion of the educational grants, although he quite admitted that they were invaluable as inducing a large class of children who thronged our courts and alleys to enter a school, and obtain the first rudiments of education, which they otherwise never would have obtained at all. He might, perhaps, be allowed to call their Lordships' attention to the proposition of the Commissioners that education might be supported by charges on the county rates.

THE DUKE OF NEWCASTLE said, the subject now mooted by his noble Friend was so distinct from that under discussion, and the proposition actually made by the Commissioners was so completely misunderstood in many quarters that, as he should not have the opportunity of speaking again, he hoped his noble Friend would reserve his remarks for some future occasion.

LORD PORTMAN said, his object was merely to call attention to the point, and to urge that the Government should consider the matter well before they brought forward any proposal to lay a charge on the county rates.

EARL GRANVILLE: My Lords, I have no doubt that as the Motion before the House was only made for the purpose of enabling the noble Earl (the Earl of Shaftesbury) to make a statement, and as the papers have already been presented, your Lordships will not be asked to divide. I also venture to express the hope that the debate will close without any ill-feeling on one side or the other. It was natural that the noble Earl should feel some warmth when, as he thought, an attack was made upon institutions to which he has devoted much time, and which he believed to be calculated to promote the interests of education. On the other hand I should not have been surprised if the noble Duke had spoken with even more warmth than he has done on the present occasion, considering the accusations made in the speech of the noble Earl, and the still more personal remarks directed against the Commissioners not long ago in Exeter Hall, in which the noble Earl called the noble Duke Philosophus, and assured the audience that every one of them was superior to all the Commissioners in every quality of the head and heart which made a man a good Christian. But I trust the discussion will end without any feeling of asperity between two such staunch friends of education. With respect to the remarks of the noble Lord who spoke last, I may state that, of course, a considerable time must elapse before the Government can take action upon the Report of the Commissioners. I may say, indeed, that there are statements and recommendations in the Report which I should not be ready to adopt at once; but having read the Report with great care—though I have not gone through the evidence—I have been struck with the ability and industry of the Commissioners, and with their sincere and single-minded endeavours to arrive at the truth, and to convey it without disguise to the Government and the public. As connected with the Education Department of the Privy Council I am exceedingly gratified by one part of their Report. In 1856 the Education Committee passed a minute which gave many advantages to ragged schools; but in a subsequent year that minute was cancelled and the grants to ragged schools were curtailed. I have heard great complaints of that change; I have received deputations and letters on the subject; and, therefore, it was satisfactory to me to find that the Commissioners, after long and careful inquiry, had come to the conclusion that large grants of public money ought not to be made to ragged schools. I accept the declaration made by the noble Earl, but it is not desirable these institutions should receive systematic assistance from the State, while it is impossible to deny that in individual cases, and where they have been superintended by active and energetic men, thoroughly up to their work, they have done much good.

THE EARL OF SHAFTESBURY replied, and said that what he wanted to know was on what evidence, on what figures, or on what documents the Commissioners founded their Report? It was not enough to give the mere results. He wished to know on what the results were founded. The noble Duke had given no explanation of the fact that the Commissioners stated that there were only fourteen ragged evening schools in England and Wales, whereas there were 151 in London alone.

THE DUKE OF NEWCASTLE said, that the discrepancy probably arose from the fact that the Commissioners, who were appointed to inquire into the elementary education of the children of the poor, did not include the schools for adults. If there was any error, it was the fault of those connected with the ragged schools themselves, for the Commissioners inserted all the returns which had been furnished to them. With regard to the evidence which the noble Earl asked for, it was impossible that it could be furnished. The Commissioners sent out ten assistant commissioners to make personal inquiry, and their reports constituted the evidence on which the Commissioners reported. He had every reason to believe that the reports they furnished were correct, but they took no formal evidence. Their reports were the results of personal inquiries.

Motion, by leave of the House, *withdrawn.*

House adjourned at a quarter before Eight o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, May 13, 1861.

MINUTES.] PUBLIC BILLS.—1° Excise and Stamps; Boundaries of Burghs Extension (Scotland) Act Amendment.
2° Landed Property Improvement, &c. (Ireland); Markets (Ireland).

PROSELYTISM IN SCOTCH WORKHOUSES.

QUESTION.

MR. MACEVOY said, he wished to ask the President of the Poor Law Board, Whether it is intended to take any evidence before the Select Committee now sitting on Poor Relief (England) in reference to the complaints made of the proselytism of Catholics in Workhouses in Scotland?

MR. C. P. VILLIERS said, the inquiry now proceeding upstairs with reference to the Poor Law strictly referred to the administration of the Poor Law in England and Wales under the Central Board, and the English Poor Law Board had no jurisdiction over the Scotch Poor Law. He was, therefore, of opinion that there would not be any propriety in receiving evidence on the mode in which the Poor Law was administered in Scotland.

JAPAN—CASE OF MR. MOSS.

QUESTION.

MR. ALDERMAN **SALOMONS** said, he would beg to ask the Secretary of State for Foreign Affairs, If he has received a Copy of the communication addressed to Mr. Moss by the English Merchants of Yokohama, on the sentence of fine, deportation, and imprisonment at Hong Kong, recently passed by Her Majesty's Representative at Japan upon that gentleman; and if he intends to lay upon the Table any papers on this case for the information of the House?

LORD **JOHN RUSSELL** replied, that all the papers connected with the case of Mr. Moss had been referred to the Law Officers of the Crown for their opinion upon the facts. An opinion had been given, but it had not yet been settled what course should be taken. He doubted whether it would be convenient to lay the papers upon the Table, but he would consider the point and communicate with his hon. Friend.

WHITSUNTIDE HOLIDAYS.

NOTICE.

VISCOUNT **PALMERSTON** said, perhaps it would be convenient for him to state what the Government proposed in regard to the Whitsuntide holidays. Considering the state of business before the House the same course would be followed as that of last year,—namely, that the House should adjourn on Friday next to the following Thursday.

PRIVILEGE—CASE OF MR. A. STEUART.

COMMITTEE MOVED FOR.

MR. **ROEBUCK**: I wish, Sir, to call your attention and the attention of the House to a matter relating to a question of privilege, and I do so with great hesitation. But before I state the facts of the case I will precede them by a short preliminary statement of the circumstances which have led to my addressing the House on this occasion. On Wednesday last certain statements were made to me which led me to make an appeal to you, Sir, that appeal was as to bringing the matter forward as a matter of privilege, on that day, and you, Sir, said to me on that occasion that you thought that I could not intervene between the orders of the day, and that I had better delay the matter until the next day. On Thursday last I waited upon you, Sir, and you stated to me that the subject which I wished to bring before the House was one which might be painful to an individual, and might lead to harm to that individual, and that, therefore, you thought that all the benefit which I sought to obtain by a public mention of the circumstances could be obtained by private negotiations; and, therefore, you asked me to withhold any statement that I might wish to make on that account. In obedience to your wishes, Sir, I withheld any statement from this House on that occasion, and I waited until Saturday, when you, Sir, stated to me that you had been unable to obtain by private negotiation that which I sought to obtain by a public statement, and that, therefore, I was at liberty to take any course which I thought fit. Upon that I determined to make the statement which I am about to make to the House, which I do with great pain, as I am obliged to mention the name of a Gentleman who is afflicted with a calamity which must excite commiseration in the minds of all, and whose name I should not mention were I not by the necessities of public duty compelled to do so. Sir, about fifteen years ago Mr. Andrew Steuart—

MR. **MACAULAY**: As the hon. and learned Member has mentioned the name of a Gentleman, I think I may put it to you, Sir, whether, considering that which the hon. and learned Gentleman has sufficiently announced to the House that he is going to lay before the House, it is usual to bring forward a matter of this sort without some previous statement to the House that notice has been given to the hon. Member who is about to be affected, or at all events, in a case so peculiar as this, that some notice has been given to some persons standing in the position, we will say, of next friend, as it were, to that Gentleman?

MR. **SPEAKER**: The hon. and learned Member for Sheffield has risen to make a Motion upon a subject which he considers to affect the privilege of this House. On a matter of privilege no notice is necessary. The hon. Gentlemen, is in the exercise of his own discretion, and is not contravening any rule of this House.

MR. **ROEBUCK**: Sir, I am quite sure that I am not contravening any rules of the House; and I am quite sure also that I am taking the course which the public advantage requires me to take, and I am not doing it, Sir, without grave consideration and consultation. When I have stated the facts I think it will appear clear to the House that I am right in the course which I am taking. Some fifteen years ago Mr. Andrew Steuart, the Member for Cambridge, was unfortunately afflicted with brain fever, which left upon his constitution a susceptibility, and also a liability to paroxysms of insanity — and, Sir, this hon. Gentleman has also that peculiarity which is not confined to himself, but which, as must be known to all hon. Gentlemen who have read the life of Charles Lamb, was also a peculiarity of his sister who was afflicted in the same way, and she had, as this Gentleman had, a sort of foreknowledge that the paroxysms were coming on—and he of course knew that his senses were about, by that great affliction, to be taken away from him. This hon. Gentleman felt those paroxysms coming upon him, and he went to the licensed proprietor of a private lunatic asylum and begged to be taken into that asylum. That person said to him that of course by law he was unable to take him into the House without a certificate from two physicians, and that if he could obtain such a certificate he should be happy to take him in charge. Very shortly afterwards, Sir, two physicians were found to give that certificate, which contained the remarkable statement that Mr. Steuart was not only dangerous to himself, but also dangerous to others, and thereupon he was received into that lunatic asylum. I believe the name of the keeper of that asylum is Dr. Winslow, and Mr. Steuart was put under the charge of Dr. Bartlett, and he was in charge under that physician, the certificate stating that he was dangerous to himself and others. Under those circumstances, Sir, on the evening of Thursday week, or rather on the Friday morning, the hon. Member for Cambridge appeared in this House and voted upon a matter which was exciting to us all and one of very great importance to the country. Now, that a person in that condition should be allowed to come among six hundred excited men—[*Laughter*]—it is no laughing matter, and I do not bring it before you as a laughing matter. I am stating it as gravely and as calmly as I can, and I wish to bring before the House the very great danger, affecting not only the personal safety of every individual Member of this House, and more especially of the leaders on both sides of the House, but also of the public at large; and not only that, but affecting also the character of our divisions—that a person in this condition, under a certificate of that peculiar description, should be allowed to come into this House out of a lunatic asylum, and to give his vote upon a matter gravely affecting the interests of the country at large. Now, Sir, I think that into this matter this House is bound to enquire. I charge nobody. I make no charge affecting anybody. I only state the facts. But it is quite clear that somebody must be to blame; and under those circumstances what I wish is that this House should find out the person upon whom the blame ought to rest. You thought, Sir, that by a private intimation to the Commissioners in Lunacy you might obtain from them a promise that they would take precautions that this should not happen again. In that, Sir, you failed, and now I want to know whether the law is in fault or whether the Commissioners in Lunacy are in fault, or whether the person who had the charge of this Gentleman is in fault. Somebody must be in fault, and I wish the person to be pointed out to the world, and I wish the precaution to be taken that such an occurrence shall not happen again, and that among the public at large this House should not incur the imputation of allowing a person under those peculiar circumstances to vote upon a matter which is before them. Therefore, Sir, without further delaying this House, I will move, if the House think fit to grant it, for a Select Committee to inquire into the circumstances under which Mr. Steuart, the Member for Cambridge, voted in a division of this House on Friday morning week last.

Mr. HADFIELD seconded the Motion.

Mr. SPEAKER put the Question.

Mr. MACAULAY: Sir, it is not my intention in rising to this Motion to offer any argument to the House, either one way or the other, why such a Committee as that for which the hon. and learned Gentleman has moved should not be appointed; but filling the position which I do towards the hon. Gentleman whose name has been so unnecessarily mentioned, and considering that a near relative of my hon. Friend has within the last few months left the House, it devolves upon me, standing in the position, as I do, of the colleague of Mr. Steuart as Member for Cambridge, to address a few observations to the House. I know no one here that stands in a nearer relation to him than I do, and certainly there is no one who is more intimately acquainted with the facts than I am. Mr. Speaker, but for one's knowledge of the hon. and learned Gentleman, one would have been inclined to suppose that this Motion had been made for the purpose of giving pain to individuals. I cannot imagine that that was any part of the motive of the hon. and learned Gentleman, but I cannot conceive for what public purpose the name of Mr. Steuart has been introduced into this matter. But as the matter has been brought forward, and as Mr. Steuart's name has been mentioned. I think that I may be excused for informing the House as to what are the mere unmixed circumstances attending Mr. Steuart's recent ailment, and then the House will see how much or how little ground there could be for the hon. and learned Member's bringing this subject publicly before the House. The hon. and learned Gentleman has made a statement with regard to an ailment under which Mr. Steuart is supposed to have laboured a great number of years ago, and I want to know what was the relevancy of that statement to the subject which he has brought before the House. I want to know where the hon. and learned Gentleman got his information from? This I do know, that a week ago nearly, or rather last Tuesday, I became acquainted accidentally, and then afterwards, Sir, by your great courtesy and indulgence to me, with the intention which it seems the hon. and learned Gentleman had laboured under to bring this matter before the House—and I having received no notice from the hon. and learned Gentleman put myself in communication with him, and on that occasion the hon. and learned Gentleman confided to me a statement wholly different from that which he has laid before the House to-night. He told me that he was under a public necessity of bringing this matter before the House as a gross breach of privilege, because, on evidence of which he was possessed, derived from the clearest sources, the hon. Member had been brought down to the House by management, that he was brought down in a dangerous state accompanied by two keepers, who were placed within the doors of this House, who waited for him at the door, and who accompanied him away. I told the hon. and learned Gentleman that that could not be true, for that I accompanied Mr. Steuart out of the House myself. I walked with him down the stairs, and I walked arm in arm with him across Palace Yard, and left him to go into a cab in the middle of Parliament Street. The hon. and learned Member told me that I was mistaken, and that the keepers were really close by us although I did not see them. I told the hon. and learned Gentleman that, from souces of information which I had and from my own personal knowledge, there was no doubt whatever, that when Mr. Steuart came down to this House on Thursday night to vote, his mind was free from anything that could be called insanity, and that there was not a vestige, nor a trace, nor a streak of anything which in ordinary parlance is called insanity or lunacy or derangement of mind, but that he was, at the very least, as sane as my hon. and learned Friend himself. I was ignorant at the moment when I spoke to my hon. and learned Friend of the details attending this recent ailment of Mr. Steuart, but I told my hon. and learned Friend all that I then knew, which was this: that about three weeks previously I had received a letter from Mrs. Steuart asking me to take the charge of Mr. Steuart's letters on business, for that he was unwell and was gone for a few weeks into the country. Shortly after that, and about ten or twelve days before the vote, I received myself a long letter from Mr. Steuart, and if I could have imagined or foreseen then that the preservation of that letter would have been of any value on an occasion like this, or that any such occasion as this was likely to arise, I would have preserved the letter and have read it to the House. As it is I can only state what Mr. Steuart said to me of himself ten days before he came down to vote. His letter was dated no doubt at the House of Dr. Winslow, in the neighbourhood of London, about five or six miles distant, and Mr. Steuart said? "You will recognize by the date of this letter where I am—the fact is that I have recently been suffering under attacks of extreme depression of spirits, and I have placed myself where I am, in order that I may undergo a perfect restoration, which I have no doubt I shall attain in the course of a few weeks. In the meantime I have thought it better that I should abstain altogether from every kind of business, Parliamentary and private, for a time—but I am now much better. I am all but well, and I am perfectly able to come down at any time to the House to vote. That was ten days before the division occurred. Of course the House will be prepared to hear me say that with regard to Mr. Steuart's suggestion to come to the House and to vote at any time before his perfect restoration to every other kind of business I took no notice of it, nor had I any communication upon the subject of his voting either with himself or any other human being that I know of either in or out of this House. I wish the House to understand what had been Mr. Steuart's position between the 6th of April and the day when he came down to vote. Mr. Steuart had, as has been stated, voluntarily called upon a medical man and disclosed to him his own sensations, which let the House understand were nothing but sensations, and informed the medical man whom he consulted—namely, Dr. Winslow, that he desired for his own safety, and for his peace of mind, to place himself under medical control and treatment. Dr. Winslow informed him that by the statute law that could not be unless he had the certificates of two physicians that would enable him to receive him into his house; and let the House bear in mind that it is, I believe, a peculiarity of the law of England that it is not lawful for any person who feels a growing infirmity, or a desire to sequester himself and place himself under such medical treatment, unless the medical man with whom he places himself has the certificates of two other medical men to sanction his confinement. Accordingly Mr. Steuart visited two other medical men, and from his own statement and from his own evidence those formalities were perfected which entitled Dr. Winslow to receive him into his house. That was upon the 6th of April, and from that day until the vote of last Friday week Mr. Steuart never underwent the smallest coercion, nor the slightest restraint—he lived in the house as any other visitor—he was not even accompanied out of doors by an attendant, but he went in and out, walked, drove about, and came into London and saw his friends just as if he was an ordinary guest of Dr. Winslow, and by no means as a patient; and during the whole of that time, from first to last, it cannot be repeated too often, or at all events it cannot be repeated too strongly, that there never was, and there never has been in this case one symptom, or one streak of mental alienation of any kind whatever. Sir, this being so, when I conversed with the hon. and learned Gentleman last week, I felt, and I expressed to him very strongly that I did feel, that this matter should not and need not be brought before the House, unless there was some person to be called to the bar of the House, whom the House and the House alone would punish and visit if in fault. Now, Sir, what are the circumstances attending Mr. Steuart's appearance in this House on the division? It appears that in the early part of that day he had called, as was not unusual upon Dr. Winslow, and expressed to him his intention of coming down that night, expecting a division to take place and a voting, and that Dr. Winslow said everything that he could to dissuade him. Of course Dr. Winslow's real feeling was that it was impossible that he should do so whilst he was an inmate of his house, and that it was his duty of course to take whatever measures were requisite to defend him from excitement. But Dr. Winslow did not say so much to Mr. Steuart, but he worked upon his mind by telling him that coming into the crowd, and the lights and the excitement as the hon. and learned Gentleman said, and one thing or another, might be seriously injurious to his health; and he went away leaving Dr. Winslow under the impression that by reason of his intimations of opinion he had entirely abandoned all thought of coming here. So far, therefore, Dr. Winslow was not personally responsible for what afterwards took place. I am informed, and I am not stating a matter in controversy, or one on which there are two statements, that later in the day, or rather in the evening, Mr. Steuart intimated to the medical man in charge of the house where he was residing that he meant to come down here and vote. I do not know whether that gentleman's name has been mentioned, but it is Mr. Bartlett. Mr. Bartlett dissuaded him in the same terms that Dr. Winslow had previously applied. Mr. Bartlett was aware of what had passed between Mr. Steuart and Dr. Winslow in the morning, and, therefore, he did all he could to enforce what Dr. Winslow had said; but Mr. Steuart feeling perfectly unconscious upon his part of his being subject to any kind of personal control—for such restraint or such treatment had never been made use of—felt that he was perfectly free to go and come when he wished. Mr. Bartlett was in this embarrassing position. Mr. Steuart said he would go, and Mr. Bartlett having had him as an inmate of his establishment for six weeks, and never having controlled his proceedings before, thought that if he endeavoured to administer any other coercion than before, he might possibly be inflicting a greater injury upon Mr. Steuart than would arise from his being left to do as he liked. Therefore, as a choice of difficulties, and balancing between two hazardous courses, Mr. Bartlett elected to place no further opposition to Mr. Steuart's intention. Accordingly Mr. Steuart ordered a cab and drove down here and afterwards went back to the house from which he came. The case being such as it is, I strongly urged upon the hon. and learned Gentleman whether, unless there were some grievous offence against this House, or some breach of privilege for which either Dr. Winslow or Mr. Bartlett, or somebody else was to be called to the bar, and to be punished, unless something had been done which the ordinary censure of the superiors of those gentlemen could not reach, there was anything to be attained, either for the public good, or for the protection of this House, which could be at all weighed for a moment in the scale against the unutterable pain which this proceeding, if made public with Mr. Steuart's name annexed to it, must produce amongst a very large circle of perfectly innocent people, and at all worth the pain which must be inflicted upon Mr. Steuart himself, who, like all the rest of mankind, will read to-morrow so much as is published of our proceedings to-day. Well, Sir, I am contented with having made known to the House what I believe to be the true and the mere facts with regard to this Gentleman's condition at the time of his voting and the circumstances which attended his coming down here. I am not the only Member of the House of Commons who saw Mr. Steuart on that occasion, and if additional evidence were required to-night, there are those who not only knew him in the House, but have known him for years before I had the pleasure of his acquaintance, and who will inform the House, if necessary, that Mr. Steuart was as sane and was as healthy, both in body and mind, as any hon. Member of this House, and upon that statement I would stake my own reputation, whatever may happen, to be as a witness. Well, now, Sir, I said at the beginning that I would offer no observation as to the Motion of the hon. and learned Gentleman. It was some time before the Motion was seconded, and I thought that it was possible that I might have to second it myself, in order to have the opportunity of making this statement before the House. As it is I offer no observation upon the Motion of my hon. and learned Friend. I have merely to express my regret that he himself should have felt under the uncontrollable influence of some feeling or other which prevented him from being able to see or to feel that the country or the House could dispense with this public statement which the hon. and learned Gentleman has made.

SIR GEORGE LEWIS:—Sir, in the present state of our information it seems to me most inexpedient that we should undertake to discuss the details of this painful occurrence. I will only state my opinion that the law is not in fault, and that the Commissioners of Lunacy are not in fault; and I also believe that the act of Mr. Steuart, in attending this House for the purpose of voting upon the occasion referred to, was entirely spontaneous, and was not actuated by any other person. I have reason to believe that this case has been carefully investigated by the Commissioners in Lunacy, and that they have taken whatever steps appeared to them to be proper with respect to the persons in charge of the asylum in question; and I believe that if the document which is in existence were laid before this House it would put them in possession of all the material facts of the case. Under these circumstances it appears to me that the proper course for this House to take before proceeding to appoint a Committee would be to take means for obtaining the document in question, which contains the result of the investigation of the Commissioners and their decision in their Report. If, Sir, this House should be of that opinion, they might attain their end in two ways—they might either move for a Return to be made by the Commissioners in Lunacy, or if that course should not appear desirable, I will undertake to address an official letter to the Commissioners in Lunacy, calling upon them to make to the Home Department a full Report of the case; and I will then undertake to lay that Report upon the table of the House as soon as it can be obtained. If that course should appear to hon. Members to be suitable to the circumstances of the case I would ask the hon. and learned Gentleman either to consent to withdraw his Motion altogether for the purpose of carrying out that suggestion, or if he should be unwilling to take that course, I will ask him whether he would object to withdraw his Motion for the present, subject, of course, to his power of renewing it if the paper presented should not appear to him to furnish the information required?

MR. BALL: As representing the county for which my hon. Friend the Member for Cambridge has been returned, and as having some knowledge of the facts which have been now laid before the House, I must say that the indelicacy of bringing this matter before the House, the great pain which it will occasion to the friends of Mr. Steuart, and the wound which it will inflict upon the family of the hon. Gentleman will only be very much increased, confirmed, and added to by the appointment of a Committee. Unless the House are disposed to dispute the statement which has been made by my hon. and learned Friend the Member for Cambridge, I cannot understand why a question which, I think, never ought to have been brought before the House, and which, I think, militates against the kind consideration which one Member of this House ought to feel for another, a question which can do no possible public good, ought not to be at once and for ever disposed of, for I say it is not politic and it is not consistent with any due consideration for the feelings of others or for the general interests of the House at large that such an unfortunate case so brought before the House should be carried on. Therefore, I do hope that the right hon. Gentleman upon consideration will see that there is no necessity of appointing a Committee, but that the matter will be allowed to drop, with the statements which have been made by the hon. and learned Gentleman opposite.

VISCOUNT PALMERSTON:—I do not quite acquiesce, Sir, in the view which the hon. Member has taken of this question. I quite feel that the mooting of a question of this sort must be attended with great pain to all who are related to or concerned for the hon. Member who is the subject of it, and nobody can regret that pain more than I do. But at the same time there are higher considerations involved, and I think that we cannot let the decision of the House upon this case turn upon the question of more or less pain which may be occasioned to individuals in regard to such an inquiry. Sir, it is a very serious thing that a person labouring under mental infirmity, and being at the moment under care and treatment for that infirmity, should present himself at this House to vote upon a great question of public policy, and I must say that it is very desirable that steps should be taken to prevent a recurrence of such an event, both for the dignity of the House, for the character of our proceedings, and for the public interest, viewed in many different lights. But, as my right hon. Friend stated, we believe that this matter has been investigated by those whose duty it was to look into it,—namely, by the Commissioners in Lunacy; and, therefore, I quite concur in the recommendation which has been made to my hon. and learned Friend the Member for Sheffield to withdraw his Motion as premature at all events, and to content himself with the offer which my right hon. Friend has made of obtaining from the Commissioners in Lunacy a Report of the proceedings which they have instituted with regard to this matter. That Report may show that there is no danger of any recurrence of an event of the same kind, and in that case my hon. and learned Friend will probably be satisfied without going further. If, on the contrary, there should appear to him to be grounds for further proceedings, he will then have only to renew his Motion, and the House will give their opinion on that course.

MR. HORSMAN: Sir, I want to suggest to the House that I think there is a mode by which we might get out of all the difficulty which is raised by the proposal of my right hon. Friend the Secretary of State for the Home Department. That proposal will be liable to this objection at any rate, that any withdrawal of the Motion now, to be followed by an inquiry and subsequent report, and possibly by another discussion, will prolong that state of pain and anxiety which we all feel ought to be avoided. With the permission of the House, Sir, I will suggest another mode by which we may at once get all the information which we desire, and yet come to a settlement of the question to-day. My right hon. Friend has stated that an inquiry has been instituted, and evidence upon all the facts taken upon oath, by the Commissioners in Lunacy. Now, Sir, I apprehend that any Commissioner in Lunacy, sitting in this House with a knowledge of all those facts, would be at perfect liberty to make a statement of them if called upon by you, Sir, under the authority of this House. A Commissioner in Lunacy cannot state those facts as a

Member of the House because his lips are sealed by his oath of office. But, Sir, the interposition of this House would absolve him from that oath, and under your authority he would be enabled at once to state to us now all the facts and all the circumstances of the case which have come to his knowledge in connection with this inquiry. One of those Commissioners, who must be cognizant of all the facts, is sitting in this House at this moment and occupying the Bench beside me, and if, Sir, he would have no objection to being called upon by you, and if the House feels that a statement of the facts by him would carry conviction to the minds of every hon. Member of the House, I think that by having that statement from him we should at once get rid of the whole subject without any further inquiry, or any Report, or any subsequent discussion, the very apprehension of which must be painful to the mind of the hon. Member. I would, therefore, humbly suggest to the House that you, Sir, should be invited to call upon the hon. Member near me, the hon. Member for Hereford, as a Commissioner in Lunacy, to state to the House what he knows of the circumstances in order that they may be able to judge of the propriety or otherwise of withdrawing the Motion for the purpose of reviving it on a future occasion.

Sir GEORGE LEWIS: Perhaps the House will allow me to interpose for the purpose of requesting my hon. Friend the Member for Hereford not to make without preparation, and without having before him the documents from the office, a statement to the House upon this subject. I am desirous of calling the attention of the House to this fact, that every Commissioner in Lunacy takes this oath before he enters upon his office—

> "I do swear that I will discreetly, impartially, and faithfully execute all the trusts and powers committed unto me by virtue of the Act of Parliament dated the 9th year of Her Majesty, and intituled, &c., and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I shall feel myself called upon to do so for the better execution of the duty imposed upon me by said Act."

Doubtless in order that the Speaker acting as the organ of the House should be a legal authority to any hon. Member to dispense with the oaths, I apprehend that it would be necessary to have a formal Resolution of the House passed upon notice, and altogether it seems to me that that would be a more inconvenient mode of obtaining information upon the matter than that which I have suggested to the House. By the mode which I have suggested the House would have a Report made by the full Board of Commissioners, and not a statement made by single Commissioner without previous communication with his colleagues. I have no wish to lay before the House more information than is necessary for elucidating this single point; but it appears to me that the matter having been once formally brought before the House it can scarcely be passed over without some authentic information, but it is possible the Report of the Commissioners without the detailed depositions might be sufficient for the information of the House.

Mr. E. P. BOUVERIE: So far from agreeing with the right hon. Gentleman, I think that we have had quite sufficient information already on the subject to give a negative to the Motion of the hon. and learned Member for Sheffield. We have had a statement of the facts, such as they were, and I regret very much that they ever were brought under the notice of the House. After the very frank and candid explanation which the hon. Colleague of this unhappy Gentleman has made, I own, taking for granted all that has been stated by the hon. and learned Member for Sheffield, and without reference to the explanations which have been offered by the hon. and learned Member for Cambridge, I feel considerable difficulty in saying that any breach of privilege has been committed. I am not aware that with regard to that dire calamity to which we and all mankind unfortunately appear to be subject under Providence (and we are all unhappily liable to that dire disease), that there is any authority for saying that an hon. Member so afflicted, and being here, is disqualified from voting in this House. I am not aware that any precedent can be found in which a vote has been challenged, or any Member has been disqualified from the circumstances of his being afflicted with that calamity. I should like to ask the hon. and learned Member for Sheffield this question—What is this Committee to inquire into? Are they to inquire into the sanity of this unhappy Gentleman? Are they to perform the functions of the Lunacy Commissioners? Are they to take it for granted that the certificate of two medical men is to determine the fact of the sanity or insanity of a Member of this House? That is raising a question which I think we had better not have raised at all Therefore, let me remind the House that a gentleman who is sent under such a certificate to confinement in a lunatic asylum, is for the time in prison—he is put under restraint—and then we shall have this question arising, whether it is right, consistently with the privileges of the House, to put a Gentleman, who is thereby disqualified from voting, under that restraint, without communicating the fact immediately to this House. We all know that it is part of the privileges of this House that if any Member is put into prison the authorities are bound to communicate it to the House. That question has never been raised with reference to this unhappy subject of insanity, and if it is to be held that the House is to conclude from the certificate of two medical men that a Member of this House is insane and is in prison, then I say you will at once have this further question raised, whether, upon such an occurrence happening with reference to any one of us (which God forbid it ever should), the communication of that painful fact is not to be publicly made to the House by the authorities, I must say that I see that it is possible that an inquiry of this kind may raise questions far beyond the statement submitted by the hon. and learned Member. I only regret that the hon. and learned Member has thought it necessary to bring this matter before the House. There are some subjects which had better be left alone amongst an assembly of English gentlemen, and if the Motion goes to a vote, I shall be ready at once to give it a decided negative.

Mr. MILLER: I feel that I should be acting unworthily of my duty to the House, and towards the hon. Member whose name has been mentioned, if I did not rise in my place and state the conversation which I happened to have in this House with Mr. Steuart immediately after the division. On Friday week I met Mr. Steuart in the lobby, not knowing that he was afflicted, and I asked him to join with me to take a carriage on his way home. He replied that he was living in the neighbourhood of Richmond, that he was going into the street to take a cab, and that he was not very well. I remarked, in reply, that that was a long distance for him to go, and his reply to me was, "I have felt rather nervous lately, and I thought it advisable to live a short way out of town, but I am very well now, I am happy to say, and I shall resume my duties as usual." I must say that up to that moment, and indeed at that moment, I did not know that Mr. Steuart was in the slightest degree afflicted, nor did I know until several days afterwards that there had been the slightest suspicion of any mental affliction. And, Sir, perhaps I may be allowed to say that, like many other hon. Members in this House, it has devolved on me to serve on Committees of Public Lunatic Asylums, and I have had an opportunity of judging in some degree of the mental condition of a vast number of persons, and I think that if there had been any aberration existing in Mr. Steuart I should have discovered it, and should in one moment have made some remark upon it. Sir, I can undertake to say that he walked away from this House into the street, took a cab, and proceeded by himself in that cab to his residence. It is not my intention, Sir, to presume upon offering any argument after the able speeches which have been made in this House upon the subject, but perhaps I may be permitted to say that it would be most painful to the family of Mr. Steuart if this inquiry were permitted to proceed any further. And so convinced am I that no good result would accrue from any inquiry, that I would even appeal to the right hon. Member the Secretary of State to withhold the proposition which he has made. Sir, I can only say that if that paper were published and circulated, it would inflict the greatest pain upon the hon. Gentleman and his family, which I am sure everyone would regret to do. With these few observations I trust that the House will negative the Motion, and I venture to suggest to the House that it ought not to permit this Resolution to be withdrawn but that it should be negatived.

Mr. BASS: No one who knows the House can be surprised at the deep sensation which this unhappy matter has occasioned; but, Sir, I cannot but feel that the hon. and learned Member has been treated with something more than necessary rigour and severity in a matter of this nature, and I beg to give my reasons for coming to that conclusion. Sir, it is not only in this House that this matter has been mentioned, for the last six days it has been the topic of conversation everywhere, and if there is any person or anybody who ought to be thankful that this subject has been mentioned, I will engage to say that it is these Gentlemen upon these Benches, because of all those imputations out of doors against the manner in which this Gentleman was brought into this House. I beg to assure the hon. Gentleman that those are not my words, I am only repeating what I have heard, and having heard these things I felt that there was nothing more desirable to be done than that there should be the fullest exposition of what has passed, and that we should hear why this Gentleman came down here, that we should hear what steps were taken to dissuade him from continuing here, and that, in point of fact, the public, as well as the House, should have an opportunity of passing their opinion upon the circumstances.

LORD HENRY LENNOX: I am very unwilling to prolong this discussion which has already lasted too long; but on the part of one with whom I have lived in close intimacy for the last twenty years, I should not be doing justice to him if I did not state to the House the circumstance which occurred on the night of that division on Friday week. I had heard previously that Mr. Steuart feeling himself in a nervous low state had, not by the advice of his friends, but by his own free will, placed himself near London in order that an attack which he feared might come on, might be averted by timely medical treatment. Hearing that, Sir, and concluding that he was in an establishment of that kind, I was walking in one of the lobbies of the House, and was much surprised at meeting the hon. Gentleman. He came round the corner of lobby, and there addressed me by my name as usual, in the most friendly and cordial terms. He then proceeded to refer in feeling terms to an accident which had lately occurred to one of the members of my family, the full particulars of which he seemed to know, and which he told me his family in Scotland had much deplored to learn. Then he proceeded in the calmest tones to ask me what was the nature of the vote which I was about to give that night. I, Sir, declined telling him my vote. He like many other hon. Friends of mine, disapproving of the course which I felt it my duty to take upon that occasion, did his best to dissuade me from the course which I took in terms the most sane and the most reasonable. I can assure my hon. and learned Friend the Member for Sheffield and my hon. Friend opposite that at that moment on that night when my hon. Friend gave his vote, he gave his vote with the most perfect and undoubted knowledge, though I think he took a most mistaken view of it, that he was voting for "Tea" as against "Paper." I only thought it my duty to my hon. Friend to mention these circumstances to the House.

MR. MONTAGUE SMITH: The noble Lord saw the hon. Member just before the division. I saw him immediately after the division, and I am bound to say that he was then in as sound a state of mind as any hon. Gentleman with whom I conversed that evening. We had a division upon that evening, and every hon. Gentleman knows that there is no period more exciting than the period of a division; and few divisions probably have been more exciting than that which took place on that evening. But notwithstanding that the hon. Member for Cambridge came out of the lobby with me, sat by my side here, very much in the place where I am now speaking, and he was perfectly rational. I was not aware even that he had been ill. He discussed the topics of the evening, and the chances of the division, and feeling as interested in what the result might be just as any other hon. Gentleman would. I do not agree with the hon. Member for Derby that this side of the House ought to feel obliged for the Motion which the hon. and learned Member for Sheffield has made. If I understand, Sir, the feelings of hon. Gentlemen on this side of the House, they would prefer labouring under that imputation rather than that this Gentleman and his family should be subject to such an annoyance as this public discussion of the matter. Anything more painful—anything more harrowing to the feelings of that gentleman and his family, and to all those who are acquainted with him, I cannot conceive of; and I am at a loss to understand what good object is to be gained by the discussion. Sir, the right hon. Gentleman on the other side of the House has stated, and he states it with great authority, that he hardly knows to what this inquiry can lead. Are we to be bound by the certificates of medical gentlemen as to whether the hon. Member for Cambridge was competent to vote upon that occasion or not? I, for one, would prefer exercising my own judgment upon this matter, a judgment which I have had an opportunity of forming, and I would prefer taking the testimony of the noble Lord who has just spoken of his detailed conversation with the hon. Member as to his state of mind on that evening, than I would be guided by any medical certificates at all. I can only express my deep regret that the Motion has been made, for from the conversation which I had with the hon. Gentleman on that evening, I am perfectly sure that whatever his state may have been before, he is now fully able to feel the pain and misery, and agony to himself and his family, which must result from this discussion. Sir, I for one would rather lie under the imputation which I believe every reflecting man must know was unfounded upon this subject, than I would by my vote give the slightest sanction to the Motion, which I think is as unwarranted as I am sure it is unfeeling.

MR. ROEBUCK: Sir, if all the epithets which have been applied to me are deserved, I ought to consider myself a most unworthy person. I would beg the House to listen to me just for a few moments, and not to take the opinions which are thus most openly expressed. Now, Sir, when I spoke to you, on your right hand was standing the right hon. Gentleman the Secretary of State for the Home Department. I beckoned to him, and I asked him to be good enough to come round, for I said that I wanted him to hear what I was about to say to you. I spoke to you, Sir; and upon your saying that I could not interfere with the Orders of the Day, I retired from the step on your left hand, and spoke to the right hon. Gentleman, and we then discussed the propriety of bringing this matter before the House, and I must say that from the right hon. Gentleman I received no dissuasion. But, Sir, he agreed with me in thinking that it was a matter of grave importance—because recollect, Sir, the circumstances under which we were standing. There was a gentleman who was in the charge of a physician, under the certificate of two physicians, which certificate said that the hon. Member for Cambridge was dangerous to himself and others. A learned Gentleman behind me says that he would rather trust to himself than to the certificate of two physicians. Now, I would not. Here is a man, under the oath of two physicians, said to be dangerous to himself and others—I hear murmurs—but if I am stating that which is not true, many hon. Members can contradict me if they think fit. A Commissioner of Lunacy is here, and he has informed me distinctly that that was the purport of the certificate. Therefore, when I discussed the matter with the right hon. Gentleman the Secretary of State for the Home Department, he and I both came to the conclusion that it did concern this House—that it imported this House that something should be done to prevent the recurrence of such a transaction. I do not know whether the law is to blame. The right hon. Gentleman says it is not. He says that the law is not in fault, and that the Commissioners are not in fault, but he does not say that the gentlemen who had this hon. Member in their charge were not in fault. I laid blame to nobody —I stated the facts, and no one has controverted those facts. No one has contradicted what I stated. I have stated that this hon. Gentleman was in charge of others, and under a certificate stating that he was dangerous to himself and others, and that notwithstanding that he came here and voted. I say that it is a thing dangerous to society at large, and that it is contrary to the dignity of the proceedings of this House. I hear murmurs of "No," but the noble Lord at the head of her Majesty's Government seems to agree with me in thinking so, because they were the words he used. When I consulted with you, Sir, on Saturday last, my phrase was this—"You have failed in your private endeavours to prevent a recurrence of this matter, and it seems to me that we are driven into a corner," and the words which you used were, "I think we are;" and you agreed with me in thinking that it was a very dangerous matter. Because I call the attention of the House and the country to it, I am called unfeeling. Well, then, I fearlessly throw myself on the House and the country. I was determined that no private consideration should overcome the public consideration. The public consideration is this—that every person, under such circumstances as these, ought to be under the charge and control of individuals who should be made responsible if any injury should arise. You cannot mean to tell me that two physicians would have signed a certificate without his being dangerous; and suppose that he had inflicted a dangerous wound on himself or on any Member of the House? It has not happened, but it might have happened. He went at large under a certificate of that description. If the House thinks there is no harm in that transaction I am perfectly willing to do what the right hon. Gentleman the Secretary of State for the Home Department wishes. I have no desire but for the public good on this occasion; and if the House will permit me, I am perfectly ready to withdraw my Motion, or the House may negative it, or do what they like with it. I have stated to the House the circumstances which I believed it imported them to know, and in doing that I think that I have done my duty to the House and to the public at large. I leave the matter in their hands to do what they like with it.

SIR GEORGE GREY: Mr. Speaker, I must take the earliest opportunity of expressing my regret that the hon. and learned Gentleman the Member for Sheffield should have adverted to private communications between himself and you. I cannot help thinking that my hon. and learned Friend must have done so inadvertently; but inasmuch as he has, perhaps I may do the same to this extent—that as you, Sir, honoured me by informing me of that communication, I can testify to the earnest and anxious desire expressed by you, that while every precaution should be taken to prevent the recurrence of an event which we must all deplore, it should not be made matter of public discussion. Now, Sir, I am also aware that the hon. and learned Gentleman deferred to that wish in the hope that you would be able to communicate to him the announcement that such precautions would be taken. I certainly do not know why that assurance has not been given. The right hon. Gentleman the Secretary of State for the Home Department has been in communication with the Commissioners of Lunacy; and the Commissioners of Lunacy, in the exercise of powers which are vested in them by law, are investigating the case now under the consideration of the House, not with regard to the conduct of any hon. Member of this House (for I hope it will not be supposed that there is the slightest imputation on the hon. Gentleman), but as to the conduct of those who are subject to the provisions of the law which they have to see administered. They have called for a Report, and without giving the details of the Report, my right hon. Friend the Secretary of State for the Home Department on a future day will be able to state what steps the Commissioners of Lunacy have deemed it their duty to take with regard to the persons who had charge of this Gentleman. I cannot help thinking that that ought to be entirely satisfactory to the House, and that the matter should not be treated as one of privilege.

COLONEL CLIFFORD: Sir, after the opinion which the right hon. Gentleman the Secretary of State for the Home Department has expressed, that although acquainted in my individual capacity, as a Commissioner in Lunacy, with the facts of the case now under the consideration of the House, I am not at liberty to make them known to the House, it is not my intention, of course, to take part in this discussion, and I rise merely for the purpose of correcting what I cannot help thinking must be an erroneous opinion on the part of my hon. and learned Friend, that I was in any way whatever concerned in furnishing him with the information upon which he acted.

MR. ROEBUCK: I did not say you were.

COLONEL CLIFFORD: Sir, the hon. and learned Gentleman it appeared to me spoke as if I had informed him of the contents of the certificate. Now it was a matter of public notoriety that such a certificate had been granted, and although I certainly am not prepared to say that I may not have mentioned it in common conversation with the hon. and learned Gentleman the Member for Sheffield, I certainly did not volunteer any information on the subject.

MR. MALINS: Mr. Speaker, the House is not sufficiently alive to one important circumstance in this case, and that is dates. Did the House collect from the statements of the hon. and learned Gentleman, the Member for Sheffield, that my hon. Friend the Member for Cambridge was sent to Dr. Forbes Winslow's Asylum, under a certificate that he was dangerous to himself and others, on the 6th of April, and that his vote was not given till the 3rd of May; as nearly as possible four weeks afterwards? And did the House bear in mind that Dr. Forbes Winslow during that time had permitted Mr. Steuart to come to London to visit his friends, and, in short, to be treated in every respect as a sound, sane man? If, therefore, the physicians who signed the certificate were right on the 6th of April, it is perfectly plain that a change must have taken place during the month in the mental capacity of Mr. Steuart, or that Dr. Forbes Winslow was guilty of great neglect of duty as the keeper of an asylum. Now, Sir, I must most earnestly deprecate the discussion which has taken place in this House upon this subject. Had the hon. and learned Gentleman the Member for Sheffield communicated with Mr. Steuart's hon. Colleague in the representation of Cambridge, he would have received satisfactory assurances, such as have been given to the House to-night, that this was a case in which no Member had been exposed to danger, and that, therefore, no further investigation was required. Now, Sir, I really do hope and trust that the House will not permit the Motion of the hon. and learned Member for Sheffield to be withdrawn, but that they will show their sense of the impropriety of proceeding further in the matter by negativing it, which will have the effect of relieving the feelings of Mr. Steuart, who, I believe, is now as capable of appreciating this proceeding as any hon. Member whom I have now the honour to address. Let us make this public declaration, which I do on my own behalf and on behalf of Gentlemen sitting by me, that we believe that one of its Members—Mr. Steuart—is as capable of discharging his duties as he ever was in his life, and we know him to be a man of very considerable learning and capacity. I do really much regret that this matter has been brought under the consideration of the House. I trust, therefore, that the House will agree with me that nothing will meet the justice of this case but that the Motion should be absolutely negatived, I, for one, feel so strongly upon the subject, that I am determined that the question shall be put to a division.

SIR GEORGE LEWIS: Sir, after the account which the hon. and learned Gentleman the Member for Sheffield has given of a private conversation with myself, I am unwilling to remain silent.

Sir, it is quite true that a conversation of which the general effect was what has been stated by the hon. and learned Gentleman did take place. I understood that it was nothing more than such a conversation as commonly and ordinarily takes place between Members of this House who are acquainted with one another. For my part I certainly did not expect to hear it referred to in debate. My hon. and learned Friend, Sir, was in conversation with you on the subject of this discussion when I happened to pass; and he requested me to step forward for the purpose of hearing what he was saying. After a short conversation with you, Sir, the hon. and learned Gentleman consulted me as to the course which he should pursue. My hon. and learned Friend says that I did not dissuade him from bringing the matter before the House. I did not;

neither did I persuade him; I offered no opinion whatever as to whether it was right or wrong, as to whether it was wise or unwise, for the hon. and learned Gentleman to bring the question before the House. I may state that I was perfectly aware of the efforts which you, Sir, had made to dissuade my hon. and learned Friend from taking that course.

Now, as I was officially connected with the Commissioners in Lunacy, I deemed that I was precluded from offering any opinion upon the question. With reference to the words that I used, as nearly as I can remember, I said to my hon. and learned Friend, "If you think this is an administrative question—if you say there has been a breach of duty either on the part of the Commissioners in Lunacy or on the part of the Superintendent of the Asylum, your proper course is to put a question to me, and I will undertake that the matter shall be properly inquired into. If, however, you take up the question as a breach of privilege, I have nothing to do with it; and the proper authority for you to address is the Speaker." Upon that my hon. and learned Friend said he did not regard it as an admininistrative question, but as affecting the privileges of the House. Under these circumstances I told my hon. and and learned Friend that he ought to apply to the Speaker, and not to the Government; but I certainly expressed no opinion whatever either for or against his bringing the question before the House.

MR. SPEAKER: Before putting the Question to the House I wish to be permitted to say a few words. I do not complain in any way of what has been said by the hon. and learned Member with regard to the conversation which took place between himself and me; because I consider that he addressed me not in my individual but in my official capacity. I particularly wish to do an act of justice to the hon. and learned Gentleman, to assure the House that he most willingly and entirely concurred with me, and acquiesced in my desire that he should abstain from bringing the matter before the House if such security as he, and certainly as I also deemed necessary, should be obtained that the occurrence in question should not be repeated.

In justice to the hon. and learned Member, I beg leave to read to the House a short note which was sent to me by the hon. Member, one of the Commissioners in Lunacy, who has spoken for the purpose of shewing how entirely I have failed in obtaining that security against the occurrence of such an event which would have enabled me with effect to request the hon. and learned Member to abstain from making his Motion. I ought, to state that I read this letter with the permission of the hon. Member who placed it in my hands. It is as follows:—

"May 10, 1861.

"The Board, referring to the confidential communication made to them to-day, by Colonel Clifford, of the private wish of the Speaker of the House of Commons to receive an assurance of steps having been taken by them to prevent the recurrence of any such incident as that of the vote given in the House on Thursday, the 2nd of May, by a certified lunatic patient, express to Colonel Clifford their regret to be unable to comply with the Speaker's wish, or to offer any communication on such a subject, unless required by official authority."

Mr. CONINGHAM: Sir, I trust that the hon. and learned Gentleman, the Member for Sheffield, will withdraw his Motion, and that he will not persist in dividing the House upon this subject. I must say that it appears to me that the explanations of the hon. and learned Member for Cambridge were perfectly satisfactory; and I hope the Motion will be allowed to be withdrawn.

Motion made, and Question,

"That a Select Committee be appointed to inquire into the circumstances under which Mr. Andrew Steuart, Member for the Borough of Cambridge, voted in this House on Thursday the second day of this instant May."

Put, and *negatived.*

CUSTOMS AND INLAND REVENUE BILL.

SECOND READING. FIRST NIGHT.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. MACDONOGH said, that if the projected measure involved no other consideration than that of a financial character, he would have preferred to leave its discussion to the eminent persons who adorn by their talents both sides of the House, to profit by their wisdom, and to record a silent vote upon the subject of their elaborate contention. But the question was, now, in great part, leaving the region of finance, and it had entered upon a phase which rendered it the bounden duty of every man who had made constitutional law his study, not only to form but to enunciate his opinions upon the subject. It was desirable that the House should bear in mind a few facts. In the month of March, 1860, the right hon. Gentleman the Chancellor of the Exchequer introduced a Bill "for the repeal of the duties of Excise on paper levied in the United Kingdom," pursuant to an order of the House, which was in the following terms:—"That leave be given to bring in a Bill to repeal the Excise duty on paper." Following the usual and constitutional precedent, the right hon. Gentleman brought in a Bill, and called the attention of the House to its provisions. It was not a granting but a repealing Bill. The first section repealed all previous enactments and abolished the paper duty, with a single exception; the second provided that certain allowances should be made to traders; the third directed how these allowances were to be paid; the fourth referred to the certificates to be obtained from the proper officers; and the last provided penalties for the offence of forging those certificates. That Bill passed this House, was submitted to the other of branch of the Legislature, and having been fully debated and discussed was rejected. And now a similar Bill, identical in its provisions, with merely the alteration of the dates, was introduced into this House, and it was joined with and inseparably annexed to a Bill of Supply. The first question he asked was—had such a course as this ever been adopted before? There were in that House statesmen experienced in public business and in the practice of that House, lawyers of the highest eminence, and Gentlemen who at various seats of learning had, though not lawyers, acquired a knowledge of constitutional law, and he would appeal to the statesman, the lawyer, and the historian whether it had ever occurred in the annals of England that a measure rejected by the Lords had been annexed to a Bill of Supply, and had passed the Legislature in that compound form? If there was such an instance, of course it could be mentioned, but in no book of law—in no constitutional history which he had read was there to be found a trace of any such a proceeding. The next question was, had such an attempt ever been made, even though unsuccessfully? He found that such an attempt was made in the reign of Queen Anne. A Bill against occasional conformity had passed this House and was sent to the House of Lords, where it met the fate which it deserved, and was rejected. In a subsequent Session Mr. William Bromley moved for leave to reintroduce that measure, and to annex it to a Money Bill or Bill of Supply. What became of that measure? Smollett, in the second volume of his *History of England,* page 39—he should give the pages of all his references, and he trusted that hon. Members would take the trouble to look at them—Smollett stated that after a tedious and warm debate the Motion was rejected. In the *Somers Tracts* there was a reference to this transaction, in which the proceeding was condemned in the strongest terms. It is in these words—

> "The House of Lords is an undoubted part of the Legislature. This House upon solemn debate before thought this Bill not fit to be passed, and if the Commons, notwithstanding that, could have forced them into passing this Bill by this method, they must never have pretended to reject any Bill any more. We see by a thousand instances that such a right once given up is never to be retrieved, and then the Lords had not only parted with the right of debate for ever, but they had by that broken the English Constitution and overthrown those fundamental rights of legislature by which this kingdom has been so long governed."

It was a private Member who first tried to reintroduce a Bill which had been rejected by the House of Lords in connection with a Bill of Supply, but he lamented to say that the second attempt had been made by the Government of the country. Until he heard the speech of the right hon. Gentleman the Chancellor of the Exchequer he thought that the law and constitution of England with reference to the privileges of Parliament had been definitively settled. Lord Coke told us that the *lex et consuetudo Parliamenti* formed part of the unwritten law of England. The privileges of each House of Parliament, in regard of taxation, are defined and not to be transcended, and it is well settled that no new privilege can be created. Accordingly it was distinctly stated by the Lords, and admitted by the Commons, in the year 1704, that neither House of Parliament had any right to create for itself any privileges not warranted by the known laws and customs of Parliament, a fact which was mentioned in Mr. May's very able and intelligent work, in which by reference to the Journals of both Houses he had clearly established that proposition. If, then, such a matter had never occurred before—if in England some of the most valuable titles depended upon prescription—and if no new privilege could be created, they had to inquire how it came to pass that this proceeding was ventured on in the present instance. He apprehended that there was now no question as to the privileges of either House in relation to Money Bills. He would put the privileges of the House of Commons at the highest point. In that House Money Bills must originate, and by the other branch of the Legislature they could not be modified or altered; they must be accepted *in integro,* or rejected *in toto.* But his next proposition was that the annexing a measure distasteful to the House of Lords to a Money Bill or Bill of Supply was as great an invasion of their liberties and privileges as any interference by them in matters of Supply would be with the privileges of the Commons. In *Hatsell's Parliamentary Precedents,* page 221, it was stated that—

Mr. Macdonogh

> "Whenever this measure of tacking to a Bill of Supply is attempted by the House of Commons, with the intention of thereby compelling the Crown or the House of Lords to give their assent to a Bill which they would otherwise probably disapprove or reject, it is highly irregular, and is a breach of those Parliamentary rules and orders that have been established by long and uniform practice between the two Houses."

With what infinitely greater force would this condemnation apply if the additional element were added that the measure was not only likely to be distasteful to the Lords, but had actually been rejected by that House. He need hardly state to the House that the idea of tacking originated in periods not remarkable for any superfluous veneration for the Constitution. It commenced, he believed, in the Long Parliament, which obtained from the King, by a variety of hypocritical pretences and promises and gifts of money, the passing of a Bill which gave the Members power of continuing their sittings as long as they thought fit. That very extraordinary provision was tacked to a Money Bill. What became of that? The House passed an Act making it treason to name the name of that Parliament. However, in 1678, in a speech delivered by Lord Chancellor Finch by command of the King, in both Houses, the idea of "tacking" was referred to as a rather recent innovation. The recent instances then glanced at went far to prove that the present Bill was a case of tacking. It would probably be said on the other side that the Bill for the repeal of the Excise duties on paper was a species of supplement to, or part and parcel of the original plan; that it was intended to be an integral portion of the Budget, and was, therefore, not a case of tacking. Or it might be said that it was *in pari materiâ*, and therefore not a case of tacking. Now, the remarkable instances which he found in the records of Parliament, although not so strong as the present one, and where it might plausibly have been argued that they were *in pari materiâ*, were deemed cases of tacking. In the third volume of *Grey's Debates*, page 450, it was stated that a discussion arose on a proposition that a Bill for appropriating the Customs to the use of the navy, should be annexed to a Bill for raising the Supply to provide, equip, and maintain twenty ships. An appropriation clause for the purposes of the navy was accordingly sought to be annexed to the measure referred to. That was at a time when the doctrine of the constitution was not very fully understood; but one Member, Sir George Downing, argued the matter with singular ability, maintained that it was plainly a case of tacking and contrary to the spirit of the constitution, and he called for a division on the annexation. On that occasion the House carried the annexation; but the Bill was interrupted by a prorogation, and nothing came of it. In the fourth volume of *Grey's Debates* the same subject was resumed, the good doctrine of Downing having borne its fruits in the meanwhile, and the result was a condemnation of the proposal by a considerable majority. [The CHANCELLOR OF THE EXCHEQUER: What was the date of that debate?] He had taken an abstract of the debate, and stated the substance, but could not exactly mention the date; he thought it was 1676. He hoped the House would perceive that he was dealing candidly, that it was a fair course towards the right hon. Gentleman to refer specifically to particular precedents, giving the book and page, and not concealing anything which might be injurious to his (Mr. Macdonogh's) case. In the 4th volume of *Grey's Debates* they would find the resumption of a similar question. He had, now, found the date. The discussion took place on the 5th of March, 1676, and the proposition for tacking the two Bills together was rejected by a vote of 175 to 124. The question then was that tonnage and poundage should be appropriated to the use of the navy by a clause in the Tax Bill. It was argued that that being a tack it ought not to be permitted, and the House decided in favour of the principle for which he was contending. He now came to the period subsequent to 1688. He would not stay for a moment to comment on that case which had been censured in such eloquent and unmeasured terms by the distinguished Whig historian of modern times—he meant the case of the Duke of Ormond, who obtained vast tracts of land by the favour of the House of Commons of that day. That was a case of tacking which was universally condemned, such bad precedents being swept away by a long train of subsequent and concurring good precedents. If anybody thought of citing the Duke of Ormond's case he had better peruse the fifth volume of Lord Macaulay's *History*. There was a case of tacking in 1700, and accordingly in 1702 the question attracted the attention of the House of Lords, when the constitutional doctrine was asserted in such terms that no successful instance of tacking had ever since occurred. The Standing Order of the House of Lords, which had been enforced to this day, was then determined upon. That Standing Order appeared in the 17th volume of the Lords' Journals, and was—

> "The annexation of any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the said Bill of Aid or Supply, is unparliamentary and tends to the destruction of the constitution of this Government."

Nothing remained for him to prove but this, that the Bill rejected by the House of Lords last year, and which now came before that House a second time, was foreign to and different from the Bill of Aid and Supply. But the Standing Order and declaration that he had just quoted were signed by the most distinguished Whig nobles of the day, a long catalogue of whom was given in the Lords' Journals. That happened on the 9th December, 1702; and so unambiguously was the law of the subject settled, with the consent, as would be seen, of the House of Commons, that no successful controversy as to tacking had ever since arisen. A remarkable precedent occurred on the 30th of May, 1807, which he ventured to think established both the propositions for which he contended. On that occasion the Bill in that House was committed to the care of Mr. Hobhouse, Lord Henry Petty, and Mr. Vansittart. The case was referred to in *Hatsell's Precedents*, p. 220, in these words—

> "On the 9th of January, 1807, the Lords laid aside the annual Malt Bill on account of a tack—

namely, a clause to legalize certain Exchequer Bills charged upon the Malt and Pension Duties of last year, which Exchequer Bills had been signed by the auditor's trustee, acting for Lord Grenville. The Lords objected to this—first, because the whole clause was a tack; and, secondly, even if the Exchequer Bills charged upon the malt duty could be deemed so far *in pari materiâ* as not to be a tack, yet the Bills charged on the Pension Duty were entirely a different matter. In the House of Commons, upon reading again the Resolution reported from the Committee of Ways and Means on the 1st of January, a new Malt Bill was ordered in."

Mark the effect of that precedent. It took place after the declaration and Standing Order of the Lords—after that bold and just appeal to the constitution of the country, acquiesced in by the Commons. What, then, did the Commons do? They respected and yielded to the law of the Constitution. The case would be found given at length in page 43, No. 68, of the Appendix to the Report of the Tax Bills Committee. The matter was before that House on the 1st of January, 1807, and before the Lords on the 7th of January, and on the 9th a Report was made to the House of Commons, setting forth what had occurred in the House of Lords. It stated that the original Malt Duty Bill having been brought in it was ordered to superadd clauses to legalize the debentures charged upon the malt duties, and then went on to state what had occurred in the Lords, whereupon the Commons made an entry upon their Journals, ordering that a new Bill be brought in, accommodated to the altered circumstances, and reciting a memorandum which, after stating that a Bill to continue certain malt duties had been sent up to the other House, went on to say that the House had been informed that the same had been rejected by the House of Lords on account of its containing multifarious matters, and, therefore, the House of Commons permitted a new Bill to be brought in, but omitting some of the matters contained in the former Bill. He respectfully submitted to the judgment of the House that that case strongly illustrated his position, and no clearer precedent was needed. The other branch of the Legislature had a right to exercise its just functions, but it was prevented from doing so by the union of clauses dealing with debentures with the annual Malt Duty Bill. Passing over a variety of precedents to be found in *Hatsell*, with which he did not think it necessary to trouble the House, he came to the year 1811, when it was desired by the Chancellor of the Exchequer of that day to repeal certain duties upon corn-wash. He sent up a Bill to the House of Lords, as was done last year—a proper and constitutional course. He did not bring in his Budget, knowing that the intended repeal affected the symmetry of his plans, and when the Bill was rejected by the Lords he immediately accommodated his Budget to the altered circumstances. The next illustration he would take was in 1860, upon the authority of the right hon. Gentleman opposite. Last year the right hon. Gentleman thought it expedient to repeal the duties upon paper. The order of the House was that a Bill be brought in. The right hon. Gentleman did not then, *à priori*, think that to the clauses of that Bill should be added other clauses connected with other species of taxation, but the Bill was sent in its distinct shape to the House of Lords in order that that branch of the Legislature might concur in that most important sacrifice of a great and permanent revenue. That was a constitutional course. The House knew the result, but was not that a continuation of the stream of precedents? Was not that acting upon the case of 1807, to which Mr. Hobhouse, Lord Henry Petty, and Mr. Vansittart were parties, and adhering to the long established constitutional practice of Parliament? But in the amphibious Bill now submitted, the first three sections and the schedules related to the imposition of the income tax, and to the indirect taxation upon tea, sugar, and he believed upon chicory; but the rest of the Bill was a repeal Bill. He, therefore, designated that as an amphibious Bill. What was the meaning of a "tack?" A tack was the granting with a condition for a consideration—it was the annexation of matters foreign to and different from the primary objects of a Bill of Supply. The imposition of the income tax and the tea and sugar duties were primary subjects, and any clauses subservient to those primary objects would not be "tacks." For instance, if a Malt Bill were brought in and certain regulations as to collection were added they would not be foreign, but auxiliary to the primary object. Supposing, however, that this Bill should pass, and be submitted for the assent of the Sovereign, in what terms would the Sovereign signify assent? To a Bill exclusively of Supply Her Majesty would signify her acquiescence by thanking her good subjects and accepting their benevolence. To a Bill enacting new laws and repealing old ones, the Sovereign could say she so willed it, or she would advise herself concerning it. But what answer could she give to this double Bill? Let the House observe the structure of this Bill, which was as singular as the purpose it was intended to achieve. In Bills introducing new laws, after the preamble, it was enacted by the Queen, with the consent of the Lords and Commons, but in Bills of Supply, the language was "Her Majesty's faithful subjects grant and they beseech that it may be enacted, and be it enacted." The word "grant" governed the whole Bill. It was, however, impossible that the word grant could govern the whole of the Bill before them. And was it come to this, that a Commons grant was to repeal a law by their own power? The word grant had a plain meaning in the first three sections of the Bill, but the fourth section proceeded to repeal a law, and went on to enact that after a certain day the Excise duty upon paper should cease and determine. That was not in accordance with the course of legislation or the practice of this limited monarchy. It might be argued that there were some precedents for transactions similar to the present. As to the precedents of tacking, he hoped they would not be appealed to in 1860. But it might be said that in 1801 and 1802 there were instances recorded in the Journals of the House of proceedings something like the present; but he insisted that they were arguments in favour of the doctrine for which he contended, and which was that they might introduce into a Bill everything which was subsidiary to or ancillary to the working out and realization of the particular objects, but they could not add to it matters which were wholly foreign to the primary object, and which had nothing at all to do with that primary object. In the 56th volume of the Journals of the House, on the 19th of February, 1801, he found a Resolution dealing with the subject of the duty on sugar, and deciding that the existing duty should cease, and that an additional duty should be imposed, and that a Bill or Bills should be brought in in pursuance of that Resolution. What was the object of the measure? Its primary object was obviously to increase the duty on sugar; this was the object both of the Bill and the Resolution. But there being at the time an existing duty on sugar, smaller in amount than that which the Legislature was about to impose, the Act provided that on a given day the smaller duty should cease and determine, and the larger duty be imposed. The House, however, would bear in mind that the whole had reference to the same subject. But the measure of the 6th of April, 1802, would probably be the chief precedent grasped at in reference to this subject. He, therefore, entreated attention to the two precedents he had mentioned, that the House might see their force. Let them remember the period; the preliminaries of peace had been discussed in London in 1801, but the definitive treaty of peace was not signed at Amiens till the 6th of March, 1802. On the 6th of April, 1802, the Chancellor of the Exchequer introduced the Budget to which he had referred. The income tax—a war tax, as he justly designated it—was to be repealed, as it was found to press vitally on the energies of the country. The Chancellor of the Exchequer, Mr. Addington, announced his intention to repeal the income tax and to make a large addition to the indirect taxation. The Resolutions embodying his plan were on the Journals of the House. These Resolutions were very various—some forty or forty-two in number. The first two stated the amount of money to be levied. The two following Resolutions abolished the income tax, except with respect to arrears. Then the residue of the Resolutions all related to the imposition of new and increased indirect taxation. Now, mark the course adopted by Parliament, and those who remembered the position of Mr. Addington would come to the opinion that he understood what were the constitutional views on the question. First, an order was made that a Bill should be introduced founded on the first two Resolutions. Then an order was made that a Bill or Bills should be introduced, founded on the subsequent Resolutions; and Gentlemen of the highest eminence for their knowledge of Parliamentary law were named to bring them in. What was the next step? These various Resolutions were subdivided into four several Bills, each referring to their proper subject. The income tax was repealed by a separate Bill, and he might remark that the paper duty was repealed last Session by a separate Bill; the Government was as constitutional in 1860 as it was in 1802. The other Bills referred to the increased taxation on windows, on inhabited houses, servants, aud carriages. These duties were *ejusdem generis,* and were contained in one Bill. The fourth Bill related entirely to the increased indirect taxation; but the direct and indirect taxation were not jumbled together. Having read the titles of the four distinct Bills, Mr. Macdonogh continued:—To the fourth Bill some fiscal, and, he believed, Excise regulations were added, but these regulations were all subsidiary to the primary purpose of the Bill itself, which was to add to the indirect taxation. He would now ask the House if these four particular instances did not illustrate the doctrine for which he contended? Did the Government, at that time, introduce a repeal of the income tax into a Bill imposing a tax on windows and inhabited houses? No; they separated each Bill according to its subject matter. Could it be contended that when they were repealing a law of vital importance, involving vast and varied considerations, such a repeal was ever annexed to a Bill of Supply for the current year? To hasten to a conclusion, he would mention the points which he hoped he had established to the satisfaction of the House. And he assured the House, if he should be proved to have been wrong, no one would be more astonished than himself. The first proposition to which he invited contradiction, though he would not challenge it, was this; that no instance had ever occurred in which a Bill which had been rejected by the House of Lords had afterwards been introduced as part of a Bill of Supply for the current year, and passed. On a reference to the Journals of the House it must be admitted that no such event had ever occurred. Next he had shown that if one such attempt had been made before it was made unsuccessfully. If he was not right, this was equally capable of refutation. He had next contended that "tacking" other subjects to Bills of Supply had always been condemned by the spirit of the Constitution, and placed under ban by the written laws of Parliament. He respectfully submitted that he had established these propositions; and in doing so he hoped he had not wearied the House. And, in taking leave of the question, he would appeal—and he did so with all respect—to the right hon. Gentleman the Chancellor of the Exchequer. He would ask him to consider well before he proceeded with this measure; he had still a *locus penitentiæ.* He might still recede with honor. He had the power to disannex the objectionable clauses of the condemned Bill from the primary object of his measure —the repeal of part of the income tax. And he could assure the right hon. Gentleman that yielding to the spirit of the constitution would not derogate from his fame; it would rather add another rose to his chaplet. But, should he be unsuccessful with the right hon. Gentleman, he would appeal to a tribunal that seldom refused to do justice. He would appeal to the British House of Commons. He asked it to do what it did in 1676—certainly not one of the better periods of their history—to disannex these particular clauses from this Bill; and he fearlessly asked the Members of the House of Commons, was it in the present condition of affairs, when the New World was exhibiting the evils connected with republicanism, and in the old world of Europe the political atmosphere might well be described as "the palpable obscure," that they ought to exhibit the spectacle of a divided Legislature? Why throw down this defiance to the House of Lords? Why seek to revive the quarrel of last year? What was the object? Intention here was of cardinal importance. The House must look not merely to the fact, but to the motive. Now, it was demonstrated that this annexation was for the sole purpose of coercing the House of Lords on the question of the paper duty. Not only was that a great constitutional question, fit to be discussed in that House, but its consequences were more extensive than met the eye at first view. Let him glance at only one. A large party existed in the country—let no one conceal it—which sought utterly to annihilate every vestige of indirect taxation, to abolish the Customs and Excise, and raise the entire revenue of the country by taxing realized property and income. If the present Bill were passed, and if the House of Lords should unhappily adopt it, what earthly power could in a certain state of things prevent the entire transfer of the public burdens from indirect to direct taxation? Suppose the case of war, or menace of war, and suppose a majority of this House—no matter how narrow a majority—were to vote that direct taxation should be the only means of supplying the wants of the community. Suppose thereupon that a Bill were passed imposing a property tax of 6*s.* or 7*s.* in the pound to defray our whole expenditure of £70,000,000, and that in another clause of the same Bill the repeal of all Customs and Excise duties were enacted —it would be a Bill of Supply, and what was the House of Lords to do in such a case? Their patriotism would be appealed to. If they did not pass the Bill the army would be unpaid, the navy in mutiny, the public creditor unsatisfied. The House of Commons would have taken from them their constitutional privilege. The House of Commons by insisting on this tack would have prevented the exercise of the House of Lords just legislative functions. He, therefore, asked the House to declare that such an attempt ought not to prevail, that it ought to be an axiomatic truth, requiring no demonstration, that the constitution of the country should not be clandestinely altered, but that if it were to be altered such alteration should be made with the cordial assent of a united Legislature, and with the fully expressed opinion of a united people.

SIR JAMES GRAHAM: Sir, the hon. and learned Gentleman is receiving the congratulations of his friends. I also congratulate him upon the able argument which he has just addressed to the House, and I am sure both sides of the House have listened to that argument with pleasure. Sir, I should not have risen to address you at this particular hour had it not been that I feared I should not be able to do so at a later period. The question raised by the hon. and learned Gentleman appears to me of such importance that I cannot remain altogether silent, and I wish, therefore, to give to the House my opinion respecting it. Had the question of the second reading of this Bill assumed a wider range, I should have been quite content to leave the argument where it rests, after the full discussion which the Budget has already undergone. By that discussion we have cleared the ground. The surplus is now admitted. It is admitted also that the remission of taxation under present circumstances is desirable. The amount of the remission is not questioned, because the amount proposed on the opposite side of the House is really larger than that proposed by the Government; and the question as between tea and paper has been decided by a majority of the House. I, therefore, will not wander into these subjects—and, indeed, in my present state, I should not be able to do so—but I shall confine the few words which I mean to address to the House to the constitutional question which the hon. and learned Gentleman has raised. Before my right hon. Friend the Chancellor of the Exchequer avails himself of the *locus penitentiæ* which the hon. and learned Gentleman so generously offers him with regard to the mode of legislation, and before the House adopts the course substantially urged by the hon. and learned Gentleman, and objects to the form which this Bill has assumed on the second reading, embracing as it does both the remission of taxes and the imposition of taxes, I wish to say a few words upon the question here involved. In the last Session of Parliament I incurred the displeasure of several of my hon. Friends sitting below the gangway on account of the part I took in a Committee upstairs respecting the right of the Lords to reject the Paper Duty Abolition Bill. The hon. and learned Gentleman says that the abolition of the paper duty is a measure of doubtful policy. He was not a Member of the House last Session, and he appears to forget that that Bill was fought in all its stages, and was sent up by a majority of this House, though not, perhaps, a very large majority, for the adoption of the House of Lords. Again, in the present Session that question was fully debated, a division was taken upon it in the course of the last ten days, and again this House deliberately preferred the repeal of the paper duty to any diminution in the duty on tea. I say this in passing. In the last Session, I repeat, it was my lot to differ from many among those with whom I sat respecting the right of the House of Lords to reject the Paper Duty Bill. In the Committee, the proceedings of which are before the House, it will appear that it was my misfortune to differ also from my right hon. Friend the Chancellor of the Exchequer, and even with my noble Friend the Secretary of State for Foreign Affairs (Lord John Russell), with whom I have so long acted on great constitutional questions. I differed from them with great regret; but still, upon looking at the precedents impartially and carefully, my opinion was decided that the House of Lords, in rejecting the Paper Duty Bill, exercised a right inherent in them, and which cannot be denied. I said it was the exercise of a right on their part. At the same time, I always thought that their policy in the exercise of the right was doubtful, and it was, as it seemed to me, the exercise of an extreme right. The hon. and learned Gentleman has quoted precedents, but I do not think that with all his research he can produce a precedent in which the House of Lords ever before rejected a Supply Bill on purely financial grounds, and I say that if the House of Lords were acting within their right last Session, still they were exercising an extraordinary right, unprecedented in our constitutional history. In maintaining that opinion, however, I am bound to add my conclusion respecting the course now adopted by the Government. I think that that course is sustained by usage. I think, under the circumstances of the case, it is right in policy, and I think that the House now ought to adopt on the second reading a union of the repeal of the paper duties with other financial measures, as proposed by the Government, in one Bill. The hon. and learned Gentleman said, I think, that he will be astonished if an instance can be produced in which there is both the imposition of a tax and the repeal of a tax combined in one Bill.

Mr. MACDONOGH: I said I should be astonished if an instance could be produced in which a Bill rejected by the Lords was reintroduced and passed in a Money Bill.

Sir JAMES GRAHAM: My answer is that I do not believe an instance can be found since the Revolution in which on financial grounds alone the Lords have rejected a Bill repealing taxes sent up by the House of Commons. It is the very novelty of the course pursued by the Lords which leads me to the conclusion that the time has arrived when it is right for this House not to adopt a new course—as I contend the course adopted by the Lords last year was novel—but to revert to ancient practice, to be traced from the earliest times and followed up in an unbroken course almost to the present year. I will not go at length into the precedents; but still, as to the right of the House to combine in one Bill the larger part of the Budget of the year, and to combine in such Bill proposals partly for the imposition and partly for the remission of taxes, it is a practice which has obtained from the Revolution downwards, and which is sustained both by usage and by constitutional authority. I will just instance a case of multifarious taxation in the year 1787, consequent on the French Treaty. The Act is entitled "An Act for repealing certain duties of Customs and Excise, and for granting other duties in lieu of them;" it is a combination of the repeal of duties and the granting of other duties in lieu thereof. There are schedules of sixty quarto pages, based on the Report of 2,537 Resolutions—the work of Mr. Pitt, recommended by Mr. Pitt, and carried by Mr. Pitt. A Motion was made in the House of Commons to divide the Bill, which was fully debated and rejected. In the House of Lords this very objection was taken, that their independence was invaded by this combination of such multifarious matters, and that argument against the Bill was resisted with the whole force of the Government. Mr. Pitt's measure was carried in the House of Commons by a large majority, and the House of Lords also after debate adopted the measure, which both enacted and repealed a variety of taxes. What was the course adopted at the time of the Union in 1800, again by the authority of Mr. Pitt? The hon. and learned Gentleman talks of "tacks;" but to the Act of Union were tacked—I do not use the expression in an invidious sense—two schedules of countervailing duties of 7½ pages. In combination with the enactment of the Union, countervailing duties of considerable extent and importance were thereby imposed. To come to a later period:—the hon. and learned Gentleman will find that in 1808—he has dwelt very much on the precedent of 1807—the 48 & 49 *Geo.* III., c. 2, was passed, and that is an Act continuing duties, repealing duties, and regranting duties—not merely a double enactment like that of this Session, but a triple enactment of continuation repeal and re-enactment all in one Bill. The duties continued are on malt, sugar, tobacco, snuff, and offices and pensions. It then goes on to repeal the duties of sixpence and one shilling respectively on offices and pensions; and then, after continuing and repealing it, regrants the duties of sixpence and one shilling respectively on certain offices and pensions for the service of the year 1808. That Act, be it observed, in strict accordance with the course now adopted, so various in its operations, was only for one year. It was continued from year to year annually until the year 1822—that is, for fourteen years this course was annually pursued year after year. Not once was it done, but fourteen times. In 1822 a most important change took place, to which I would call the special attention of the House. The large and most important duty on malt was then made perpetual, but from 1822 to 1825 the duties on sugar, tobacco, snuff, foreign spirits, sweets, pensions, and personal estates, were annually renewed in one Bill. I wish the House to remark this, because it is by making perpetual large branches of the revenue, as it appears to me, that we have lost a great Constitutional hold which we formerly possessed over the House of Lords, and, after our experience of last year, it appears to me that the time has now arrived when it is our duty to retrieve that position, which we ought never to have surrendered. In 1826 the duties on tobacco and snuff were transferred from the Excise to the Customs, and were made part of the permanent revenue of the country. From 1827 to 1834 the remaining duties on sugar, pensions, offices, and personal estates were annually renewed in one Act—as I have already pointed out was the case with the other duties. From 1834 to 1836 they were continued in separate Acts, but only for two years, and in 1836 the duties on pensions and offices were made perpetual. There remained, then, only the sugar duties, and from 1836 to 1846 the sugar duties alone were continued from year to year in one Bill. By an odd coincidence, on purely financial grounds, just before Sir Robert Peel left office in 1846, it had been decided by his Administration that, for the sake of those interested more immediately in the raising of sugar and to avoid the uncertainty of an annual change of duty, the duties on sugar should be made perpetual. That was the intention of the Government of Sir Robert Peel when he resigned office, and it became the duty of his successor, my noble Friend the Foreign Secretary, who approved that intention, to carry it into effect. He proposed to make the sugar duties perpetual, and the House assented to his proposition. There is no more earnest guardian of the privileges of this House than my noble Friend, but it so happened that, with all his care and caution, the effect of not leaving one single annual duty of large amount at the disposal of the House of Commons was not at the moment quite foreseen by him. It was not overlooked by Sir Robert Peel. I speak advisedly, knowing what his wish and intention were, and though I have not had time to refer to the official record of what took place in this House at the time, yet, if I remember rightly, my Friend Mr. Goulburn, in his place, declared that, in his opinion, it would be necessary, if the sugar duties were made perpetual, that some large branch of the revenue, nearly if not quite equal in amount, should be annually voted. From that time to this no such precaution has been taken, and I ascribe to our weakened position with regard to the finances of the year the unprecedented step taken last year by the House of Lords, the effect of which has been to place the House of Commons at a disadvantage. I hope I evinced by my conduct last year anything but a desire to interfere with the full Constitutional rights of the House of Lords. I would earnestly deprecate any attack on that co-ordinate branch of Legislative authority. If I could believe that the course taken by the Government was advisedly taken for the purpose of seeking a quarrel with the House of Lords, if I could believe that it would have the practical effect of bringing about a collision with that House, or that its tendency moved in that direction, at all hazards I would refuse my support to it. But I believe in the honest and conscientious declaration of my noble Friend at the head of the Government, that it is with an earnest desire to avoid such a quarrel and to prevent such a collision that this course has been pursued, and in that sense I give it my support. My belief is that the course taken is most wise and most just. I have referred already to the proceedings of the Committee upstairs, and on this point will the House allow me to read the last two sentences of the draught Report presented to the Committee by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), who presided over our investigation with so much ability and such strict impartiality? Those two sentences run thus:

> "As intimately connected with that practice, however, two circumstances which have materially weakened the power of this House over such matters as concern Supply and are incident thereto, may not improperly here be noticed. The one is, the constant tendency to perpetuate duties in general statutes for unlimited periods of time;"—

The very point to which I have taken the liberty of calling attention—

> "The other, the omission to keep back a large amount of annual taxation until near the close of each Session. The constant tendency to perpetuate duties, no doubt, has been occasioned by the necessity of providing for the interest of the National Debt and other charges of a permanent character to which the nation is distinctly pledged; and the expediency of reserving a large amount of temporary taxation to be granted annually towards the close of the Session, was partly trench-

ed upon in the year 1798, when the land tax was made perpetual; still further, in the year 1823, when the duties on malt were made perpetual; and it may be said to have been given up in the year 1846, when the duties on sugar were also made perpetual."

Now, will the House allow me to ask their attention to the conclusion at which my right hon. Friend the Member for the University of Cambridge deliberately arrived, and to which he invited the concurrence of the Committee?—

> "It should, likewise, be remembered that the power of the House over matters of Supply and incident thereto, are necessarily much weakened by dealing with them separately in separate Bills, instead of uniting them as much as possible in one measure, so that they may constitute and form part of the financial arrangements to be made for the year."

That was the conclusion to which my right hon. and learned Friend the Member for the University of Cambridge invited our concurrence. I entirely approve of that advice; but for reasons which I will now state to the House, by a very odd coincidence, I was the person who moved in that Committee the omission of these paragraphs. And why did I move their omission? Because I thought that the sole duty confided to us by the House was to search for precedents, and that it was our duty to present to the House indisputable facts and precedents which were incontrovertible. I thought that we ought not to accompany those precedents with any observations, because, if they were accompanied with observations, unanimity on the part of the Committee was highly improbable, and a Report based on divided opinions would not have anything like the weight which the unanimous Report which has been laid on the table has, and, I hope, will continue to have. But does the matter rest there? What was the Resolution moved by my noble Friend at the head of the Government? It was in strict conformity with the conclusions which I have read, and, if I mistake not, it was adopted unanimously by the House. The hon. and learned Gentleman (Mr. Macdonogh) was not then a Member, and I am afraid, if he had been, he would have dissented from it; but still he would have stood almost alone in his dissent. The House unanimously adopted this Resolution—

> "Resolved,—That to guard for the future against an undue exercise of the power of the Lords, and to secure to the Commons their rightful control over taxation and Supply, this House has in its own hands the power so to impose and remit taxes and to frame Bills of Supply that the right of the Commons as to the matter, manner, measure, and time may be maintained inviolate."

It is in order to maintain inviolate the right of the Commons as to the matter, measure, manner, and time that I cordially support the form of the Bill now introduced by the Government. What is the great distinction between the respective duties and powers of the Commons and the Lords? It was traced back by the Committee to the time of Henry IV., when what is called the Bill of Indemnity was passed; and there the great principle is laid down—a principle from which we ought never to depart—that the Commons have the right to grant, and that it is the duty of the Lords to assent. What is the form of a Supply Bill introduced in consonance with that principle, sanctioned by usage and adopted from the earliest times? I will read the form of this Bill which is the form of every Supply Bill since the Revolution—

> "We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties hereinafter mentioned."

The Commons exclusively give and grant, and having laid down as a fundamental principle their right to grant, and the fundamental principle, also, that it is for the Lords to assent, the Bill goes on—

> "And do, therefore, most humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and by the authority of the same, as follows."

What was stated by the managers in 1691, only three years after the Revolution, bears so well upon the subject that I cannot refrain from quoting it. The managers not only contend for the exclusive right of giving and granting, but they assign reasons—

> "The Lords have many high privileges to recommend their Lordships to the favour of their Prince, and to support their figure in the Government."

Bear in mind that this was only three year after the Revolution. The Lords have the exclusive right of judicature, and the power of judging in the last resort in all questions of attainder and treason. The managers proceed:—

> "But the Commons have little besides this one of giving money and granting aids. This is their undoubted and inherent right, and, therefore, everything which intrenches on that the Commons may be allowed to be extremely jealous of."

That is a sound principle. That, I say, is in exact accordance with the course now pursued by the Government. I do not say that the rights of the House of Commons were invaded last year by the House of Lords. I say they went to the extreme verge of their privilege, and now, in my humble judgment, the time has arrived to revert to ancient precedents and to have recourse to those ancient rights which our forefathers so jealously guarded, and of which we are the undoubted possessors. The hon. and learned Gentleman spoke on the subject of a tack. I agree with him entirely that unless the *addendum* is *in pari materia*, and either imposes or remits taxes, it is an invasion of the privilege of the Lords. They have from the earliest periods resisted, and, I think, rightly resisted any such invasion of their independent action. Will the right hon. Gentleman the Member for the University of Dublin allow me to refer in passing to a passage from a speech which he made on a former occasion with regard to the Bill of 1700, when he invoked, as the hon. and learned Gentleman has again to-night invoked, the authority of Lord Macaulay as being on his side? I have read that remarkable passage, and I find there that Lord Macaulay has laid down the soundest ground with regard to the right of the Commons to grant — but that it is the limited power of the Lords either to take the whole or reject the whole. That is the limit of their power, and, though in the Bill of 1700, a provision was included in the nature of a tack, yet in those good times, so jealous were the Commons of the assertion of their rights, that they insisted on that Act being passed. Lord Macaulay has most graphically described what occurred, and the steps taken to enforce their rights. All the avenues of the House were closed. The Sergeant-at-Arms stood at the door with orders not to allow any Member to leave the House. The House called for a list of Privy Councillors to ascertain those who might counsel the King to veto that Act, and although, according to strict rule, it was not perfectly justifiable on account of the tack, that Act stands on the statute book, carried by our forefathers in pursuance of what they conceived to be the rightful privileges of this House. As to any invasion of the powers of the Lords, by uniting in one Bill both the imposition and remission of taxes, the right hon. Gentleman opposite (Mr. Disraeli) himself contended, and hon. Gentlemen exercised their right in consequence of that contention, that the best mode of discussing this Budget was to discuss it as a whole before the Speaker left the chair. Again, to-night they are exercising their undoubted privilege of discussing this Budget as a whole on the second reading of the Bill. There is no invasion whatever of the privilege of the Lords in so treating and discussing this measure. It is open to the Lords to reject the whole, or, if they think fit, they may alter a part of it; but, according to well-known principle in Money Bills, altering a portion is equal to the rejection of the whole. The House of Lords cannot take out from the entire Bill a certain portion. They cannot refuse to remit, or refuse to reduce. The time, the manner, and the measure being in our hands, it is sent up for assent or rejection. We do not fetter the power of assenting or rejecting, but we do say they must not partly alter. I do not wish to enter on the invidious subject of the party character of the question; but I must say, if hon. Gentlemen opposite—strong in this House, stronger in the other House—think the time has arrived when confidence should be withdrawn from the Administration, I can conceive no more fair or legitimate opportunity for expressing that opinion than by a rejection of the Budget, either by throwing out this Bill or altering it, which will have the same effect. But if that great party be not prepared to incur the responsibility of a course so decided, then I say, as good subjects, it behoves them to allow the executive Government to deal with the finances of the year on their responsibility in the manner which shall seem to them most just and expedient. I have heard from a high authority of a sort of hustings cry, promulgated at the Mansion House, "Down with the paper duty, and up with the tea duty." Now, I do not wish to raise an invidious hustings' cry; but if we are to have a hustings' cry—if that fatal issue should be joined, "Up with the House of Lords, and down with the House of Commons;" if that is to be the issue, I do not think that Gentlemen on this side need be afraid of going to their constituents on that cry, and I am very much mistaken if the power, authority, and ancient usage of the House of Commons would not be confirmed by a large majority of the nation.

LORD JOHN MANNERS said, the right hon. Gentleman having deprecated all party references on the subject matter in dispute, had ended his most effective speech by what he must say sounded like a party challenge. The right hon. Baronet saw in the distance the hustings of Carlisle, and had flaunted to the breeze the banner under which he elected to fight the coming political battle. Not content with displaying his own banner, the right hon. Gentleman condescended to give the Opposition his advice, which he (the noble Lord) did not think they would be willing to follow on the present occasion. If the Opposition wanted a fair party fight, let them (said the right hon. Gentleman) reject the Budget as a whole, and endeavour to dispossess her Majesty's Government of their seats on the Treasury Bench. But if, on the contrary, they were actuated by merely patriotic or financial considerations—if they only desired to weed the Budget of what they looked upon as objectionable, then the right hon. Baronet called upon them, in the name of their patriotism and their country, to withhold their hands and to submit to that which they believed to be unpatriotic and undesirable. Now that was advice which he (Lord John Manners) thought the party with whom he acted would not be disposed to follow, though coming from the high and venerated authoritity of the right hon. Gentleman. The right hon. Gentleman had not met the challenge thrown out by his hon. and learned Friend in his singularly able and moderate speech in a satisfactory manner. The challenge was to produce an instance in which the House of Commons had sent back to the House of Lords, annexed to a Bill of Supply, a Bill which the latter had rejected. The right hon. Gentleman answered that he could not mention any instance because he could not discover that the Lords had ever rejected such a Bill as that for the repeal of the paper duty last year. He wished in return to ask the right hon. Gentleman whether he had ever heard of any Minister of the Crown sending up such a Bill when the financial affairs of the country were in such a condition? The right hon. Gentleman in effect said that, there being no precedent, the time had come when one should be made. The right hon. Gentleman, it was true, did not go very deeply into the political or financial circumstances which, in his opinion, justified the invention of a new precedent; but he gave the House to understand that his chief reason for such a proceeding was the laches of Parliamentary leaders since the Reform Act in not providing for the support of the privileges of the House of Commons, by retaining a sufficient hold over the taxation of the country. The right hon. Gentleman gave them a long and elaborate catalogue of the omissions and mistakes which had been made by those who had been in office during that period, and especially by the noble Lord the Foreign Secretary, the dire result of which had been to leave the House of Commons shorn of their legitimate power over the finances of the country. The right hon. Gentleman now asked them to invent a precedent in order to rectify the blunders of the distinguished men with whom he had served in office during the last quarter of a century. If it were true that in giving up the annual imposition of great masses of revenue they had forfeited any of the just power of the House of Commons, the proper course was to return to that ancient and more legitimate system, and not to seek a remedy for the evil in the establishment of a new precedent, derogatory to the rights and beneficial operation of the other branch of the Legislature. The right hon. Gentleman had referred to various precedents, and had quoted the opinion of Lord Macaulay. He had also assumed that from the earliest times there had been but one view of the rights of taxation as appertaining to the House of Commons, and that the Lords had never had a right to express an opinion on that subject. Great authorities, however, such as Mr. Hallam, who took a more dispassionate view of the question than Lord Macaulay, asserted that the very privileges of the House of Commons which were now taken for granted, originated in the fact that in early times the House of Commons granted the Supplies which were to be raised by taxation from the Commons, while the House of Lords granted the Supplies which were to be derived from their own order. He did not know whether the point had been touched upon in the course of the debate; but knowing the extreme impartiality of Hallam in considering those questions he thought it better to refer to his own words. In the third volume of his *Constitutional History*, p. 38, Hallam stated as follows:—

> "In our earliest Parliamentary records the Lords and Commons, summoned in a great measure for the sake of relieving the king's necessities, appear to have made their several grants of Supply without mutual communication, and the latter generally in a higher proportion than the former. . . . But in the 22nd year of that reign (Edward III.) the Commons alone granted three-fifteenths of their goods, in such a manner as to show beyond a doubt that the tax was to be levied solely upon themselves. . . . It is even said by the Court of King's Bench in a year-book of Edward IV., that a grant of money by the Commons would be binding without assent of the Lords; meaning of course as to commoners only, though the position seems a little questionable even with the limitation. I have been almost led to suspect, by considering this remarkable exclusive privilege of originating grants of money to the Crown, as well as by the language of some passages in the rolls of Parliament relating to them, that no part of the direct taxes, the tenths or fifteenths of goods, were assessed upon the Lords spiritual and temporal, except where they are positively mentioned, which is frequently the case. . . The originating power as to taxation was thus indubitably placed in the House of Commons, nor did any controversy arise upon that ground. But they maintained also, that the Lords could not make any Amendment whatever in Bills sent up to them for imposing, directly or indirectly, a charge upon the people. There seems no proof that any difference between the two Houses on this score had arisen before the Restoration; and in the Convention Parliament the Lords made several alterations in undoubted Money Bills, to which the Commons did not object. . . . In April, 1761, however, the Lords having reduced the amount of an imposition on sugar, it was resolved by the other House 'that in all aids given to the King by the Commons, the rate or tax ought not to be altered by the Lords.' This brought on several conferences between the Houses, wherein the limits of the exclusive privilege claimed by the Commons were discussed with considerable ability, and less heat than in the disputes concerning judicature; but as I cannot help thinking with a decided advantage both as to precedent and constitutional analogy on the side of the Peers. If the Commons, as in early times, had merely granted their own money, it would be reasonable that their House should have, as it claimed to have, a fundamental right as to the matter, the measure, and the time. But that the Peers, subject to the same burdens as the rest of the community, and possessing no trifling proportion of the general wealth, should have no other alternative than to refuse a necessary supply to the revenue was an anomaly that could hardly rest on any solid ground. Precedents for establishing such a right were never, in point of fact, made out by the House of Commons."

Such was the opinion of Mr. Hallam, whose impartiality and research gave it great weight. Without saying that in the present instance it was necessary to vindicate all the positions taken by Mr. Hallam, he held that it was impossible to admit the *dicta* of the right hon. Gentleman without great qualification and reserve.

On the second reading of the Budget Bill he trusted that he might be allowed to travel a little out of the record of constitutional precedents which had been set that evening. It used to be believed, that in determining the financial arrangements of the year, respect should be had to financial considerations, and financial considerations alone, and he was sure that that was the only satisfactory way in which they could be settled. Last year a Budget materially altering taxation was submitted to the House on grounds not purely, or even primarily, financial, but complicated with the politics of Europe and the requirements of a one-sided treaty with France. No just or fair consideration of the various topics involved in that Budget was permitted to either House. He had hoped that they would this year return to the healthier practice of former years, and be allowed to take a complete and extensive view of the various proposals contained in the financial scheme of the Government without reference to extraneous considerations. But he now learned from the right hon. Baronet, as he learned on a former occasion from the hon. and gallant Member for Liskeard (Mr. Bernal Osborne), that such was not to be their privilege, but that they must consider this Budget also upon political and, he might almost say, upon partizan grounds. He should, however, apply himself to the more legitimate view of the question; but in order to arrive at a satisfactory, or indeed, an intelligible conclusion upon that more legitimate view of the question it was necessary that they should arrive at some common language, and should, above all, understand what was meant by the words "deficit" and "surplus." Having listened to the two financial statements of last year and this, he was unable to make out what definite meaning the Chancellor of the Exchequer himself attached to those two words. That which last year was presented to the House in the gloomiest and most alarming colours as a deficit and a chasm was this year held up in the most attractive form as a surplus. The country, which last year was terrified by the prospect of a deficit of £10,000,000, was this year, upon almost the same figures, charmed with the promise of a surplus of £2,000,000. He could not reconcile such inconsistencies; and he confessed, therefore, that he came to the consideration of the financial aspect of the Budget with very great difficulty and labouring under a very great disadvantage. But assuming, as he was willing to do for the sake of argument, that the figures which were given held out a fair prospect of a surplus, and admitting that there would not be any of those demands on account of China or Wallachia, Syria, America, or the Rhine, which many persons of penetration and discernment anticipated—admitting that nothing which was likely occurred, and that everything which was improbable happened, in what position would the finances of the country be at the end of the year? The right hon. Gentleman claimed a surplus of rather more than £400,000. How was that arrived at, and what results would necessarily flow from it? The sum and substance simply told was—that in order to repeal the duty on paper which was not felt by the people the toiling millions of this country were to be called upon to pay an additional *5d.* per lb. upon their tea, or that class which was removed only one degree from the poorest were to pay an additional penny in the pound upon their hard earned and precarious incomes. That was the result of the Budget admitting all the calculations of the Chancellor of the Exchequer to be correct. Well, under what circumstances and with what recommendation was a Budget of this nature submitted to the favourable consideration of the House? They had been told, indeed, of pledges which had been given to and by that House. He wondered that the word "pledge" did not blister the eloquent tongue that applied or rather misapplied it. He knew of no pledge that at a time of especial difficulty when a surplus was only obtained by increasing the burdens of the people in another direction the paper duty should be repealed. The only pledge the House had ever given was that it was desirable to abolish the duty when a sufficient amount of surplus was obtained which could be made available for the remission. But there were other pledges from which no chicanery or subterfuge could escape, pledges that when the warlike necessity which originated them should be over other taxes should be repealed or diminished. Of this there could be no doubt whatever. But then what were the circumstances under which that improvident repeal of taxes was proposed. They had heard from the noble Lord the First Minister of the Crown that in his opinion there was nothing in the aspect of foreign politics which should deter us from making that large and permanent reduction in our financial resources. The noble Lord was chary of his reasons. Indeed, he gave none. He gave them his *ipse dixit* that in his opinion there was nothing in the present, or likely to be in the future, of America or Europe that should lead them to think the Budget was improvident in a financial point of view. Everything that fell from the noble Lord must be received by that House with respectful consideration; but he (Lord John Manners) must confess that he heard that guarded statement of the noble Lord with no little surprise. He could not understand how men endowed with the senses of sight and hearing could fail to see in the aspect of affairs abroad great ground for apprehension—great ground for nervous apprehension—as to what the future might bring forth. Let any man cast his eyes over the trade reports of a single day; let him see how in every great mart of English industry the reports were unfavourable and gloomy; how trade was said to languish in this market and to be lowering in another, and let him back up, if he could, using the best intelligence which God had given him, the sanguine anticipations of the Chancellor of the Exchequer that nothing would occur in the course of the financial year which would diminish in any degree the estimated receipts from the Customs and Excise. He (Lord John Manners) for one could not participate in any such sanguine anticipation or expectation; and he did not think it the part of true wisdom to shut one's eyes and ears at "the voice of the charmer, charm he never so wisely."

But if the circumstances of the present did not fill them with great confidence as to the financial results of the Budget of 1861-2, he asked was the House of Commons justified in sacrificing permanently a great and increasing branch of the revenue without any reference whatever to future years and the contingencies that they might bring forth? He had heard it argued in the course of the present Session, and by high authority, too, that it was the duty of the House of Commons rigorously to shut its eyes to everything that did not apply to the four corners of the Budget of the year. If such a doctrine was to be accepted, it must be preached, he thought, by those who had not listened as he had to the Budget of 1853. They then had a Chancellor of the Exchequer, who, seated securely in Downing Street, defied the limits of time and space; and sketched out illimitable Budgets for all time to come. The result of that dealing with the matter was not very satisfactory, or likely to encourage the prophet to similar vaticination for the future; but at any rate the then Chancellor of the Exchequer went into future contingencies, and he gave the House of Commons to understand what would be the result of his then financial proposal in years so distant as 1860. That day, however, they were told that they must refer exclusively to the year 1861-2, and not permit themselves to ramble even for a moment into the year 1862-3, which would be most materially and disadvantageously affected by the Budget of 1861-62. He for one could not consent to play fast and loose with the finances of the country in that blind manner; and he should invite the House to consider for a moment the broad and naked facts as they would be presented in 1862-3. The right hon. Gentleman had given the House the main figures of his Revenue for the ensuing year. He assumed that the events of the year would not be prejudicial to the finances; and, assuming that, and that the figures of the right hon. Gentleman were correct, the estimated Revenue for the year 1862-3 would be £71,823,000. That included an income tax bringing in £11,200,000; war duty on tea and sugar, £2,200,000; China money, £750,000; all terminating with the financial year, 1861-2:—altogether, £14,400,000. Deducting that £14,000,000 from the £71,823,000 of estimated Revenue, there remained £57,423,000 as the permanent reliable Revenue of the year. Well, then, the right hon. Gentleman had given the House the estimated expenditure of the year. That was, in round numbers, £70,000,000. Deducting the permanent Revenue which would be at his disposal at the commencement of the year 1862-3, there would remain a deficit of, in round numbers, £12,000,000. Well, how was it likely that that deficit of £12,000,000 would be supplied? The right hon. Gentleman might say that he calculated on great reductions of taxation during the next twelve months. They had heard grandiloquent but grave charges against the extravagant expenditure of the House and the country. He supposed the intention of the right hon. Gentleman was to lead the House to a belief that it was the intention of the Government greatly to reduce the expenditure of the country during the coming year. Having watched the proceedings of the Chancellor of the Exchequer and the Government for some time, however, he could not believe that there was any serious intention of very greatly reducing the expenditure of the country. Last year the right hon. Gentleman, in speaking of the enormous expenditure, which now seemed to be our normal condition, gave good reasons why no great reduction of expenditure could be reasonably anticipated in a short time. The right hon. Gentleman remarked—

> "I may at once venture to state frankly that I am not satisfied with the state of the public expenditure and the rapid rate of its growth. I trust, therefore, that we mean in a great degree to retrace our steps. The process of retracing our steps in such a matter, however, even were it resolved upon and begun, is one which must necessarily be gradual; for if it be not pursued with circumspection and with caution it will serve but to aggravate the very evils which it may be intended to remove. I assume, therefore, whether the Committee concurs with the Government in the expediency of the Estimates which they have submitted or are about to submit to the House or whether it does not, that you can effect no radical change in the scale of that expenditure on which you have now for a series of years embarked—no radical change, I mean, applicable to the operations of the present year, or to the provision you will have to make for filling up the gap which yawns before you, and which is represented by the figures £9,400,000. The real question with which we have to deal is whether we ought upon this occasion to say our necessities are great, our means too narrow to enable us to effect any commercial reforms."—[3 *Hansard*, clvi. 826.]

That passage he (Lord John Manners) believed to contain sound sense and sound logic; and, therefore, he thought he had not misstated the right hon. Gentleman in assuming that they would not see in 1862-3 any very considerable diminution of expenditure. But admitting, for the sake of the argument, that £1,000,000 might be knocked off, that would still leave a deficit next year of not less than £11,000,000. Was it, then, reasonable to expect that that £11,000,000 would be made up by any other than that objectionable and obnoxious impost, the income and property tax? For after the feeling which had been manifested by the country on the subject of the war duty on tea and sugar, he believed that the House would agree with him that it was highly probable that the right hon. Gentleman would not again care to undertake the odium and unpopularity of fastening those obnoxious duties on the great mass of the consumers of the country. He would, therefore, almost necessarily, have to fall back upon that which he had even already hinted he regarded with no special ill-feeling, a shilling income tax. And thus, as a direct and necessary consequence of the Budget with regard to which they were asked to confine themselves to the mere exigencies of the year, hon. Members would find they had imposed on the country it might be for all time to come the odious blister of a shilling income tax, and that for the sake of repealing duties which it was admitted were not felt by any class of Her Majesty's subjects. Was it possible that there were Members in that House who might even calculate on the irritation which so odious an infliction would necessarily create? There might be some who thought—indeed, it had almost been avowed elsewhere —that by establishing an enormous system of direct taxation the country would be roused to such a pitch of irritation or indignation that the maintenance of those enormous armaments which were the primary cause of the immense expenditure would be rendered absolutely impossible. He believed he had not been misrepresenting certain hon. Gentlemen in that House when he said that such was their avowed creed in matters of finance. Was it, therefore, to be supposed that they who believed that those armaments were not excessive, who voted them on the authority and recommendation of Her Majesty's Government in the full belief that they were not extravagant and not incommensurate with the wants and necessities of the land, should fall into that system of taxation which was supported and commended on the very ground that it would necessitate an enormous reduction in the very armaments which they did not believe to be excessive, but which they fully believed to be necessary? *Hoc Ithacus velit, et magno mercentur Atridæ.* But he and those who agreed with him could not agree that this was a proper engine to be applied to the reduction of the armaments that were necessary to the safety of the country. His hon. and learned Friend who opened this debate went so fully into the constitutional question raised by the mode in which the Budget had been framed that it was not necessary for him now to criticize the form and framework of the Budget. It had been admitted it had been so framed with the express object of preventing any declaration by the House of Lords on the various propositions contained in it. It was true that the right hon. Gentleman kindly permitted the Upper House to exercise its undoubted privilege, and to reject, if it saw fit, his whole Budget. But it could not have entered into the contemplation of the Government so to frame their Budget that the House of Lords would reject it altogether. The object was, therefore, clear and patent—namely, to prevent the House of Lords from considering one particular element in the Budget which had found so little favour in the country, and had so nearly escaped the condemnation of the House of Commons. Such being the real issue, it being the intention of Government to prevent the House of Lords from expressing any opinion on the paper duty, to feed fat the grudge the Chancellor of the Exchequer, and his allies below the gangway on the same side of the House, against the House of Lords, for having saved them from the disastrous consequences of their improvidence last year—such being the admitted, the avowed intention, he thought it would have been much more open and manly if the right hon. Gentleman, and the hon. Member for Birmingham, instead of slinking behind the pretext of wounded dignity and inventing a quarrel which had no existence in reality. had boldly avowed their intention, and had said, "We think the price is not too great to give for the repeal of the paper duty; we are of opinion that it is worth the while of the toiling millions to pay *5d.* a pound more on their tea than they would otherwise do in order to repeal this paper duty, and, at the same time, to avenge ourselves upon the House of Lords for their conduct towards us on the same subject last year."

Turning, however, from these general considerations to the question as it affected the duty at issue itself, he must say that he had listened with some considerable interest, as they always did, to the very animated speech in which the Chancellor of the Exchequer replied to the arguments of the hon. Member for Liverpool, or rather anticipated him. The right hon. Gentleman, following a precedent that he could not but think inconvenient, introduced to the notice of the House some specimens of a new manufacture of paper which he wished hon. Members to understand would be brought into extensive and beneficial use if the paper duties were remitted. There was nothing too extravagant for the Chancellor of the Exchequer to say in favour of the particular manufacture which for the moment attracted his favourable attention. He told the House that it was a material stronger than iron, cheaper than lead, impervious to wet and weather; it was to combine every excellence that iron, lead, and nearly everything else, were supposed to possess, until he concluded it to be the right hon. Gentleman's intention, if the paper duty were abolished, to introduce this new material into our dockyards, in order to clothe our ships with garments of this impenetrable stuff, and, in short. to effect by this great invention those enormous savings in the cost of our armaments which the right hon. Gentleman declared to be necessary. He thought this system of advertising particular inventions was neither consistent with the dignity of the House nor the greatness of the subject they were now discussing. They had seen the thing done before without any great good arising from it, and his firm persuasion was, that if the House of Commons, in spite of the paper pipes which the right hon. Gentleman had brandished in their faces, would have the good sense, the courage, and the firmness, to do for themselves this year what the House of Lords had had the good sense, the courage, and the firmness to do for them last year, they would take a course which would not jeopardise that great manufacture that was likely to spring from the use of paper. He did not know whether it would be worth while to pursue the argument further, but it was matter for the consideration of those who advocated cheap paper—whether, if the material was to be put to these extraordinary and hitherto unimagined uses paper would not be increased, rather than diminished in price, unless there was a great increase in the raw material. If paper were to be turned into pipes, and cannon, and ships, there would be all the less for the purposes to which it was at present devoted ; and he submitted that to the consideration of those who contended that there was nothing else to be compared with the repeal, total and immediate, of the harmless Excise duty on paper.

The right hon. Chancellor of the Exchequer had indeed told them in one part of his speech that the duty on paper was a retrograde duty ; but in a short space he saw reason to depart from that argument, and he proved conclusively that, whatever might be the circumstances of the country or the condition of the seasons, the paper duty must go on increasing. He should be glad to know on which of these arguments the right hon. Gentleman proposed to rely. He understood that the argument which was most in favour was that the paper duties were retrograde, or at least stationary. But let him (Lord John Manners) show what had been the rise and fall of some of the Excise duties during the last twenty-nine years. Some of them might fairly be called failing duties. One of the greatest of those duties was that of malt. In the year 1831 malt produced £5,036,667. In 1858, in spite of the improvements in the manufacture of beer, and in spite of the increase of population, malt produced only £5,592,624. But the paper duty which produced, in 1831, £723,247, produced in 1858, £1,281,022. In 1836 malt produced £5,699,878; and in 1858 only £5,592,624: while paper went on increasing. In 1836 the paper duty was £841,131; in 1859 it produced £1,281,623 ; in 1860 it produced £1,451,258 ; and in 1861 it produced £1,652,825 ; while the Customs' duty on foreign paper had absolutely trebled, and the consumption of foreign paper quadrupled within the last three years. The policy of the House within the last few years—he would not stay then to discuss whether that policy was right or wrong, wise or unwise—had been to abolish numerous Excise and Customs' duties, and the result had been that the indirect taxation of the country had been made to rest on comparatively few articles. Every fresh duty that was altogether repealed must, therefore, have the effect of riveting still more firmly round the necks of the tax-payers those duties that were left. The result, then, of repealing the comparatively innocuous duty on paper must be to prevent those remissions of other Excise duties that in the opinion of the House had a preferable claim for reduction over the paper duty. There were few either in that House or the country who would say that, apart from those extraneous political considerations, which ought not to be regarded in discussing financial questions, the paper duty was so much more obnoxious than any other duty now left on the statute book that it ought, on account of its own defects, to have the priority in respect of remission. It had been said that foreigners stood to us in the relation of posterity. Perhaps the House would allow him to quote a few lines from a well-known writer on the other side of the Channel on this subject. In the *Journal des Débats* this writer said,—

> "There are various ways of employing a surplus, and that selected by Mr. Gladstone has given rise to universal discontent. Discipline and party ties, always so powerful in England, overcome every other consideration, but it must have cost many a Liberal Member a severe struggle to

vote in favour of such a measure. Looking at the question on its merits, no doubt can be entertained that the decision of the House should have been the reverse of what it was. In England the consumer of sugar, but especially of tea, means all the world, and, above all, the poorest classes. The paper duty, on the contrary, does not affect the majority of the nation; its abolition will only benefit the Radical journals. Is that a decision the public ought to be satisfied with?"

Notwithstanding what had fallen from the Chancellor of the Exchequer, when he seemed to treat with contumely the expression of public opinion through the medium of petitions, he must express his belief that the petitions presented to the House afforded a fair opportunity of judging what the feeling of the country was; and if hon. Members would refer to the papers which had been sent to them that morning, they would see that the numbers of the petitions and of the signatures in favour of the financial proposition of the Government were infinitely short of the numbers of those who condemned and deplored it. If they looked to the places from which the respective petitions came they would still less doubt the character of the popular feeling. The right hon. Member for Carlisle seemed anxious to make that a great party struggle. He, for one, should deeply deplore such result. His side of the House had shown, all through the present Session, every disposition to support the Government and maintain them in place. The noble Lord at the head of the Government, he was sure, could not have forgotten a certain memorable evening when, attacked from behind with a vigour seldom excelled in that House, he owed his safety to the defence and support that came from the Conservative side of the House. Those Gentlemen who supported Her Majesty's Government might have forgotten the occasion to which he referred; but Her Majesty's Government would not doubt or dispute the position which he laid down, that upon that occasion and others a frank and cordial support had been tendered to them from the Conservative side of the House. Therefore, he for one did not share in the wish that seemed to be entertained by the right hon. Gentleman, the Member for Carlisle, that the future discussions on this Budget should be carried on in a spirit of political partizanship. Far from being actuated by such a feeling, the Conservative side had shown a lofty constitutional spirit on many occasions, and when deserted by the Government—who might be said to have during the Session normally abdicated their functions—had shown their power and their determination to resist extreme Liberalism. But they never had an occasion presented to them that was more important than the present—never was there an occasion when it more behoved the House of Commons to refuse its assent to the attempt then made to sacrifice to the exigencies of party alike the financial safety and the constitutional rights of the country. The Conservative party then said to the Government—"We have given to your Budget that careful, minute, and impartial consideration which the importance of the subject demands, and we find in it the unmistakeable signs of a political origin and a fatal disregard to the best interests of the Exchequer. Therefore, more in sorrow than in anger," we say to the right hon. Gentleman, "take back your Budget, and reserving for times of more undoubted surplus, and for more halcyon days, your glowing visions of theoretical finance, and substitute for it a scheme which will satisfy the just requirements of the people and maintain unimpaired the financial resources and the credit of the country."

SIR FRANCIS GOLDSMID said, that notwithstanding the industry and ability of the hon. and learned Member for Sligo, he had fallen into an error not unfrequent with those who had a difficult cause to conduct. He had taken an undoubted doctrine and endeavoured to apply it to circumstances to which it was utterly inapplicable. In the first of the instances which he had cited an attempt was made to tack to a Bill of taxation a Bill against occasional conformity. That Bill was regarded by a strong party as prejudicial to the interests of the religion of the country, but an attempt to force such a measure upon the House of Peers by a tack to a financial Bill was compared by the hon. Gentleman in the exigency of his argument to the union of a Bill for repealing the paper duty with other financial measures. An interest stronger than might have been anticipated had been awakened among certain politicians by the question of the paper duties, but he (Sir Francis Goldsmid) had never yet heard that it was supposed to affect the interests of religion. The next attempt at tacking, referred to by the hon. Member, was that by which it sought to render the Long Parliament indissoluble. It scarcely required any argument to show how inapplicable such a precedent was to the present question; but he could promise the hon. Member that if any attempt of that nature were made by the Chancellor of the Exchequer, Members on that side of the House would be quite ready to aid in defeating him. The third instance cited, was the Bill with regard to the malt duties, in 1807, to which was tacked a clause for legalizing Exchequer Bills; but that was in effect a measure for the benefit of individuals who happened to hold bills which were previously illegal. The case was exceedingly like one mentioned by Lord Macaulay, and also relied on by the hon. Member for Sligo, in which a clause for remitting the money due from the Duke of Ormond to the Crown was tacked to a Bill of Supply. In the course of the discussions on that occasion, a threat was uttered that the next "tack" would be for the attainder of some of those Peers who had opposed the measure, and this unjustifiable threat Lord Macaulay had emphatically and most properly condemned. But even from the most energetic supporters of the Government proposals he (Sir Francis Goldsmid) had heard no indications of an intention to propose that to the Paper Duty Repeal Bill should be tacked a clause for the attainder of my Lords Derby and Monteagle. The hon. and learned Gentleman also argued that the House of Commons ought not to include in the same Bill a repeal and a grant of taxes; but the right hon. Baronet the Member for Carlisle (Sir James Graham) had given instance after instance where such a course had been pursued by this House. There could be no doubt that the House had a perfectly constitutional right to combine in one Bill as many provisions relating to taxation as it might think fit, provided that it did not annex to such a Bill anything that was foreign to or different from taxation or Supply. So long as the Bill dealt solely with taxation, it might extend to any length; and in one case, in the time of Sir Robert Peel, the continuance, repeal, and alteration of Customs' duties were all included in one Act, and those new Customs' regulations filled several pages of the quarto edition of the statutes. The hon. and learned Gentleman had alluded to the standing order of the House of Lords; but he would ask, was there anything in its nature "foreign to and different from" taxation in the present Bill? The form of this measure was justified, not only by precedent, but also by reason and expediency. It was because it was necessary to give a general view of the finances of the country that the Chancellor of the Exchequer was obliged to make annually a comprehensive financial statement, so as to enable the House of Commons to decide on his proposals as to continuing, remitting, altering, and imposing taxes. The intimate connection of the various matters embraced in this Bill was clearly shown by the course of the proceedings in the Committee of Ways and Means. Though the Resolution as to the tea duties had been separately proposed, and it might have been technically more correct to confine the discussion on that Resolution to tea; this question was so mixed up with that of the paper duty, that the debate had turned as much on the latter as on the former. And when a division had been taken on the tea duties, although the paper duty Resolution was adjourned to a subsequent evening, yet the decision on the tea duties was felt so completely to have settled the question of paper duty (so far as respected the stage of the Committee of Ways and Means), that on that subsequent evening, when the paper duty Resolution was adopted, there was little debate, and there was no division. How, then, could it be otherwise than reasonable and expedient to comprise in one Bill matters thus naturally and necessarily mixed up in discussion and decision? Again, the necessity for the course taken by Government would be seen on referring to the Resolutions adopted last year, and still more from a paragraph in the draft report of the right hon. Member for Cambridge, on which those Resolutions were based. It was there laid down that in order to preserve the power of this House over Supply taxes might be granted annually, and the different parts of the Budget included in one Bill. The right hon. Gentleman the Member for Buckinghamshire, in the course of the debate last Session, said—

> "I now come, Sir, to the second method of defending our rights suggested by my right hon. Friend, and I take it, adopted in the Resolution—that is, by insisting that the whole of our financial scheme shall be embodied in one Bill. We do not—at least, I for one and the Prime Minister for another—do not question the right of the House of Lords to reject such a Bill; but of course the responsibility of such a step would, under these circumstances, be greatly enhanced, and the difficulty of disturbing the financial arrangements of the House of Commons proportionately increased. For my own part, Sir, I have no objection to such a course; I should have liked, for example, that

that course should have been pursued this year; I should have liked to have had the whole scheme of the Chancellor of the Exchequer in one Bill; I should have liked to have seen the additional twopence of income tax set down in the same Bill that was to repeal the duties on paper. [3 *Hansard*, clix. 1491.]

He hoped hon. Gentlemen on the opposite side of the House, who might have an intention of joining in the objections urged to this Bill, would weigh the passage in the speech which he had just read before they finally determined to oppose a principle of which the right hon. Gentleman last year expressed his approval, and which this year the Government had adopted. To send up again to the House of Lords a proposal to repeal the paper duties in a separate Bill would be proceeding entirely in contradiction to the Resolutions of last year, in which they unanimously claimed for the House of Commons the right to determine the matter, the manner, the measure, and the time of taxation. By a separate Bill for repealing the paper duty this House would commit to the discretion of the Lords three of the four subjects, the rightful control over which it then resolved to be in itself only; the manner, by leaving to them to alter the proportion fixed by this House of indirect to direct taxation; the matter by leaving to them the continuance of a tax, here thought needless, on an important manufacture; the measure, by leaving to them to increase the total amount of the year's revenue. The Government could not have proposed such a course without disrespect to the House, and the House itself could not have acquiesced in it without a deliberate abandonment of its own most precious privileges.

MR. ROLT said, he did not think it would be time altogether lost, if, starting from the assumption made by hon. Gentlemen that there was no constitutional objection to the power proposed to be exercised by this House of sending up to the House of Lords a Bill embracing the entire financial scheme of the Government for the year, he inquired whether it would be wise, just, or expedient to adopt that course in the present instance, and send up the Bill before them in its present form? What, upon that assumption, was the sum of the arguments urged that night in favour of that course? Those arguments amounted to this—first, that it was usual, or at all events not unusual, to send up in one Bill proposals to repeal taxes of one class and to grant taxes of another; secondly, that it was necessary, or at least convenient, for the Finance Minister to lay his whole scheme before Parliament in one Bill, and to take its opinion upon it as a single measure; thirdly, and he was surprised to hear it so laid down by the right hon. Member for Carlisle—that the course adopted by the House of Lords last year in respect to the Paper Duty Repeal Bill, even admitting that course to have been within their competence, was such as to justify the House of Commons not only in sending up such a measure again, but in joining it with all the other financial measures.

In the first place, having attended to the instances which had been cited, and having that day looked through the Finance Acts of the first twenty years of this century, he ventured to say that the Bill now before them was unusual in its form. Of course, no one insisted that it was the practice to bring in separate Bills for the grant or continuance of every distinct tax. It happens, indeed, sometimes that a Customs' duty and an Inland Revenue duty may be imposed by the same Act. Nay, further, during the period over which he had looked he had found eighteen or twenty instances in as many years of the repeal of a tax and the grant of a tax in the same Act. But, if they went through the statute book, they would discover a unity, a tie, a connection between the repeal of the old and the grant of the new tax. In the large majority of cases the method was this—that certain taxes were repealed, and in lieu thereof, and because of the repeal thereof other taxes were imposed. But the precedent which they were now in search for was one of a wholly different kind. What they wanted was an instance in which that House, having asserted that there was a surplus to be applied in the repeal of taxes, for which nothing was to be substituted, had tied to that voluntary repeal of a tax the continuance or modification of an ancient tax. By far the great majority of such cases between 1800 and 1820 related either to the repeal of a small tax and the grant of a larger one on the same subject, or to the repeal and modification of a certain class of taxation affecting Ireland or Scotland, or affecting a certain description of goods coming from a particular country. It was vain, therefore, to say that those instances went to the establishment of an usage making it common, necessary, or useful to adopt the scheme proposed on that occasion—namely, to repeal, on the ground that they had a surplus, an Excise duty, and to modify or continue existing duties of various kinds, which have no connection with the duty repealed. Assuming, then, as contended on the other side, that the House had the right and the power to do that, if they proceeded to justify such a course as being an usual one, he denied that it was usual, and said that all the instances cited, when closely examined, failed to sanction it. Throughout our legislation, it will be found that where there was one Act granting duties the next chapter in the statute book was one repealing a duty; showing that it was usual to repeal in one Act and grant in another; and it was only when particular reasons tied the two processes together, that they were coupled in the same measure.

Next, as to its being convenient that the Finance Minister should lay before Parliament and send up to the House of Lords his whole scheme comprised in one Bill, and so to declare that he would stand or fall by the whole as one measure, that was not the first occasion on which within his brief Parliamentary experience he had heard a Chancellor of the Exchequer declare that he would stand by his scheme in its entirety, and regard any material modification of it as amounting to its total rejection. Yet the Minister had never before found it indispensable to embody the whole plan in one Bill. Clearly that was not necessary as far as that House was concerned; for, thank Heaven! they at least had the liberty in Committee to deal with the scheme part by part, according to their judgment of its merits, whatever might be the wishes of the Minister. Neither was it true that that was the only shape in which the Government could convey to the other House that they desired their plan to be accepted or rejected as a whole. They had their organs in the House of Lords, who could give that assembly to understand that, although sent up in several private Bills, their proposals were to be treated, as far as the Government was concerned, as one and indivisible. On the ground of convenience, then, there was no sufficient reason for adopting a measure in the present form.

He would pass from those considerations to that which he believed was the substantial argument upon this occasion—the conduct of the House of Lords in the last Session—whether that conduct had been such as to justify the departure from the usual course, as the Bill undoubtedly did. Upon that part of the argument he took his stand, as did hon. Gentlemen opposite, upon the Resolutions of last year. The first of these Resolutions declared that it was for the House of Commons to grant Supplies, and to limit the time, manner, and extent of taxation. He quite adopted that view, and would go as far as who went farthest on the point; but with the qualification that this grant and limitation should be with the assent of the other branch of the Legislature. The second Resolution was to the effect that that House would look with jealousy upon the rejection by the House of Lords of any Bill relating to taxation. In that Resolution he most cordially agreed. And was it not the fact that the House did look with jealousy upon any such rejection, and had they not done so last Session? But after jealously examining that conduct on the part of the House of Lords did the House of Commons come to the conclusion that it was a "gigantic innovation;" or did it adopt the views expressed in the statesmanlike speech of the noble Lord at the head of the Government, when he said that the House of Lords having seen the majority in the House of Commons decrease to nine, and, looking at coming events, were justified in acting upon what they deemed large considerations of policy, and not mere considerations of finance, and were entitled to urge that they had rejected the Bill upon broad grounds of public policy? The House negatived the idea that it was a "gigantic innovation," and affirmed that it was a due exercise of a legitimate power. If that were so, had the occasion arrived when it became necessary for the House of Commons so to manage their legislation as to prevent the other House from exercising their inherent power by sending back the same measure in a different shape to that in which last year the House of Lords dealt with it, and exercised, as that House had decided, a discretion within the limits of their power? ["No!"] He maintained that the House had so decided. There were Amendments proposed, but they were withdrawn; and, although they were told that the matter would be heard of again, both in that House and in the country, and their table be loaded with petitions, yet they had heard nothing more of it unless, indeed, in the shape of thanks to the House of Lords for having wisely acted in determining whether the tax should be repealed. Those reasons induced him to think that it was neither a wise nor expedient course to send up the Bill again in such a shape as would preclude the House of Lords from exercising their undoubted privilege. He was desirous and determined to maintain the privileges of that House; but those privileges were claimed and extorted at a time when danger was apprehended for the liberties and rights of the Commons; but no one would now say that those liberties were in danger from the despotism of either the monarchy or the aristocracy. There was a danger, indeed, which had been pointed out last Session, in the debate upon the conduct of the House of Lords, by the right hon. Member for Stroud (Mr. Horsman); but that danger was from the despotism of democracy, and the Bill, if passed, would have the effect of striking a blow at that power of resistance which the Constitution afforded to all ill-considered measures tending to give greater force to the democratic over other elements of the State. If the past conduct of the House of Lords was to be openly avowed as the reason for sending back the Bill of last Session in the shape it was now proposed, many hon. Gentlemen opposite would, he was sure, not give their support to it. He trusted that before the Bill left the House there would be an opportunity afforded for expressing their opinions by vote whether it should be sent to the other House in its present shape or not. The Bill contained many matters differing in themselves, and he could only regard it as intended to assert a triumph of that House over the co-ordinate branch of the Legislature, and to promote and facilitate at the same time direct taxation in place of indirect taxation; and, if that were so, he did not believe the House would think it was a wise or expedient course to pursue.

Mr. COLLIER said, he quite agreed with the hon. and learned Gentleman who opened the debate that a very important constitutional question was at stake — a question of greater importance than the mere subtraction of £650,000 of revenue or the retention of the present Government in power. It involved the question whether they should maintain inviolate the ancient right of the House of Commons to an exclusive control over the taxation of the country. He had hoped that the discussion upon the Budget would have been conducted without allusion to the controversy with the House of Lords; but as it had been imported into the debate he should not shrink from that question. He maintained that the course which had been taken by the right hon. Gentleman the Chancellor of the Exchequer was the only course open to the House if they were determined to maintain their privileges and at the same time to avoid a collision with the House of Lords. It was the only course open after the Resolutions passed in the previous Session with the unanimous consent of both sides of the House. He admitted the rights of the House of Lords were as important to the Constitution as those of the House of Commons, but the House of Commons was bound to maintain its own, and by the proposed proceeding it was doing no more. In the previous Session they sent up to the House of Lords a Budget, one main provision of which was the repeal of the paper duty, and another the increase of the income tax. The House of Lords undertook to revise and amend the Budget upon purely financial grounds, accepting so much as increased the income tax, and rejecting so much as repealed the paper duty. That was a course which the House of Lords had never taken before—and he was entitled to say it struck hon. Gentlemen opposite as strange and unusual, for if it were not strange and unusual why did they agree to the Motion of the noble Lord at the head of the Government for a Committee to search for precedents, a proceeding never taken except when grave questions arose? That Committee reported, and in a debate which took place he (Mr. Collier) went through every one of the reported precedents, maintaining, as he still maintained, that there was not a single case of the House of Lords ever having rejected a taxing Bill upon purely financial grounds, though they had rejected such Bills on some principle of general policy. The right hon. and learned Member for the University of Dublin (Mr. Whiteside) could not point out a single precedent; nor could the right hon. Member for Stroud (Mr. Horsman), though he placed the privileges of the House of Lords higher than the Lords did themselves, and spoke more disparagingly, he might say more contemptuously of the House of Commons than any statesman in living memory. He could not find a precedent; nay, he admitted that the proceeding was new, and compared it to a new process, set up within the Constitution, to counteract a disease, that disease being the growing power of the House of Commons. If the right hon. Gentleman really thought its power "had increased, was increasing, and ought to be diminished," no process was more calculated to effect that result than that it should abandon its privilege as to Money Bills. If it abandoned that right, and a few others which the right hon. Gentleman would probably deem equally unimportant, such for example as the freedom of debate, the House of Commons would gradually be reduced to the degree of importance the right hon. Gentleman might think befitted it. But the House last year affirmed the noble Lord's Resolutions. It considered they contained a protest against the course of the House of Lords, and maintained the principle that a Resolution of the House of Commons in Committee of Ways and Means was final and conclusive. This principle was long ago laid down by Blackstone; he said, a Resolution of a Committee of Ways and Means had always been so conclusive that any man might advance money on the faith of it. But it was impossible that Blackstone could have so written if the House of Lords had ever in his time dealt with a Budget as they had done with that of the last year. The third of the Resolutions of last year reserved inviolate the right of the Commons to the control of all taxation. That was accepted by the right hon. Member for Bucks, who also approved the suggestion that the House should hereafter, to avoid a collision, place all the provisions of the Budget in a single Bill. Having accepted that Resolution, hon. Gentlemen opposite could not say it was unconstitutional to act upon it. The hon. and learned Member who opened the debate had based his argument on the total misconception of the meaning of a "tack." The precedent of 1702, that gave occasion to the Resolution in the House of Lords on the subject of "tacks," was a Bill of Supply granted to the Crown from two sources—the land-tax in England, and the forfeited estates in Ireland. The objection of the Lords was not to these two provisions of the Bill; but a third provision was added to it, making the Commissioners appointed under the Act to carry it into effect disqualified from sitting in Parliament. The ground of the Lord's objection was a constitutional one. They said if the qualification of Members to sit in Parliament was a thing proper to be meddled with at all, it should be done by a distinct Bill; and that the House of Commons had joined to a Money Bill something totally different from it; on that ground they condemned the Bill. If the Chancellor of the Exchequer should attach to a Money Bill a clause distributing the vacant seats for Sudbury and St. Albans, or to remove the Bishops from the House of Lords, that would be a "tack," which meant adding to a Money Bill something that did not relate to money; but any provision that related to money was not a "tack." The hon. and learned Member for Sligo asserted that there had been no instance of a "tack" since 1807. That was true, and he (Mr. Collier) took advantage of that admission, for the House had since then often placed together many different provisions relating to money; these different provisions, therefore, according to the hon. Member's own showing did not constitute a "tack." But without going through all the precedents he would call attention to one that had not been quoted by the hon. and learned Member for Sligo; probably it had not escaped his research, but it might not have been convenient to allude to it. It was the precedent of a Bill of 1695. The first and second Resolutions referred to the establishment of a National Land Bank, the third took the duty off coals and culm, the fourth referred to the tonnage dues on shipping, another provided for raising money on the salt tax. A Bill was founded on these Resolutions; instructions were then given to the person who drew the Bill for the continuance of some of the provisions. That addition was agreed to by the Lords. It never occurred to the Lords then to object to the course taken by the Commons. Numbers of such precedents might be adduced, but it was enough to refer to the gigantic precedent, as it was rightly termed, established by Mr. Pitt's Budget in 1787. The title of the Act then passed was—

> "An Act for repealing the several duties ot Customs and Excise, and granting other duties in lieu thereof, and for applying the said duties, together with other duties, composing the public revenue; for permitting the importation of certain goods, wares, and merchandize, the produce of the European dominions of the French King into this kingdom; and for applying certain unclaimed monies, remaining in the Exchequer for the payment of annuities on lives to the reduction of the national debt."

Three or four thousand Resolutions relating to the Commercial Treaty with France to the imposing and repealing of taxes, and to all manner of financial provisions, were then included in one Bill, and upon the division—that being the solitary division which could be found upon the question—the Ministry were sustained in their course by a large majority. The Bill on that occasion contained a combination of financial provisions compared with which the Budget of the right hon. Gentleman was insignificant. As to the precedent of 1807 which had been referred to it made in favour of the present Bill instead of against it. There the Bill contained a provision on a doubtful question of law relating to the signing of Exchequer bills along with certain financial provisions; and it was rejected by the Lords on account of the legal point involved in it, not because it joined together different financial provisions. That was shown in 1808, when the same financial provisions joined together in the same Bill passed without dissent or protest, the title of the Act being—

> "An Act for continuing to His Majesty certain duties on malt, sugar, tobacco, and snuff; and on pensions and offices in England; and for repealing so much of certain Acts as relate to certain duties of 6*d*. and 1*s*. on offices and Pensions, and for re-granting the said duties of 6*d*. and 1*s*., and the said other duties, for the service of the year 1808."

According to the hon. and learned Gentleman such combination was a gross violation of the privileges of the House of Lords. But no such argument ever occurred to the Lords themselves. Further the same Act which was passed in 1808 was passed annually till 1822; and, though some of the taxes were made perpetual, the same course was pursued with respect to the others till the year 1836. He wanted to understand the argument on the other side. Was it meant to be said that it was improper and unconstitutional to place in the same Act any two provisions relating to matters of taxation? Then was the Act joining sugar and pensions clearly wrong. But if two provisions were joined, was it unconstitutional to join three or four? Where did the line begin? The truth was that the House of Commons had always dealt with the Budget in the manner most convenient to themselves. They had discontinued, it might be said, for thirty years, the habit of placing a number of financial provisions in the same Bill, but they had done so, not on the ground of any privilege on the part of the House of Lords, but simply for their own convenience, and they would never have disused the practice if they could have foreseen that the House of Lords would have acted as they did in 1860. But then it was said, "Having disused this right why do you now resume it?" The answer was, that the Commons resumed it in order to meet an interference by the Lords with their exclusive control over taxation such as had never been attempted before; and if it was said that the Lords had exercised a right which was legal, and therefore constitutional, his answer again was that the right of the Commons to join different financial provisions together in one Bill was also a legal and, therefore, a constitutional one. Admitting, however, that a legal right might be to some extent controlled by constitutional usage, how did the case stand then? With regard to the Act now complained of, the Commons had not used their rights for thirty years, while against the House of Lords the usage of some 600 years might be alleged. On these grounds he contended that the course proposed of placing all the main provisions of the Budget together in one Bill was legal, constitutional, in conformity with precedent, and in conformity also with the Resolution always adopted on the report of Resolutions agreed to in Committee of Ways and Means—namely, that the Budget should be placed in a Bill or Bills. There could be no meaning in such a direction unless it were a matter of choice to the House which course they would adopt. But it was contended that it was not, under the circumstances, convenient or expedient to adopt this course. He knew they had been told by the Earl of Derby, in a speech which he delivered at the Mansion House—in which he took occasion to lecture the House of Commons on the general impropriety of its conduct—that the House of Lords would be moderate; that he (the Earl of Derby) would be moderate; that probably if they sent the paper duty up to the House of Lords in a single Bill they would not again reject it, but would be satisfied to repose on their laurels of last year. But he (Mr. Collier) would not trust the privileges of that House to the moderation of the Earl of Derby. He would not trust the moderation of a man who had so little self-control as to be unable to restrain himself at a civic banquet from indulging in a tirade against the House of Commons and in a personal attack upon an absent Minister. The House were bound by their Resolution of the previous year to take the course proposed, unless, indeed, they were prepared to hear it said of them that, having unanimously passed a Resolution asserting their rights, and protesting against interference, they had neither the constitutional right nor the courage to apply it practically. If they did not pass the Paper Duty Abolition Bill in that shape, they would be acknowledging a defeat such as the House of Commons had never sustained, and they would not be insisting as they ought to insist on their exclusive control over taxation. He ventured to appeal to hon. Gentlemen on the other side of the House. The time was when the Tories considered themselves no less the guardians of the privileges of that House than the Whigs. He called upon Gentlemen on both sides who desired no triumph for that House, who sought to inflict on the Lords neither defeat nor humiliation, but were only determined to maintain their own rights —he called on them now to settle this question, which if not settled would inevitably beget angry feeling between two branches of the Legislature, whom all desired to see acting in harmony, and in the end be productive of serious injury to the Constitution.

Mr. WHITESIDE: Sir, the hon. and learned Gentleman has recommended the House to adopt a conciliatory course, which I understand to be just this—that so long as the Lords do everything we desire them to do we shall entertain great respect for them; but whenever they venture to exercise an independent judgment we must take care that they shall be deprived of the opportunity of doing so again. The hon. and learned Gentleman has impeached the Earl of Derby for a speech delivered on a festive occasion, upon which I shall content myself with observing that, if the noble Earl were here to answer for himself, I have little doubt the hon. and learned Gentleman would come off second in the encounter. The hon. and learned Gentleman, differing from the hon. Baronet, said that the House of Lords, in rejecting the Bill last year, did an unconstitutional act. Now, I have a sincere respect for the hon. and learned Gentleman, but he knows as well as I do that the Nestor of the House of Lords has framed an argument on that subject which I have never yet found anybody to answer, whether in regard to history, precedent, or logic; and I confess, therefore, I was surprised to find a member of the bar, after that learned argument, hazard an opinion that the House of Lords had no right to do what they did on that occasion. What was the argument of the right hon. Baronet the Member for Carlisle (Sir James Graham)? He candidly admitted that the House of Lords had a right to do what they had done; but when he admitted that he failed to observe that he had admitted a great deal against himself. He next proceeded to urge the right of the House of Commons to so frame its measures as to prevent the other House doing again what they had a right to do—not a very constitutional or moral argument. It amounted to this—what you cannot do directly you may contrive to do indirectly. The right hon. Baronet was obliged, by his knowledge of history and the Constitution, to admit the right of the Lords to deal with a Bill repealing taxation; yet at the same time this constitutional expositor of the law recommended the House of Commons so to frame their measures that the Lords would not have it in their power to exert their admitted rights again. Not a very conclusive argument. The precedent of Mr. Pitt has been quoted with reference to the negotiation of the French Treaty. An attempt was made to sever the two questions—the consolidation of the Customs and the negotiation of that treaty. The Motion failed in the House of Commons, and was attempted in the House of Lords. Now, why did it fail? The right hon. Gentleman was obliged to go back to 1787, for really there has been no precedent in favour of the view taken by the right hon. Baronet since that date. In 1787 Mr. Fox was of opinion that the two measures ought to have been divided. What was the answer given by Mr. Grenville—when it was asserted in the House of Commons, "You are preventing the House of Lords giving a deliberate opinion on any part of the measure?" He said—

> "There are two great subjects for the House of Lords to consider—the Resolution with reference to the Treaty with France and the Resolution consolidating the Customs' duties. Now, the Resolution concerning the treaty has been sent up to the other House with the Address, and they have debated it, and their Constitutional right has never been questioned, and all that was done afterwards was to put the Resolutions in the same Bill."

The argument of Mr. Grenville was, not that it would be a right thing to cheat the House of Lords of the power of giving judgment on the measure, but they had had a twofold opportunity of considering the question—on the Resolutions in the first case, and then on the Bill. That was good sense, for every sensible man in the old time was of our opinion. If the Members of the House of Commons were now seated round that table and told to make a Constitution, speaking not as political opponents, but as men of common sense, and if it were resolved to have a second chamber with co-ordinate power, would they lay down this law—"If you alter one letter of a measure we will reject the whole of your labours?" Everybody who has written on this subject has derided that view: Hallam has sneered at it, Macaulay has condemned it, Somers has scoffed at it; and what did Mr. Fox say, because I think Mr. Fox was a man of ability? I take this quotation from *Stanhope's Life of Pitt*—

> "Pitt proposed a measure to regulate our commercial intercourse with America. The views of Pitt upon this question were of the largest kind. The Bill was complicated and extensive. The Bill was several times committed and re-committed, with a variety of Amendments, and at last, under the next Administration, was further altered by the Lords. It was, no doubt, a money Bill. 'But I am of opinion,' said Fox, 'that the order of the House respecting money Bills is often too strictly construed. It would be very absurd indeed to send a loan Bill to the Lords for their concurrence, and at the same time deprive them of the right of deliberation.'"

Fox held just the same view as Macaulay, Hallam, and Hatsell, and the loquacious Burnet, although I do not rely much on him. Now, take the case of the Marquess of Ormond, in which the Lords, as usual, were in the right, they said to the Commons, "We cannot accept the Bill with clauses tacked as you have sent it to us." The Commons replied, "You must take the Bill as it is, or not have it at all—then the army will cease to be paid—the navy will cease to exist, and the usual result will follow of the country being in a state of discontent and confusion." Of that case Bishop Burnet said—

> "The measure attempted by the Tories in 1704 was, like many of the designs of that party, with a view to put all matters in confusion at home and abroad, and thereby to put a stop to the war and force a peace, and dispose our allies, as despairing of any help from us, to accept of such terms as France would offer them."

In fact that was as unconstitutional a precedent as ever was established; and if you wish to see what the Whigs thought of it you must turn to the pages of Lord Macaulay. There was a dissolution of Parliament shortly afterwards, and Macaulay tells us that the Whigs had their cry—it is always useful to have a cry. Nobody knows that better than the right hon. Baronet. What was the Whig cry?—

> "The Whig cry was that the Tory Members of the last two Parliaments had, from a malignant desire to mortify the King, left the kingdom exposed to danger and insult; had unconstitutionally encroached both on the Legislature and on the judicial functions of the House of Lords; had turned the House of Commons into a new Star Chamber; had used as instruments of capricious tyranny those privileges which ought never to be employed but in defence of freedom."

That cry, no doubt, was well cried, and the effect of it was to get a Parliament which evicted the very men who had asserted that privilege on which the right hon. Baronet had dwelt. But the right hon. Baronet turned to another subject, and one of great importance. He complained that the noble Lord the Member for the City of London was persuaded—I do not know by whom, but I suppose by somebody on this side of the House—to do a very wise thing—namely, to make part of the revenue of the country perpetual, not dependent upon an annual vote. The right hon. Baronet lectured the noble Lord upon that matter, and I should be sorry to interfere between two such excellent friends, but I hope the noble Lord will explain whether he was open to that lecture or not. I think the noble Lord was perfectly right; but the right hon. Baronet argued that a portion of the revenue having been made permanent the House of Lords gained an advantage over us, as Acts of Parliament establishing a permanent revenue could not be got rid of summarily by a Bill like the present. That is true, but the danger which the right hon. Baronet pointed out is merely fanciful; for the House of Commons has now a far larger revenue to dispose of annually than it had before. But what is the point of the argument advanced by the right hon. Baronet, even if facts were with him? Lord Lyndhurst has shown that when an Act of Parliament relating to revenue has been passed, establishing a certain law, you can get rid of that law, as of any other law, only by the independent votes of Queen, Lords, and Commons. You cannot touch it by a Resolution of the House of Commons. There are instances in which that has been attempted, and on one occasion Lord Mansfield said that a Resolution of the House of Commons, in his judicial capacity, he would not regard, because it was not entitled to any consideration, as it could neither make nor unmake law. The argument of the right hon. Baronet was to the effect that, whereas by virtue of an Act of Parliament a particular tax was made a permanent source of revenue, the House of Commons lost the opportunity of dealing with it annually, and was consequently in the power of the House of Lords. I admit that to be a correct statement of the law, but what is the mode of getting out of the power of the House of Lords? By submitting the question to them in a legal and constitutional way. What is that way? The precise way in which the matter was dealt with in 1802—a precedent upon which the right hon. Baronet made no observations, but which is decisive of the whole case. Upon that occasion there were two Bills, one dated the 30th of April, and the other dated the 4th of May. The first imposed duties on sugar, tea, and a variety of subject matter; and here I might say we have never argued that a Bill would be objectionable because it imposed duties on several things—as snuff, tea, sugar, and chicory. What we hold is that if you do another thing—if you introduce into a Bill a matter which has no connection with the real subject of it, then you act unconstitutionally, and encroach on the privilege of the other House. The course pursued by Mr. Addington was very different. He had to get rid of the income tax. For that purpose, according to the right hon. Baronet, he had only to do what the Chancellor of the Exchequer has done in the present instance—to put a clause in the first Bill repealing the tax. But the argument of the right hon. Baronet is answered completely by the precedent of 1802. The right hon. Baronet has asked us to observe that the words of the preamble of the Bill before us are that the House of Commons has "freely and voluntarily resolved to give and grant unto Your Majesty the several rates and duties hereinafter mentioned." [*Cheers from the Ministerial Benches.*] Quite so; but I beg hon. Gentlemen opposite to observe what we thus give and grant to Her Majesty. Why, as far as the clause relating to the paper duties is concerned, we grant to Her Majesty an old Act of Parliament. When, I ask, within the last fifty years have we passed a Bill drawn in that form? Mr. Addington had to repeal the income tax, but, advised by sensible men, he brought in a separate Bill for the purpose. That Bill began in substance, "Whereas by a certain Act of Parliament the income tax was created, and whereas it is expedient to repeal the said statute;" and then, like an ordinary law, that existing Act was dealt with and repealed. But when Mr. Addington was imposing duties, then the preamble of his Bill was exactly the same as the preamble of the measure before us. The argument of the right hon. Baronet is that in a Bill, the first clause of which relates to chicory and the last to pepper, you may introduce a clause disposing of the whole permanent revenue of the country, and then call upon the House of Lords to accept or reject the measure as a whole. If you could do that, would it be right and proper to so? Is it asking the other House to exercise an independent judgment on the several portions of a Bill? Is it not rather saying that we will take care not to allow the House of Lords to exercise its judgment, because we will so contrive it that, while the House of Lords may give its opinion upon the whole, it shall not be able to do so upon the parts? Yet that is doing what the right hon. Baronet thinks is constitutional. On the other hand, Lord Lyndhurst—who has filled the office of Chancellor of England, who has been accustomed to declare the law, and who actually does give the law to half the civilized world, because his decisions are as much respected in America as they are here—having set out a long list of precedents, says, that nothing can be more clear or distinct than the legal and constitutional right of the House of Lords to do what it did last year. What, then, is the object of the present Bill? It is not to invite the House of Lords to consider most respectfully, as I am satisfied it is always disposed to do, the opinion of this House upon a question of taxation. I agree with the right hon Baronet that it is our privilege to originate taxation, and to settle the time and manner of it. But I appeal to the right hon. Baronet if it is not equally the privilege of the House of Lords to consider, not merely the piece of paper which is sent up to it, but the condition of England and of Europe, and the state of affairs throughout the world; and if, in the interval between the time when a Bill passes this House, and the time when it goes to the other House, circumstances arise which make it imperative for the welfare of the Empire not to convert that Bill into a law, are the Lords to be debarred from exercising a legal and constitutional right for the common good? Perhaps the right hon. Baronet does not mean that; perhaps he would allow the House of Lords to exercise its judgment in the matter; but is it an honest or a reasonable way of allowing the Lords to exercise their judgment so to frame a Bill as to make it impossible for them to consider the several parts of it, compelling them to accept or reject it as a whole? Is it wise so to insult that august Assembly? Having legally and constitutionally rejected a Bill for the repeal of the paper duties last year, why are the Lords not to have an opportunity of considering the question now? What is the meaning of a "tack?" Lord Somers, who was nearly indicted for high treason because he was a patriot, has described what was meant by the term, and one or two of his descriptions are worth noticing. It was the opinion of that noble and learned Lord that unless the House of Peers were allowed properly to consider any subject fairly brought before them it was impossible the Constitution of the country could be maintained. Lord Somers described a "tacker" as "a sort of roaring politician, who soars against all sense and reason;" and he further describes a "tacker" as one who, under pretence of being a friend to our Constitution, would render one part of it useless by tacking. What would that great Statesman have thought of the present Bill? Even the Chancellor of the Exchequer cannot deny that the course taken last year was constitutional and legal. I ask him—How is it necessary that the subject of a Repeal Bill should be considered in a Committee of Ways and Means at all? Would it not be more consistent with ancient usage to treat a repeal Bill like any other Bill? That principle was laid down long ago in the case of the hearth money. The House of Commons then held that it was improper to deal with such a Bill in a Committee of Ways and Means, because it did not properly belong to the Supply of the current year. Take the case of the Civil List, which is permanently settled by Act of Parliament only. Suppose the House of Commons wanted to abolish half the Civil List? Will it be argued that we could introduce a clause to that effect into a Bill relating to the duties on tea, sugar, chicory, and other articles? There is a fine passage in Montalembert, in which, speaking of the trial of Mr. O'Connell, he eulogizes the conduct of the House of Lords, and holds them up as a model to the world of fairness and a sense of justice and moderation. "They had their political enemy in their hands," he says, "but their sense of justice was such that they refused to vote, but left the matter to be decided by the legal Members of the House." And so in this case, it was nothing but an overwhelming sense of duty which could have induced the House to deal as they did with that Bill. And my answer to the closing observation of the right hon. Gentleman, when he said, "Wo betide you if there be an appeal to the country 'paper against tea—Lords against Commons'" is "Wo betide you if that appeal should be made." The House of Commons possesses and deserves the confidence of the people, yet I believe the people are so accustomed to reflect and to reason, that perhaps, looking round the world, they might ask themselves whether liberty was most in jeopardy by any assaults from the artistocratic or the democratic side? They might ask themselves whether it was for their interest and freedom that the whole power of the State should be lodged in one Chamber, and whether a Minister who with a deficit proposed to repeal a permanent and increasingly-remunerative tax was acting in a manner more injurious to their interests than the House of Peers who preserved that revenue? And they might answer those questions in a mode not favourable to the right hon. Gentleman's views. For my own part, I cannot believe that this is a question of dispute between the two Houses. It ought not to be a question of the privileges of one House or the other. Privilege is not a right given to a selfish oligarchy or democracy, to be exercised solely for their own benefit; it ought never to be exercised by one House or the other but for the public good. Liberty and constitutional principles never can be safe in any country unless each House respects the spirit, and not merely the letter, of the privileges of the other House. If it be admitted—and the right hon. Gentleman has admitted it—that the House of Lords had a right to reject that Bill, the conclusion is inevitable, that this provision has been thrust into the present Bill, not to invite their judgment upon it, but to coerce their consciences at the expense of their patriotism, by saying to them, "Unless you pass the income tax and the other duties that are necessary for the revenue of the country, you will be destroying the institutions of the country by withholding from them the resources by which they are maintained." That is an unwise, unjust, unfair, and unreasonable experiment to make. I believe this Bill to be intended for the purpose of coercing that assembly, and for the purpose of insulting it. Because the right hon.

Gentleman the Chancellor of the Exchequer failed last year, and not because he apprehends he might fail now—because he is determined to avenge a fancied wrong to himself, though there was no wrong intended, but a benefit to the country, this unwise course of proceeding is adopted. The right hon. Gentleman opposite (Sir James Graham) has admitted that for half a century this course has never been adopted. We ought to "revert," he said, to what he calls the "good times of the Constitution." I think that to revert to those times would be perilous, and likely to be attended with mischief to the country, and for that reason I think the Bill in its present shape ought not to receive the sanction of the House.

LORD JOHN RUSSELL: The right hon. Gentleman has argued with all the ingenuity displayed in his former speeches, and I can pay him no higher compliment; but even his ingenuity can never argue away the Constitutional privileges of the House of Commons, nor induce us to forego them. In the course of this debate I have heard many speeches against the course proposed by the Government; but most of them were very far wide of the point aimed at. They were directed evidently against some proposal different from that before the House. The hon. and learned Gentleman who spoke first in the debate made a very able speech—the forerunner, I hope, of many such—and he argued conclusively against the "tack." But in the instance he gave of 1807, where a matter of taxation was joined with a question of the legality of certain acts of the auditor of the Exchequer, it is quite obvious that this last question was one by itself, totally different from any question of Money or Supply, and the House of Lords, therefore, were perfectly justified in rejecting a Bill of that nature. Indeed, I thought there was nothing more established than that, on the one hand, aids and taxes were the proper functions of the House of Commons, and that, on the other hand, no subject foreign to matters of aids and taxes and money could be introduced by way of a "tack" into a Money Bill, with a view of forcing the assent of the House of Lords. I quite admit that while on the one hand it is our bounden duty to assert our ancient privileges, on the other hand to enforce the House of Lords to agree to measures, perhaps unjust in themselves, by putting them into a Money Bill was an abuse of that privilege. It has now been abandoned for nearly a century past, and there can be no question of its revival. These are arguments, therefore, which I fully grant, but they have no application to the question before the House. The questions before the House, I take it, are properly two. One is whether we are justified, according to the law of Parliament, and according to precedent, in putting together in one Bill several measures of finance, being the financial arrangements of the year; and the second is whether, if we have that power, it is right and expedient to exercise it on the present occasion? With regard to the first question, I must say that hon. Gentlemen who agreed last year unanimously, or with very little question, to the Resolutions proposed by my noble Friend seem to have forgotten what those Resolutions were. The first Resolution says—

> "That the right of granting aids and Supplies to the Crown is in the Commons alone, as an essential part of their Constitution, and the limitation of all such grants, as to matter, manner, measure, and time, is only in them."

If you agree to that Resolution you cannot well deny that it is the right of the House of Commons to place in one Bill the manner, matter, and amount of taxes you think fit to propose or to remit. The next question is what precedent have we for such a course, and has such a privilege always been maintained? My right hon. Friend the Member for Carlisle, who argued the question so clearly, referred to the Act of 1787, and that, in fact, is a very signal instance of the use of the power of placing measures all relating to finance, but of various kinds, in one Bill. But it so happens that the very year before Mr. Pitt had shown his sense of the privilege of the House, and of their sole right to decide all questions of money. The year before he told the House of Commons that he had made such arrangements of taxation that there would be a million of surplus, which he proposed to devote as a sinking fund for the extinction of the National Debt. The question went to the House of Lords, and was discussed there; and it was said there, "The Minister has entirely miscalculated; he has no surplus; in fact, he has a deficit." My right hon. Friend has not been more accused of ignorance with regard to a surplus than Mr. Pitt was in that day. The Lords said, "The Minister cannot apply a million to this purpose," and they sent down to the House of Commons to obtain an account by which they might see what was the fruit of the several taxes, and what were the Estimates of the year, so that they might make a right balance of the expenditure and income according to their own views. But Mr. Pitt said such a proceeding would be utterly inconsistent with the privileges of the House of Commons, and he himself directed a message to be sent refusing their demand. Next year came the memorable Act to which my right hon. Friend has alluded. It was a year in which Mr. Pitt accomplished very great public objects. By means of a commercial treaty he settled our relations with France upon a footing likely to tend to the benefit of both countries, and by an elaborate and minute investigation of the Customs and Excise he framed 3,700 Resolutions, by which the various Excise and Customs' duties were reduced under a single and separate head. A Bill was introduced and sent to the House of Lords embracing the commercial treaty; and, likewise, a measure of consolidation. He also imposed a tax by that Bill. When that Bill went to the House of Lords it was argued by Lord Carlisle, "There are three different objects. We may approve the commercial treaty. We may not approve the consolidation. Above all, we may object to the tax. Let the Bill be divided, and do not let the House go into Committee." But he was answered by Lord Sidney, who at that time was Secretary of State, "All these matters belong to one arrangement, and tend to one end." That is, in fact, the question in the present Bill. These different matters all form part of one arrangement, and tend to one end—namely, the settlement of the finance of the year. The then opponents of the Government divided the House and were beaten 29 to 7. The House, therefore, affirmed that which the hon. Gentlemen opposite are denying now, that these various notices should be put into one Bill; and the Lords themselves, on a view of their own privileges and on due consideration of their own powers, not being indifferent to those powers and privileges, decided by more than a proportion of two to one that they ought to consider the Bill as a whole. But does the matter end there? Are there no other precedents? It is said we ought not to repeal taxes in the same Bill in which we lay on taxes. Another great financial measure of Mr. Pitt was the introduction of the income tax, and the income tax was introduced by him in this way:—He had very much increased the assessed taxes. That measure was found to be a failure. It was evaded in various ways, and Mr. Pitt consequently conceived a totally different plan for obtaining supplies for the arduous wars in which this country was then engaged. He introduced a measure which is now an Act of Parliament — the 13th chapter of the 39th *Geo.* III. — which begins absolutely with a total repeal of the Act of the preceding years which granted additional duties from the assessed taxes, and then goes on to impose the income tax, which was to make up the revenue of the year. In 1807 there was a Bill with respect to certain duties of excise in Ireland, increasing some and diminishing others; and in it was a simple clause abolishing altogether the duties on beer and ale in Ireland. That is exactly in conformity with what we now propose. We have a Bill in which the income tax is granted, in which duties on tea and sugar are granted, and in which the paper duty is entirely abolished. We are thus proceeding not only according to our privileges, which we have asserted, but according to former precedents, in placing all this arrangement in the same Bill.

Lord John Russell

Then comes the question, but, although you have the right to do so, it is not a convenient mode of proceeding; it limits the power of the House of Lords; and the right hon. and learned Gentleman who spoke last has even gone so far as to say that it is an insult to the House of Lords to send them up a Bill similar to those two Bills of Mr. Pitt, who appears to have been in the habit of insulting the House of Lords in the most generous way. The right hon. and learned Gentleman founds all these notions of injury and insult to the House of Lords on that which passed last year. I am quite willing to admit—I do not see how any one can deny—that there is the right in the House of Lords to reject any Bill sent up from this House. They have always asserted, and I do not think the House of Commons have ever contradicted, that it is their right to reject a Bill to which their assent is required. My right hon. Friend (Sir James Graham) said, and said truly, that it is an extreme right, which they ought not to use on ordinary occasions; and the real question which is being argued now is whether they used their discretionary power well and wisely? and whether an extreme case last year called for its action. My opinion is the other way. I do not agree with the hon.

and learned Member for Gloucestershire (Mr. Rolt) who commended the House of Lords for the wisdom of their act, and said he thought the House of Commons acted unwisely in repealing the paper duty. I am not willing to blame the House of Lords on that occasion. I am quite willing to admit that they considered the revenue from the paper duties necessary for the credit of the country and the Supplies of the year, and that on that ground, and on that ground only, they rejected the Bill which was sent up by the House of Commons. But the question which we have to consider is what may be the case in future. Admitting that in that case, which they thought an extreme case, they might exercise such a right, is it desirable that, having been successful in doing that for which there is no precedent whatever—namely, rejecting a Bill which gave great relief to the people, and which the House of Commons thought compatible with sufficient provision for the year—having done that extraordinary act, is it desirable that we should admit the House of Lords to equal functions with ourselves with respect to imposing and remitting taxes on the people of this country? Because that is the extent to which the hon. and learned Gentleman goes. That was the extent to which the right hon. Gentleman, the Member for Stroud (Mr. Horsman), went last year. Although hon. Gentlemen on the other side are not so frank as my right hon. Friend, the Member for Stroud, that is evidently the point at which they are aiming. They say the House of Commons is rash, is inconsiderate, is ill-advised in the use of its privileges, and it is necessary to send to the House of Lords the financial arrangements piecemeal, in order that the House of Lords, by clipping and cutting, accepting one thing and rejecting another, may have the whole financial arrangements settled, not by the House of Commons, but by both Houses. Now, this is what I deny. My belief is not only that this was a great privilege which in the time of our ancestors was asserted for the sake of the public interests, and by which the public liberties were established, but I believe that it is for the good of the trade and commerce of the country, which are greatly affected by these commercial arrangements. I believe that if it were found year by year that where certain taxes were proposed to be taken off by the Commons those taxes were retained by the Lords—that where we had made arrangements they had altered them—the greatest confusion would ensue. Their views of finance, as far as we learn from the speeches of noble Lords reported in the newspapers, differ exceedingly from those which meet with general approval in this House. They differ exceedingly from that system of finance which was established by Sir Robert Peel, and has since been continued. What confusion, what mischiefs would follow if we were to establish as a precedent that the House of Lords may take financial measures as ordinary pieces of legislation, and not to assert the ancient privileges of the House of Commons! If that be the case, I think not only is this a right which we have, but a right which we ought to exercise. If we put these different measures into one Bill, the House of Lords must accept it or must reject it. The noble Lord opposite supposes a case in which the House of Commons would propose to sweep away all Customs and Excise, and impose an income tax of 7*s.* or 8*s.* in the pound. I say that proceeding on the part of the House of Commons is to me entirely incredible. I do not believe there ever could be a House of Commons which would do so. But, if they did, I have no doubt the course would be that an appeal would be made to the country on that question, and my belief is that the country would decide against anything so rash and so injurious to the best interests of the country. But when I hear it currently said that the present system of finance tends altogether to destroy indirect taxation, and to set up direct taxation in its place, I examine the figures, and I find that this indirect taxation, which it is said this House for the last eighteen years has been paring away, has risen from £33,000,000 to upwards £40,000,000. That is the way in which indirect taxation has been abolished. That is the way in which we are proceeding to destroy all our revenue from indirect taxes. I do not wish to say much with regard to the question itself, which I am sure has been sufficiently debated. With regard to the question between the reduction of the tea and the abolition of the paper duties, I shall certainly leave that in the hands of my right hon. Friend the Chancellor of the Exchequer. But, at the same time, having been a listener to many of these debates, I cannot help being surprised at the rapidity with which hon. Gentlemen opposite have changed altogether their front. For two or three days we heard of nothing but the mistaken views of my right hon. Friend. We heard that no surplus existed, that it was an entire delusion, and when hon. Gentlemen opposite had gone on for some time proclaiming this opinion, to the surprise of many they then said, "After all, there is not only a surplus, but a surplus which will afford a quarter of a million more of reduction than the Chancellor of the Exchequer has proposed." That was a singular change, but I thought that hon. Gentlemen opposite had found that my right hon. Friend was right in his calculations as to a surplus; but no sooner had the House decided in favour of a repeal of the paper duty as against tea, than they came down with the same solemn countenances, the same gloomy language, and called attention to our failing trade, and predicted that there must be some misfortune in our intercourse with China, which will present us from getting the money which we expect. They, moreover, talk of convulsion in the West, and say "Surely you will not be so mad as to part with so large an amount of revenue as you propose to remit in the face of these difficulties." Having, in the first place, proposed a reduction in the shape of duties greater than that contemplated by my right hon. Friend the Chancellor of the Exchequer, they turn round upon him for the third time and say, "After all, there is no surplus existing, and nothing was ever so rash as the proposal to deal with the finances of the country in this manner." Well, having considered this Budget in several debates, it having been made the subject of debate for many days, the great party fight of the year was taken upon it, and, therefore, it is clearly time that the right hon. Gentleman opposite who held the office of the Chancellor of the Exchequer and the hon. Gentleman who was Secretary to the Treasury should really tell us what, according to their opinion, is the case. Are we disposing of a surplus, or have we none? Which is the line they take? Now, in dealing with the proposal for the remission of the paper duty, we have, I contend, only to look to what took place between 1844 and 1854 to come to a tolerably satisfactory conclusion. During these ten years there was, I find, a total abolition of duty in the case of various articles of Excise. The duties on glass, brick, and soap were within that period totally abolished. Those taxes yielded altogether about £2,500,000, while other taxes to the amount of £1,700,000 were about the year 1854 imposed. There ought, under these circumstances, one would at the first blush suppose, to be a considerable deficiency, but, instead of that, the relief given to the industry of the country, and the increased power of consumption gave us an excess of £500,000 over the amount of the Excise collected when the reductions to which I allude began. From these circumstances I come to the conclusion that, so far from the abolition of the duty on paper being a total loss to the revenue, you have, from previous experience, a right to suppose that, having done away with duties which impede industry, a new impulse is given to the trade which you thus set free. Hon. Gentlemen opposite, indeed, seem to think that something mysterious will follow as the result of the repeal of this duty; but I never could find that from the remission of the duties on bricks and soap it was predicted any great calamity was likely to ensue. The moment we approach paper, however, things undergo a change. I at once admit that this article can be applied to different purposes from brick and soap, but in an industrial point of view I cannot appreciate the distinction which is made between it and other commodities. There is in paper itself nothing which could justify hon. Gentlemen opposite in contending that it should not be subjected to the same laws as other articles of Excise. Some hobgoblin, however, in the shape of penny papers, appears to exist to terrify them in connection with this subject. Sir, I may add that it is impossible not to see that there has, in the course of this debate, been manifested a great desire to depreciate the measures and injure the political reputation of my right hon. Friend the Chancellor of the Exchequer. That attempt, I think, it is the duty of every colleague of my right hon. Friend to resist. He has employed his great talents for the benefit of his country, and his countrymen will, I believe, appreciate the relief which he has extended to them, and the efforts which he has made in their behalf. Their gratitude for those efforts will, in my opinion, stifle all the accusations which have been made against him, while he will have an enduring reputation in the list of men who have employed their great abilities in favour of the industry and wellbeing of their country.

Lord ROBERT CECIL said, he rose to protest in the most emphatic manner against the assumption of the noble Lord who had just spoken that, owing to the division which had taken place last night, any hon. Gentleman who was disposed to do so was precluded from opposing the repeal of the paper duty. The noble Lord appeared to forget the gist and burden of their advocacy of the repeal of the tea duties, and their objections to the remission of that duty which had been advanced. He would therefore remind the noble Lord that if the duty on tea were repealed it would be only for one year, and that if any unexpected calamity arose next year it could without difficulty be reimposed. If, on the other hand, the duty on paper were once remitted, that source of revenue was destroyed for ever. [*Cheers from hon. Members sitting on the Ministerial side below the gangway.*] Those hon. Members who cheered him very naturally did so because their interests were in favour of a particular speculation. For his own part, he did not wish for a moment to question their motives in supporting the Budget, but he had first to learn that the right hon. Gentleman the Chancellor of the Exchequer was the proprietor of a penny paper. If he might address an argument to the Treasury bench which would probably come home to them, he would say that the repeal of the tea duty might be compared to the loss of half one's salary, while the remission of the duty on paper might be looked upon as the sacrifice of the entire amount by resigning office altogether. The noble Lord the Member for the City of London had adverted to the repeal of indirect taxes during the ten years ending in 1854; and argued from the result that when indirect taxes were taken off an increase in other taxes made up the amount. He (Lord Robert Cecil) must reiterate what he stated the other night, that the revenue of France had increased 123 per cent, while that of England had only increased 96 per cent, and that there having been no remission of indirect taxation in France, it was plain that the prosperity, at least, in one country, did not arise from the cause alleged by the noble representative of the City (Lord John Russell). The noble Lord the Member for London seemed to be angry with those who sat on the Opposition side of the House because they were angry with the Chancellor of the Exchequer; but if personalities had crept into the discussion of the financial scheme hon. Members should bear in mind that the present was a personal Budget. There was no sort of guarantee for the existence of a surplus, except the confidence which hon. Gentlemen might be disposed to place in the Chancellor of the Exchequer, but although the House might listen with great pleasure to the eloquence of the right hon. Gentleman, past experience proved that much reliance ought not to be placed on his foresight on predictions. It ought to be recollected that when he had disposed of Excise duties on a previous occasion he must have had in the pigeon-holes of his office documents which informed him that a tremendous European war was impending. Still he persisted in regarding the year as one of prosperity; and when he found that prosperity did not ensue he was obliged to come down and demand an increased income tax. In the course of the autumn, the hon. Member for Coventry had intimated that the Chancellor of the Exchequer had concealed his knowledge of the Chinese expenditure; but the right hon. Gentleman afterwards explained, and the hon. Member for Coventry then expressed his belief that the Chancellor of the Exchequer was guilty of no intentional concealment, but still said he was wanting in foresight. Last year the Chancellor of the Exchequer, when told that his financial scheme was not ample enough, refused to believe the statement, just as in the present year the right hon. Gentleman declined to believe what was now told him. He (Lord Robert Cecil) had been very much taken to task for an expression he had ventured to use the other night to the effect that the course taken by the Chancellor of the Exchequer was worthy rather of an attorney than a statesman. That expression was thought to be too violent, and when any Gentleman in the heat of debate dropped an expression which on reflection he felt to be stronger than was necessary, he ought to take the first opportunity either to apologize or to retract. Therefore he felt that he was only doing justice to his own feelings when he avowed that on that occasion, he did a great injustice, ["Hear, hear!"] to the attorneys. They were a very honourable set of men, and he was sure—[*Cries of* "Oh, oh!" *frequently repeated, so that the noble Lord was unable to conclude the sentence.*] He was bound to express his opinion that the course which the Government recommended the House to pursue with regard to the House of Lords was neither a noble nor a manly one; but was distinguished by what he must call legal chicanery. ["Oh, oh!"]

He was sorry to say anything disagreeable to hon. Members. No doubt the Government thought it their duty to adopt that proceeding, but the question was as to the character of the proceeding. He maintained that throughout the whole constitutional history of this country it would be found that when there were quarrels between the House of Lords and the House of Commons, the latter bore the brunt boldly, repelled the attack openly, and maintained its privileges promptly in the face of day; and, in case its privileges were still questioned, appealed to the country. The Lords and the Commons were servants of a common master—the nation, which watched their proceedings, and judged between their disputes. If the Commons thought last year that the Lords were not paying due regard to their privileges, why did they not dare in an open and manly way to appeal to the common master, instead of taking refuge in vague, unmeaning, and ambiguous Resolutions, desiring to creep round and circumvent the laws by means of a quibble, or what in any other place would be called a "dodge?" Such was not the conduct of a British House of Commons ought to pursue.

If the House would permit him, he wished to state very briefly the grounds on which he thought that the proposed course of proceeding constituted a most unjust attack on the House of Lords and the Constitution. The noble Lord had just laid it down that with the Commons alone rested the right of granting taxes, while the Lords had the right of assenting thereto or dissenting therefrom, having also the power of initiation in respect to political measures. With regard to the principle, I believe the majority of Members would agree with the noble Lord, but the difference would arise as to the application of the principle. The practice originated at a time when it was not foreseen that the boundaries between financial and political measures would inevitably become confused; and where financial would, indeed, be political measures also. The time of difficulty had arrived, and thus it was that the House of Commons found itself placed face to face with the House of Lords. Let them consider the origin of this matter. When first the House of Commons claimed the privilege the thing was simple enough. Whatever money was asked was granted, and the House of Lords never said "Aye" or "No." But, as time went on, taxes had to be levied in a manner more various, and then political questions began to creep into the financial. When that began, the House of Lords retained its own proper position. It denied the exclusive claim of the House of Commons, and asserted its right to judge of financial matters. But the affair was compromised in this way—that the financial propositions, though originated by the Commons, were placed in a certain number of separate Bills, so that the Lords had the power of revising each individual part of the financial scheme, and of rejecting, without overturning the whole scheme, any portion of it which was thought too closely to trench on political matter. He did not mean to say that Bills might not be found which occasionally departed from that arrangement; but from the time the present reigning family had been on the throne not a shred of a precedent would be discovered of a single Bill containing within itself the whole Ways and Means of the year. The House of Lords must either assent to the measure or be prepared to see the whole financial arrangements of the country thrown into confusion. It should be borne in mind that all the main questions of the day were now becoming financial matters. Such was the case with Maynooth, Ministers' Money, and Church Rates. On all these questions the privileges of the Commons intervened and forbade the Lords from the right of originating measures. What was at the bottom of the question of Reform, at present withdrawn from the consideration of that House? What made one section of the House so willing and the other side so averse to admit the very large increase of the franchise which was proposed? It was because it was avowed by the main supporters of the proposed changes that they were only to be the heralds of vast financial changes; and the enormous reaction against Reform was occasioned by the apprehension that Americanized finance was to be the consequence of Americanized institutions. No one had admitted that with more candour than the hon. Member for Birmingham. To deprive the House of Lords of the power of considering every financial measure would practically be to exclude them from deliberation on every political question. It had been said that the House of Lords ought not to reject a measure on financial grounds. Was the repeal of the paper duty a purely financial measure? He would prove that it was not. In 1853 the Chancellor of the Exchequer had to decide whether he would reduce the duty on paper or tea. He chose the latter alternative. He reduced the duty on tea to 1*s*. per lb., or 5*d*. less than it was now, and left the paper duty out of account. But the right hon. Gentleman had changed his policy since then. The reduction of the duty on paper had also assumed another aspect. It was now a political question. A political party hung by it. Certain political votes in the House were to be gained by it, and a certain amount of political support to be conciliated out of doors. And yet, although the measure had been urged in the House of Commons on political grounds, the Lords were to be told that it was a financial measure, and that they ought not to express their opinions on it. He put it to the House whether it would altogether redound to their own dignity to allow themselves to be plunged into the course to which they were invited by Her Majesty's Government? The House of Lords would not fail to note that there was no precedent for putting the whole Ways and Means of the year into a single Bill for the last 130 years; they would observe, also, that a Bill which they had previously rejected was tacked to it; they would see that it had been done with an intention, and they would suspect that there was a design still further to control their privileges. Would the House of Lords tamely submit? Would they stand calmly by while the Commons drove them out of the legislative arena? If they were anxious to defend their privileges, would they not divide the Bill into several measures and treat them separately? What would the House of Commons do then? If when the Bills were sent down they rejected them, there would be no money for the service of the year, and a dissolution would be inevitable. If they assented to the proceedings of the Lords they would endure a most humiliating defeat. That was the dilemma in which the Government would be placed. The Chancellor of the Exchequer said he was surprised at two extraordinary circumstances within the last two years. The one was that the Upper House had interfered with the financial policy of the country; the other, that the Opposition had interfered to protect the revenue. But if two such bodies had departed from what the right hon. Gentleman held to be their wonted course, did it not occur to him there must be some strong cause for it? The truth was that as long as the right hon. Gentleman occupied his present position there would neither be regularity in the House of Commons nor satisfaction out of doors. Ask any man in the City whom he would like for Chancellor of the Exchequer? Ask whether they would not prefer the palmy days of the right hon. Gentleman the present Home Secretary? It is notorious that there was nothing so much suspected and disliked as the shifting policy which distinguished the right hon. Gentleman. A purist in matters of fianance, he had relied on windfalls and godsends to fill the Treasury; intending to secure a surplus he had produced deficiency; pretending to swell the revenue he had diminished it; professing to help trade, he had laid upon it burdens so heavy and vexatious as to cause an outcry such as had not been heard for years. None of these charges could be denied. Their opposition, then, was not to be attributed to personal feeling or resentment, but they deemed it their duty to raise their voices against such an unprecedented mode of dealing with the finances of the country, and he trusted that the House would pause before it sanctioned a policy the leading consequences of which would be to plunge the Exchequer into confusion, and to throw into unnatural and dangerous antagonism the two essential elements of the State.

MR. DU CANE moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I hope the hon. Member will reconsider his proposal. It is really time that we should review the proceedings in regard to the financial measures, which have been already unusually prolonged, before we accede to the farther adjournment of a discussion in which no issue has been raised. Indeed, I am not aware that it is intended to make any motion or offer any opposition on this stage of the Bill. The financial statement was made on the 8th of April. The Government have put aside all business of every description in order to go on with the financial business. The plan contained only two propositions, neither of a very novel or complex character, and yet we are now only at the second reading of the Bill, and have consumed a sixth part of the Session. Seventeen days were occupied before you, Sir, were permitted to leave the chair—a fact entirely unprecedented in our financial history. In 1853, when very extensive propositions were proposed, after seven days we were allowed to proceed to the discussion of them in Ways and Means. In 1845, when the proposals were also extensive, the discussion in Committee of Ways and Means was commenced after three days. I do not mention these things by way of complaint, but as a reason why the debate should not be adjourned. The Government wished to carry on the financial business from day to day, but hon. Members would not give way. Never until to-night have we heard of this constitutional question. ["Oh!"] At least it has not been debated on previous nights. But no issue is challenged on the question, nor am I aware that any is to be raised. I need hardly tell the House that great public injury and annoyance arises from a discussion which is protracted beyond all precedent. The revenue of the Customs is suffering very perceptibly from the uncertainty attendant on proposals involving changes in our financial system in respect to the duty on tea. On account also of the arrangements which have to be made for levying the income tax, much inconvenience is caused to the public service by these delays. It must not be forgotten that there are other stages through which the Bill must pass, and that this is not the last opportunity for discussion. I certainly must, on the part of the Government, object to the Motion of the hon. Gentleman, and I trust that if he does not withdraw it, the House will show themselves sensible of the necessity of proceeding with the financial business without further delay.

MR. DISRAELI: Sir, It is not desirable that there should be any division upon a question of this kind, and, therefore, I agree with the right hon. Gentleman the Chancellor of the Exchequer that it will be well for the House calmly to consider, and not to decide passionately upon, the course which they will now adopt. The Chancellor of the Exchequer says that it becomes us to consider in a comprehensive manner what has occurred during the last month with respect to the measures brought forward by the Government. He tells us that in no other instance that he can recall, and he has referred to the case of 1853 and other years, has so great a delay taken place in the consideration of the financial measures of the Government. He will pardon me for saying that, with respect to measures of this character, the House has never before been placed in the position in which we have been placed this year. There have, no doubt, been equally important measures of finance brought forward by the Government—I will even admit that there have been more important, larger, and more extensive measures; but they have never been connected with a combination of circumstances such as we witness this year, and from which it arises that this House, and this House alone, is to decide upon the merits of the policy recommended. Under these circumstances, and considering that the other House is to have no power of revising the measures of the Government, it does become this House—the single House which is to decide upon the policy of the Government—to proceed with caution and deliberation. The right hon. Gentleman the Chancellor of the Exchequer has again mentioned the great inconveniences to the finances and to the trade and commerce of the country which may arise from these delays—delays, let me remind him—of deliberation. Now, although the right hon. Gentleman has more than once touched upon the subject, I have not been able to realize any clear or precise idea as to what those inconveniences are. First let us consider the income tax. No doubt inconvenience must arise to the Government from depending on a tax levied under a law which has become extinct; but that is not the fault of the House of Commons. The Act under which the income tax is raised had expired before these measures were brought forward, and if it was matter of urgency that it should be immediately renewed, why did not the right hon. Gentleman the Chancellor of the Exchequer introduce a separate Bill upon that subject, and ask us to pass it immediately? But I am bound to say, speaking upon such a subject with all diffidence, and all deference to the Chancellor of the Exchequer, that, from such slight experience as I have of the consequences of that Act having expired before the financial exposition has been offered to the House, no injury can arise from that circumstance. The Act must necessarily be of an *ex post facto* character, and the Chancellor of the Exchequer has already announced to the House that he will take care that no one who has received his last quarter's dividends shall escape its action. Therefore, practically speaking, I may, I think, venture to say that the House may dismiss from their minds the idea that any inconvenience to the public service will result from the expiration of the Income Tax Act. Then I came to the great taxes—the duties upon tea and sugar. What possible inconvenience can arise from the course which the House is taking in deliberating upon the measures of the Government with regard to those taxes? We all know that immediately the Resolutions with respect to those duties are passed by the Committee of Ways and Means the Government acts upon them. At this moment those duties are levied according to the Resolutions passed in Committee of Ways and Means. Is it that the Government are afraid that there will be another attempt to reduce these duties? Why, a Government in the proud position which they occupy with respect to that subject may defy any attempt of that kind, and I do not suppose that the Chancellor of the Exchequer will pretend that at this moment the Government and the House are waiting with anxiety to see whether another effort will be made by the Opposition to reduce those taxes. Although the law under which they will ultimately be levied is not passed, those duties are paid, and I do not doubt that this very day a considerable revenue has been received from them in virtue of the Resolutions which we have passed.

But, then, I come to another branch of trade, in which the Chancellor of the Exchequer may tell me that very great inconvenience and very great loss will be occasioned, both to the trade and to the Treasury, by the time which we are taking in considering what course we ought to adopt—I mean the paper trade. But does the Chancellor of the Exchequer seriously and really make that a plea for calling upon the House to come to a Resolution? [Mr. GLADSTONE: I have not said a word about it.] The other night the right hon. Gentleman particularly referred to it. If he does not mean it, there are a great many hon. Gentlemen in this House who believe that the paper trade is very much injured by our deliberating upon these measures. But I beg the House clearly to understand that that is not the fact—that neither the trade nor the Exchequer can possibly suffer by this suspense. It is quite clear that the trade does not believe that it suffers, because of two hon. Members of this House who are intimately connected with that trade, and who represent different opinions, one more extreme than the other, with respect to the policy pursued by the Government, one made a Motion the other night which was to occasion a great delay in the measures of the Chancellor of the Exchequer, clearly showing, therefore, that the branch of the trade which he represented, more especially as concerns Ireland, does not apprehend any injury from delay; and the other, who is a warm supporter of the Chancellor of the Exchequer, the hon. Member for Abingdon (Mr. Norris), has for one of those nights devoted to independent Members, but of which Her Majesty's Government now so much grudge them the enjoyment—for next Tuesday given notice of a Motion for the appointment of a Committee to inquire into the paper trade. Therefore he does not anticipate that any delay which may arise from our discussions will cause an injury to his trade. The Chancellor of the Exchequer knows perfectly well that from the system of drawbacks it is impossible that the Exchequer can be injured. I beg to remind the House that the other night, when the hon. Member for Honiton (Mr. Moffat), who is a warm advocate for the remission of the tea duties told the Chancellor of the Exchequer that he would by October lose £500,000 or £600,000 upon the paper duty, the right hon. Gentleman, who knew his business, told him that he was quite mistaken, and that he should not lose a single farthing. Now, I have gone through all the great taxes, the income tax, the tea and sugar duties, and the paper duty, what other interests are there that any one can pretend are placed in jeopardy by the House of Commons performing the greatest duty which can devolve upon it —that of duly considering measures of taxation? Is there, then, any foundation for the statements, the ambiguous, and at the same time the menacing statements, in which the Chancellor of the Exchequer is so fond of indulging? What reasons are there for asking the House to come to a precipitate conclusion? I beg the noble Lord the First Minister to consider this. Is it his opinion that the other House of Parliament is to exercise no judgment upon these questions of finance? Be it so. I will on this occasion admit the whole case of the Government. I will enter into none of the controversy which has taken place to-night upon what is called the constitutional question. Admit not only that it is the undeniable right of the House of Commons to originate Money Bills, but that the House of Lords ought to pass them under all circumstances. Take the broadest view of the case and what is the deduction, what is the moral—the inevitable moral—that must be drawn? That it becomes the Prime Minister, under these circumstances, to bring forward no measures of finance which he does not believe will meet with the unequivocal support of those who represent the people in this House. If the will of this House alone is to decide these questions, a wise and politic Minister would not bring forward measures which, so far as we can judge from what is past, can only be carried by a bare majority. If the undeniable privilege of our House is that we are to have sole authority in these matters, our responsibility becomes proportionately greater, and proportionately greater becomes the responsibility of the Minister who leads this House and advises this great council of the nation. But what has taken place to-night? The Chancellor of the Exchequer says that there is no issue before us. No issue before us! A Minister rises and moves the second reading of a Bill which includes the whole of his financial scheme, and on the first night of the debate says that there is no issue before us. Is not the second reading of this financial scheme an issue large enough to raise a debate? And what right has the Minister to presume that there will be no division challenged upon the merits of his policy? What right has he to make any assumption of the kind? Let me remind the House that we came down to-night to discuss the financial policy of the Minister. The hon. and learned Gentleman who opened the debate confined himself to the consideration of the constitutional question. He dealt with that question in a clear and vigorous speech, well entitled to the attention of the House, but he sedulously guarded himself against moving an Amendment upon that point, and left the larger issue open. Upon that larger issue not a word has been spoken to-night but by a Minister of the Crown. A Minister of the Crown has made a speech upon the financial scheme of the Government. He went into great detail in his examination of the Budget, and called upon me to answer his reproaches, and state the policy that I intended to pursue. With this challenge of the noble Lord the Foreign Secretary still ringing in our ears, which we have had no opportunity of answering, the Chancellor of the Exchequer rises in amazement and expresses his sad surprise that the House of Commons should discuss his Budget. The right hon. Gentleman may be pursuing a policy advantageous to the country and honourable to himself, though this is not the opportunity, on the Motion for the adjournment, to enter on such a discussion; but this he must know, that he is taking, if not an unprecedented, a very unusual and violent course, and he is the last man who ought to grudge to the House the due examination of the measures he has introduced or the policy he recommends. I trust we shall not be put to a division on this question, but that the noble Lord will feel it is for his own honour, and for the honour of the House, that the debate shall be adjourned, and that there should be a free and complete discussion upon all the merits of that policy which I have myself been challenged by the noble Lord opposite to even impugn.

VISCOUNT PALMERSTON: I must admit that the right hon. Gentleman has made what in my opinion is a very convincing speech, but the conviction he has brought to my mind is the very opposite to that which he wished to produce. If I understand rightly what the right hon. Gentleman stated he does not intend to dispute that part of the Budget which is connected with the income tax, nor does he to revive the question of the tea duties, nor to object to the repeal of the paper duty. [MR. DISRAELI dissented.] He stated as far as I understood, that these matters had been disposed of—that upon the Resolution of the House the duties would be levied as a matter of course. The right hon. Gentleman has not announced that there is any intention of objecting to the second reading of the Bill. He has simply stated that he wishes for discussion. He criticises the statement of my right hon. Friend that no issue had been raised. I say no issue has been raised upon the second reading. We have had a long debate, but not one single Member who has spoken on the other side has stated or pointed to any intention of opposing the second reading. Then the only question is, whether those who object in general to the financial arrangements of the right hon. Gentleman, or those who object to the manner in which those arrangements are comprised in one measure, shall have the opportunity of fully discussing them? But my right hon. Friend has pointed out that there are many occasions on which, according to the necessary proceedings of the House, that discussion can take place. There is the question of you, Sir, leaving the chair, and upon that, as well as on the third reading, there will be entirely deprecated—meetings which ought not to be held—meetings at one of which six or seven weeks ago he had himself promised to preside; but when, after what had taken place in the United States, he found that it was called a meeting on American slavery, he said on no account—by no means whatever—would he have anything to do with holding, presiding, or attending a meeting of that description. He strongly recommended all whom his voice might reach to abstain from holding such meetings. At the present moment it could not fail to do great mischief in our relations to America, if anything like agitation took place on a question whereupon the Americans of the South, and almost all Americans, were peculiarly sensitive and jealous; it would be the worst possible calamity, and might endanger the peace of the country without serving the slave, but rather postponing indefinitely his liberation.

Lord **WODEHOUSE** was understood to say that the Spanish Government had not yet taken any definitive resolution with regard to the cession of San Domingo to the Spanish Crown. They were awaiting further information. There was reason, however, to believe that if the offered cession met with the concurrence generally of the population the Spanish Government would accept the annexation of the Spanish part of the island. Whether that would be for the advantage of Spain or not was entirely a matter for the Spanish Government to decide; but the House would naturally feel great interest in the question which had been put by his noble and learned Friend, that slavery would not be reintroduced into the ceded territory. He was glad, therefore, to inform their Lordships that the Spanish Government had assured Her Majesty's Government that it was not their intention to allow slavery to be introduced into the eastern part of San Domingo. He might add that even if slavery were to be introduced into the eastern part of the island of San Domingo it would be exceedingly difficult to maintain it as long as the western part was free.

PRINCESS ALICE'S ANNUITY BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Earl **GRANVILLE**, in moving the second reading of the Bill, said it was to make a provision for the Princess Alice on her approaching marriage. The provision was of a most reasonable character, and he had no doubt their Lordships would, out of feelings of regard to Her Majesty and for the dignity of the Crown, willingly agree to the second reading. A short time since they approved of a Bill of a similar character, granting to the Princess Royal £40,000 dowry and an annuity of £8,000 for her life. In the present Bill it was proposed to grant her younger sister an immediate dowry of £30,000, and an annuity of £6,000 for her life.

Motion *agreed to;* Bill read 2ª accordingly; Committee *negatived;* and Bill to be read 3ª on *Thursday* next.

LEASES, &c. BY INCUMBENTS RESTRICTION BILL.

THIRD READING PUT OFF.

Order of the Day for the Third Reading read.

The Bishop of **OXFORD** said, he was entirely in favour of the change proposed by the Bill. But he wished to observe that upon a representation that the measure would materially injure the families affected by it clauses had been introduced by the noble Lord; but he could not find that they would in any way touch the difficulties pointed out. There were certain livings the incumbent of which obtained the income upon which he lived by granting, say, at the expiration of every seven years, a lease of the property of the benefice—he received in fact the seven years' income in a lump. It was desired now that this system should be changed, and instead of letting the property upon these leases the clergyman should receive an annual rent-charge. This he admitted was a very desirable change to make; but it did not appear to him to be just either to the parish in which the property happened to be situated or to the incumbent, that the proposed change should be made, without making some provision to bridge over the interval of fourteen years during which, under the operation of the Bill, the revenue of the parish would be suspended. He wished for some explanation as to the manner in which this difficulty was to be met.

Lord **LYTTELTON** made a statement which was inaudible.

The Bishop of **LONDON** recommended that the third reading of the Bill should be postponed until its precise effect could be ascertained.

to say one word on a subject to which it is usual to assign some weight—I mean that of public inconvenience in conjunction with delays and the protraction of a discussion which has already passed the ordinary bounds. I must say I was surprised to hear the right hon. Gentleman the Member for Buckinghamshire, undertake to say on his authority that there could be no public inconvenience from these delays. It only showed that the right hon. Gentleman had not in the slightest degree understood the specific reason I have stated of the cause of inconvenience in conjunction with these delays. It is not because retrospectively the income tax will not be levied, but it is because very considerable and laborious processes have to be gone through before the new assessments can be made, and it will be difficult to get these processes concluded in time to levy, within the year, the whole of the income due to the year, and reckoned upon for the service of the year. It is true that, on the one hand, unusual time has been occupied, and for the most part in discussions where no issue has been raised and no challenge of the judgment of the House. It is true, on the other hand, that injury is done both to the revenue and to trade, by the prolonged uncertainty which necessarily attends the continuance of this discussion.

Motion made, and Question put, that this House do now adjourn.

The House *divided:*—Ayes 145; Noes 233: Majority 88.

Original Question again proposed.

Colonel DICKSON had watched this debate with much interest. The subject was a very important one, and one on which they could not too long dwell. He must protest against the appeal made by the Chancellor of the Exchequer when the right hon. Gentleman said that it was for the convenience of the State that they should close this debate. That was an argument which the right hon. Gentleman had no right to bring forward; for he should have considered all the consequences before he introduced his Budget, which was a most detrimental one to the interests of the country, and especially to the interests of Ireland. He begged leave to move the adjournment of the debate.

Viscount PALMERSTON: It is useless, I know, to persist when Gentlemen are determined to prevent measures from being proceeded with at this hour (one o'clock). As those who succeed will be entitled to the glory of the conflict, I beg to second the Motion.

Debate *adjourned* till *Thursday.*

House adjourned at half after One o'clock.

* * *

HOUSE OF LORDS,

Tuesday, May 14, 1861.

Minutes.] Public Bills—2ª Princess Alice's Annuity; Smoke Nuisance (Scotland) Act Amendment.

3ª Passengers (Australian Colonies); Marriages Validity.

SPAIN AND SAN DOMINGO.

QUESTION.

Lord BROUGHAM wished to put a question to his noble Friend the Under Secretary for Foreign Affairs relative to the proposed cession of San Domingo to the Spanish Crown. He wished to know, Whether that cession had received the sanction of the British and French Governments; and, above all, whether due precautions had been taken to prevent the possibility of the introduction of Spanish slavery—that accursed system which degraded and disgraced the Spanish Government in Cuba—into the island of San Domingo? He thought this would be a favourable opportunity to call for the repayment by Spain of that money which she received from us on the undertaking to abolish her own slave trade; her slave trade not having been abolished, she was bound to return the price paid to her, or instantly to give liberty to the captives introduced under the prohibited traffic. It was most painful to consider that at this moment there was very great chance, from circumstances to which he need not refer, of the slave trade receiving an additional impetus. Sixty years since, *au dux que juventâ*, he had proclaimed his opinion that there was a very great difference between abolishing the slave traffic and giving freedom to the slave. He laid it down, then, that although their first sympathy was due to the slave, their next fellow-feeling was due to his master, who was possessed of slaves by crimes not of his own committing, they having descended to him from other persons. He repeated the same doctrine now. There were meetings being held in this country which he entirely deprecated—meetings which ought not to be held—meetings at one of which six or seven weeks ago he had himself promised to preside; but when, after what had taken place in the United States, he found that it was called a meeting on American slavery, he said on no account—by no means whatever—would he have anything to do with holding, presiding, or attending a meeting of that description. He strongly recommended all whom his voice might reach to abstain from holding such meetings. At the present moment it could not fail to do great mischief in our relations to America, if anything like agitation took place on a question whereupon the Americans of the South, and almost all Americans, were peculiarly sensitive and jealous; it would be the worst possible calamity, and might endanger the peace of the country without serving the slave, but rather postponing indefinitely his liberation.

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Lord **LYTTELTON** made a statement which was inaudible.

The Bishop of **LONDON** recommended that the third reading of the Bill should be postponed until its precise effect could be ascertained.

Lord LYTTELTON assented to this proposal.

Third Reading *put off* to *Friday* the 31st *instant.*

COMMON LAW COURTS (IRELAND).

MOTION FOR RETURNS.

The Marquess of CLANRICARDE, in moving for returns respecting the Salaries, Retiring Allowances and Business of the Common Law Courts of Ireland, said, that similar returns had already been ordered in the other House of Parliament, and, therefore, he did not contemplate any objection would be made to the papers for which he asked being laid on their Lordship's table. He should, therefore, not have said a word in bringing forward his Motion, but that he had ascertained it had been insinuated elsewhere that he was actuated by personal motives in the course which he was taking. No precise charge, indeed, had been made against him, and even if such had been the case, he thought he could show their Lordships that he was proceeding on public grounds alone. Leaving, therefore, personal considerations out of the question, he should, with the permission of the House, advert to that which was more important — the circumstance that an attempt had been made to stifle discussion on the question to which he was about to draw attention by asserting that Ireland justice was cheap and easy. He was, he might add, sorry to perceive that it had been stated by his right hon. Friend the Secretary for Ireland, in dealing with that question, that legal reforms were costly, while a right hon. and learned Gentleman (Mr. Whiteside), speaking on the same subject, remarked that he no sooner heard such reforms mentioned than he asked himself, "Who wants a place?" He was sorry that any such feeling was entertained, but he thought it ought not to be entertained, because the right hon. Gentleman himself in 1859 brought forward a Bill affecting judgments in Ireland, and that Bill contemplated the constitution of a new place with the abolition of four or five others. He, however, had made no insinuation about motives, but only stated that the public interest required investigation, either by a Committee or through a Commission, but he preferred the former as the cheaper and more expeditious mode of proceeding, believing that the matter could be disposed of by a Select Committee in the course of six or seven days. Let their Lordships compare the judicial establishments of England with those of Ireland. He might state without fear of error that the population of England exceeded 16,000,000, and the amount of property on which the income tax was levied was £246,000,000. In Ireland the population now exceeded 6,000,000, and the property on which the income tax was levied amounted to £22,000,000. But what was the case with respect to the judicial establishments? England had nine superior equity Judges and fifteen common law Judges. Ireland had ten superior equity Judges and twelve common law Judges. When the amount of property not taxed to the income tax and the infinite variety of incidents which led to law proceedings in England were considered, the disparity was still greater. He understood that it had been said in "another place" that the law business in Ireland was increasing; but he could produce figures to show that the law business was happily decreasing, while the expense of the law courts unhappily was increasing. It appeared by returns he moved for a few months ago, that, taking the two periods of 1851 and 1860, there had been an increase of expense in the latter period in respect to the three superior common law courts in Dublin amounting to £4,432, while the decrease of judgments entered was 4,280, or more than one-half. He thought that this was a matter which called for inquiry. The business of the law courts of Ireland was decreasing, so much so that they complained they had not wherewithal to employ them. The last term ended on Wednesday. The Queen's Bench had finished all the after-term business on Saturday. The after-term business in the Court of Exchequer consisted of three cases, of which one was settled, one was referred to arbitration, and the Judges said of the third that it ought to have been brought into a Quarter Sessions Court. The business in the Landed Estates Court had greatly diminished. For the first three years—1852, 1853, and 1854—there were 1,305 cases in the court. During the last two years and a-half the number of cases, instead of being five-sixths of the above, was only 416. Another misfortune and injury to the public arose from the little attention which had been paid to the cause of law reform in Ireland. No one could doubt that it was a sound policy on the part of this country as far as possible to assimilate the law and practice of the two countries. If a Committee were appointed to sit on the question it would soon appear how much tendency there had been of late to divergence in the legislation of England and Ireland. The noble Marquess concluded by moving for Returns of Salaries and Compensation to Officers of the said Courts, of Plaints, Rules and Posteas; of References to the Masters, and of Incidental Expenses.

Motion *agreed to.* Returns *ordered* to be laid before the House.

House adjourned at a quarter before Six o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, May 14, 1861.

JAMAICA INCUMBERED ESTATES COURT.

QUESTION.

Mr. **THOMSON HANKEY** said, he wished to ask the Under Secretary of State for the Colonies, Whether Her Majesty's Assent has been given to the Jamaica Incumbered Estates Act; and, if so, when the Proclamation will be made, in accordance with the provisions of the West India Incumbered Estates Act of 1854?

Mr. **CHICHESTER FORTESCUE** said, the Crown would be advised to give assent to the Jamaica Incumbered Estates Act, which would bring into operation in the West Indies the West India Incumbered Estates Court; and the necessary Order in Council would be issued without delay.

POSTAL COMMUNICATION BETWEEN SCOTLAND AND IRELAND.

QUESTION.

General **UPTON** said, he rose to ask the Secretary to the Treasury, If it be the intention of Government to make arrangements for the despatch of Mails from Stranraer either to Belfast or to Donaghadee; and, if so, to what periods Contracts for conveying the same will be limited?

Mr. **PEEL** said, he was not aware that there was any intention to make use of the route indicated by the hon. and gallant Member, which for postal purposes was quite unnecessary, there being already a communication between Belfast and Greenock.

MR. BABBAGE AND STREET MUSICIANS.

QUESTION.

Lord **FERMOY** said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the case of Babbage against John Massey, John Weuz, Adam Cleustmann, and Jacob Fey, decided at the Marylebone Police Court on the 2nd day of May, as reported in the newspapers, on which occasion Mr. Mansfield, the presiding magistrate, inflicted the heaviest penalty—namely, 40*s.*, or one month's imprisonment, upon the defendants, notwithstanding the evidence of three respectable householders that they ceased playing upon the first request to do so; and whether he will order an inquiry into the grounds upon which so severe a sentence was passed, notwithstanding the evidence given in exculpation of the defendants?

Sir **GEORGE LEWIS** said, that in consequence of a memorial which had been placed in his hands by the noble Lord the Member for Marylebone, he had addressed a letter of inquiry to Mr. Mansfield, the magistrate, from whom he had received in reply a full report of the facts. It appeared that the magistrate's decision rested upon the deposition of Mr. Babbage, supported by the evidence of two or three policemen, and upon that testimony the case was clearly proved. On the other hand, the statements of three householders were brought forward to rebut that evidence. Those statements appeared to have been discredited by the magistrate. The question was one entirely for the decision of the magistrate upon his view of the comparative credibility of the witnesses whom he had opportunities of hearing and seeing, and, therefore, he did not think he was at all called upon to interfere further in the matter.

Lord **FERMOY** asked whether the right hon. Gentleman would object to lay the Report upon the Table?

Sir **GEORGE LEWIS** said, the Reports of Judges and Magistrates to the Home Office had been uniformly considered as confidential. He had no intention to lay the Report of Mr. Mansfield upon the Table, but he had stated the substance of it.

INDIGO PLANTERS IN INDIA.

QUESTION.

Mr. **VANSITTART** said, he would beg to ask the Secretary of State for India, Whether a Deputation of the Indigo Planters has not recently waited upon the Governor General, and, if so, whether any and what Orders were issued in consequence of their representations by the Governor General; and whether he has any objection to produce Copies of those Orders, and of any other Correspondence and Papers on the subject?

Sir CHARLES WOOD replied, that a deputation had waited on the Governor General, and, in consequence of their representations, two special Commissioners had been sent to the indigo districts. He was quite willing to lay all the papers upon the Table.

CLAIMS AGAINST OUDE.—QUESTION.

Mr. TORRENS said, he wished to ask the Secretary of State for India, with reference to the Letter from him to the Governor General of India in Council, dated the 26th of May, 1860, directing that the case of Claimants against the late State of Oude yet to be reported on, should be investigated, as desired by the late Court of Directors, in their Letter to the Governor General of India in Council, dated the 17th of June, 1857, whether he intends to take any steps for the adjustment of the Claims of the parties whose cases have been already reported on in the Letters from the Governor General of India in Council, dated respectively the 17th of May and the 8th of September, 1859?

Sir CHARLES WOOD said, that the Government of India had reported upon certain cases, but whether they were investigated in accordance with the assurance given by the noble Lord who preceded him at the India Board, he could not say. He (Sir Charles Wood) had written to the Governor General, to ask how the investigation had been conducted, but he had not yet received an answer. He did not think he should be justified in proceeding to act upon the Report until he had received further information.

COMMERCIAL TRAFFIC ON THE YANG-TSE-KIANG.—QUESTION.

In reply to a question from Mr. Dunlop, Sir GEORGE LEWIS said, the Admiralty had received a letter from Sir James Hope, from which he would read an extract. The letter was dated—

> "On board the *Coromandel*, Feb. 25, 1861.
>
> " . . . . You will be pleased to acquaint the Lords Commissioners of the Admiralty that I left Woosung on the 9th inst., and after some detention, occasioned by the grounding of the *Centaur* in a difficult part of the river, I arrived at Nankin on the 20th, after having located the Consul at Chin-keang-foo on my way up. From the communications I held with the chief authorities of the Taepings, I have reason to expect that every point necessary for the unmolested passage of British vessels up the Yang-tse will be readily granted, but I have refrained from coming to any distinct arrangement on the subject until I should have the assistance of Mr. Parkes. On my return down the river for the purpose of taking up the *Centaur* I was joined by Mr. Parkes, whom I forwarded to Nankin, where he will put matters in train and wait my arrival. I propose to-morrow to proceed up the river, and foresee no difficulty in completing the arrangements for opening the Yang-tse, detailed in my letter of the 2nd inst."

MAILS TO CHINA.—QUESTION.

Mr. H. BAILLIE said, he wished to know, Whether it is the intention of the Government to withdraw the fortnightly Post Office communication with China before the British Troops are withdrawn from Tien-Tsin?

The CHANCELLOR of the EXCHEQUER said, he would recommend the hon. Gentleman to move for the correspondence that had taken place on the subject. The question put to the Government was as to the matter of a subsidy, and whether the fortnightly communication was to be withdrawn or not he could not say. The Government never had adopted the view that it would be necessary or desirable to prolong the double monthly subsidy upon the ground of the continued occupation of Tien-Tsin.

MARRIAGE LAW (IRELAND).

SELECT COMMITTEE MOVED FOR.

Sir HUGH CAIRNS said, he rose to call attention to a subject which affected the social relations of a large number of the people of the sister country, and one upon which a strong feeling, as evidenced by the numerous petitions which had been presented to the House, prevailed—the marriage law of Ireland. He might at the outset usefully state what were the points which he did not propose to be considered by the Committee which he should ask the House to appoint. Questions had been raised at various times as to the jurisdiction of the Court of Divorce in England over domiciled Irish subjects, and some persons desired that the jurisdiction of the Divorce Court should be extended to Ireland. With that question he did not propose to deal upon that occasion, as he had been informed a Committee of the other House was already engaged in the consideration of it. He wished also to state that the Motion with which he should conclude did not originate from a recent trial in Ireland which had attracted much public attention, as he had intended to have brought forward this subject in the last Session of Parliament, but was prevented by accidental circumstances. The points raised by that trial were very important in themselves, but they were but a fragmentary portion of the subject which he should present to the House. He might, no doubt, be met by the argument that in proposing to deal with the marriage law of Ireland it would be useful to inquire into the marriage laws of the three countries, with a view to assimilate them. He would frankly state the view which he held on that question. He quite agreed that in the abstract nothing could be more desirable than a uniform marriage law for the three countries. But, on the other hand, in that case as in others, they ought not to sacrifice what was within our reach for something that was in the abstract plausible, but which, in fact, would be very difficult in execution. When the House remembered what had been the state of the marriage law in Scotland from time immemorial, what was the state of the common law of Scotland with regard to marriage, the regulations that have been added from time to time to that law, and remembered also the tenacity with which the people of Scotland had adhered to their own system of law, the House would see that an endeavour to conduct the inquiry with the view of assimilating the marriage law of the three countries would raise a strong hostility in Scotland against any measure founded upon the inquiry, and thus obstruct the wholesome regulations he proposed to introduce with respect to Ireland. He must also state that he had no suggestion to make as to any alteration of the law of marriage as applicable to the members of the Established Church in Ireland. It was essentially the same as that of the Church of England, requiring the publication of banns or a license; in that system he did not think any alteration could profitably be introduced. He believed that all the matters essential to a good system of marriage law were to be found in the system of the Established Church of England and Ireland. These essentials were—to guard against the existence of any legal impediment to the contract; that was gained by previous publicity or a system of licences. The second essential was to give such a reasonable delay, during the process of the contract, that there should be no danger of too hasty or precipitate celebration of the marriage. The third point to be aimed at was that while there should be no desire to force on parties who were content with a purely civil contract the obligation of performing a religious ceremony, yet to afford facilities for and if possible encourage the religious observance. And once the marriage had been celebrated, be the forms what they might, it should be perfectly certain in its effect, and it should not be left liable to be invalidated at a future time on the ground of the absence of some points of form. For that reason it was essential that the fact and the proof of the marriage should be preserved. The last element in a good marriage law was that the means of celebrating the marriage should be convenient. The marriage law of the Established Church included all these elements, and it had worked extremely well both for England and Ireland. But he now came to the real cause of his motion—the position with regard to the law of marriage of those in Ireland who were not members of the Established Church. What was the position in this respect of those who were called, though somewhat incorrectly, Protestant Dissenters? So long ago as 1781 a short and simple Act was passed by the Irish Parliament providing that a marriage between Protestant Dissenters, celebrated by a Dissenting Minister, should be valid to all intents and purposes. That was the law from 1781 to 1844. For sixty years the Protestant Dissenters in Ireland had acted on that statute. That Act, however, was defective in one respect—that it did not provide the means of publicity with respect to marriages intended to be solemnized. The House might ask how it happened that that statute was not now the law? The reason was somewhat singular. It came to pass that the Presbyterian Ministers of Ireland had been acting on the belief that the law enabled them to celebrate what were called mixed marriages, or marriages between persons who were not both Presbyterians. In 1842 an indictment was tried at an assizes in Ireland for bigamy. It turned out that the first marriage had been a mixed marriage and was celebrated by a Presbyterian clergyman. An objection was taken that that was not a marriage at all; and the Court decided that it was invalid. The case was carried by appeal to the House of Lords, and though their Lordships were divided in opinion the decision of the House was that the marriage was invalid, and they must consequently take the law to have been then settled—namely, that a mixed marriage could not be celebrated under the statute of 1787. No one had doubted that Methodists, Baptists, Independents, and seceders of every kind had, before this decision, been entitled to the benefit of the Act. It had even been held that the Act enabled a Dissenting minister to celebrate marriages between a Dissenter and a person of the Jewish persuasion, though it was difficult to see how Jews could be considered Protestant Dissenters. After the decision of the House of Lords the Legislature was compelled to take some steps in the matter; and if the legislation of 1844 had merely dealt with the difficulty that had arisen with regard to mixed marriages, no one would have had cause to complain. But what was called the Irish Marriage Act of 1844 went further than this; it left almost exclusively to the Presbyterians a system that had worked satisfactorily enough for them alone. The Lord Lieutenant was empowered to appoint a clerical licenser for that body, and their ministers could marry Presbyterians either by banns or licence, and could celebrate mixed marriages if a licence were previously procured. That system worked well enough for the Presbyterian body, and they did not complain of it, with one exception. There was a section of the Presbyterians, supposed to be lineally descended from the Covenanters of Scotland, who held the opinion that it was not lawful to receive any authority in a matter of spiritual jurisdiction from the civil power. They objected, therefore, to the licensing clergyman holding his appointment from the civil authorities; and, as far as they were concerned, the Act did not provide any ecclesiastical means by which they could celebrate their marriages. With regard to some other Protestant Dissenters, when the Act of 1781 was repealed, no power corresponding to that which they possessed under it was conferred upon the ministers of these various denominations. Instead of the power which prevailed before as to the celebration of marriages among their own flock, there was introduced into Ireland for the first time a system, founded on one which had prevailed for a few years in England, which provided that the marriages of parties connected with these denominations should be celebrated as a civil contract at the registrar's office. Let him take the case, say of two parties belonging to the Methodist persuasion, and see how they would be affected by the law as it stood before, and as it stood after the Act of 1844. Before that Act all the parties had to do was to apply to the clergyman of their own denomination, informing him of their wish, and he had full power to perform the ceremony. But what was the case afterwards? The only means they had of celebrating marriage was to go before the registrar, and give him notice as if they desired to enter into a civil contract only. The registrar was then bound — though the House would hardly believe it — to transmit that notice to the clerk of the Poor Law Union, to be read in three successive weeks at the meeting of the Poor Law Guardians. Whatever the rank in life of the parties might be, however they might be independent of the Poor Laws, their only course was to go through this process. That was not all. After that they might, if they pleased, be married in their own place of worship, but only on condition that the registrar should be there and make himself the chief man in the ceremony. In a large district where there was but one registrar this was very inconvenient, besides which his presence entailed additional expense; but, worst of all, in the certificate which was afterwards given of that which the parties desired to consider a religious ceremony the registrar stated that he was the person who had married the parties. The result of the difficulties thus thrown by the Legislature in the way of those who wished to superadd to a civil contract a religious ceremony was shown by a remarkable fact related to him by the minister of one of these denominations. He had under his charge 5,000 persons, and had been their minister two years, during which the full proportion of marriages took place among them, yet during the whole time he only celebrated two marriages. The fact was that the difficulties were so great in getting registrars to attend the place of worship and in going through the other formalities, that the parties in despair were driven to the simple process of entering into the registrar's office without any religious ceremony at all. He took it for granted that that was not a state of things which the House would desire to perpetuate, unless it was absolutely necessary to do so. In moving for a Committee on the subject it would not be proper for him to indicate any particular method by which this inconvenience should be remedied. It would be the business of the Committee to consider whether or not, as the Legislature in 1844 thought fit to adopt a different course with regard to Presbyterians, it might not by some analogous mode meet the natural objections of other bodies of Protestant Dissenters. He was very glad to find that the Presbyterians, who had a system with which they were satisfied, did not look in any selfish spirit on the movement originated by other Protestant Dissenters; but, on the contrary, were willing and even anxious that the facilities and privileges which they possessed should be granted to others. Another subject which the Committee might well inquire into would be whether it was absolutely necessary with regard to a clerical licenser that he should hold office at the will and pleasure of the Lord Lieutenant, thereby depriving a large body of Protestant Dissenters of a privilege of which, otherwise, they would be extremely glad to avail themselves? As to marriages at the registrar's office, great complaint was made, not of the way in which the registrars performed their duties, but of the system. That system was introduced in order to relieve persons who objected to the religious ceremony from the necessity of undergoing the ceremony. The Legislature did not desire to do away with publicity, but what had been the working of the provisions introduced in order to insure publicity? The registrar's notice was to be read at three successive meetings of the Poor Law Guardians. But the form of reading over a number of these notices just before or just after the business, especially if the notices were numerous, was a pure form, and conveyed no publicity either in respect to the guardians or the rest of the community. The absurdity of the case, however, did not rest there, because when there were no meetings of the guardians there was no notice, and publicity, therefore, depended on the accident of whether there were meetings or not. After the three weeks had expired the Act required that the marriage should celebrated in the registrar's office with open doors and before two witnesses. Practically speaking, these marriages were performed in the back room of a shop, and, though the door of the shop might be open, to say that the public knew anything of what was going on inside was a large demand on public credulity. The Committee would probably inqure whether some more effectual publicity could not be secured for registrars' marriages—whether in the shape of publication in the newspapers he did not know—but, at all events, in some way. Another subject of complaint, and which might form a subject of inquiry, was that provision in the Act of 1844, which required that a licence given by the registrar to celebrate a marriage should be accepted by the clergyman of the parish, or any other minister of the Established Church, and that not only he might, but he must, celebrate the marriage. Although the clergyman might be perfectly aware of some impediment which ought to prevent the marriage, he had no option in the case. He was obliged to accept the licence, although in the English Act it was only provided that the clergyman might accept it. His sketch of the marriage law of Ireland would be still more imperfect than it was if he omitted all reference to a large portion of the population, the Roman Catholics. The position of the Roman Catholics was somewhat peculiar. In some respects the Roman Catholics had much greater liberty as to marrying than any other classes in Ireland, while in other respects they were subjected to difficulties under which no other classes laboured. By the common law of the kingdom, as the House were aware, a marriage celebrated by a priest episcopally ordained was perfectly valid, and, therefore, in any case where an Act of Parliament had not stepped in and curtailed the power of the priest he might celebrate a perfectly valid marriage at any time or place he thought fit. In regard to marriages between two Roman Catholics there was no law which interfered with or curtailed in the least the power of a Roman Catholic priest to celebrate. So that, putting aside the internal regulations of the Roman Catholic Church, a priest might choose his own hour, or day, or place; he did not require registrar, or banns, or witnesses, nor need he make any record of what he had done. In practice, however, he was happy to say there were not those irregularities which from the licence of the law might be expected, and in 99 cases out of 100 publicity and notice were required. He entertained, no doubt, therefore, that if reasonable regulations were presented to the heads of the Roman Catholic Church for securing due order and publicity, as well as the peculiar solemnity they attached to marriages, they would be willing to accede to them. As to mixed marriages between one person who was a Roman Catholic and another who was not, the Legislature had interfered with the common law right of the priest to celebrate these marriages. An Act of Parliament was passed more than 100 years ago which provided that any marriage celebrated by a Roman Catholic priest between parties, one of whom, at any period within twelve months before, should have professed himself or herself to be of the Protestant faith, should be a void marriage. He wished to speak with all respect of the Acts even of an Irish Parliament, but he thought that if the ingenuity of Parliament had been directed to attain the greatest *maximum* of absurdity they could not better have succeeded than in this Act. It was impossible that one of the parties should know whether at any time during the twelve months the other party had professed the Protestant religion, and thus the element of certainty was done away with. Let them fix whatever formalities might be thought requisite, but when once a marriage was celebrated let it not be annulled and the children bastardized on account of circumstances not within the control or even knowledge of both the parties. He would suggest, and, perhaps, the Committee might think it right to act on the suggestion, that the Roman Catholic priests should be placed exactly an the same footing as ministers of other denominations, and be allowed to celebrate mixed marriages like other ministers, with due publicity and notice. The hon. and learned Member for Cork had given notice of an Amendment to his Motion, to the effect that a Royal Commission should be appointed to consider the marriage law of the three kingdoms. He hoped, however, that he would not persevere with it. The effect of that extensive inquiry would be that the marriage law of neither of the three kingdoms would be dealt with. It was impossible, too, that the same confidence could be felt by the different denominations in the Members of a Commission, which must necessarily be limited, as in the members of a Committee, which would be more numerous. A Commission, too, would be the most expensive mode of proceeding, and would prevent any legislation this Session. He hoped, therefore, that the hon. and learned Member for Cork would also on reflection withdraw his Amendment. There were several Bills coming before them, professing to deal with this subject, but he ventured to say that the House would not be likely to dispose of any of them satisfactorily till the matter was more fully inquired into.

Motion made, and Question proposed,

> "That a Select Committee be appointed, to inquire into the Law affecting the contracting and celebration of Marriage in Ireland."

Mr. WHITESIDE said, there had never been any genuine law of marriage in Ireland. It had been his good or ill fortune to bear a part in the Irish Courts, in most of the cases to which his hon. and learned Friend had referred, and particularly in that case of bigamy. The question was raised as to what was the common law of marriage in England, and nothing gave him more satisfaction than to learn that the Scotch doctrine, which had got into the head of the accomplished Lord Stowell, was not the law of England. When they looked back to history, they found that marriage was always connected with Christianity, and the Saxons, besides the custom of having the priest to bless the union, took the precaution to have part of the ceremony at the church-door. It was Chaucer who wrote—

> "A woman she was the most discrete alive,
> Husbondes at chirche-dore had she had five."

It was done that the neighbours might see her face, that no pretender should be put forward afterwards, and that she should have dower if she outlived her husband. Every departure from the good old common law of England led them more or less into difficulties. He admitted that in the course of argument in Ireland it was asked what was to be done with Jews and Quakers? The only answer that could be given was that the common law was not made either for the one or the other. There was an elaborate judgment by Chief Justice Tindal, and all the Judges summoned to the Lords concurred in holding that Lord Stowell was in error. The first thing which Parliament did was to pass a short Act declaring those marriages valid which had been celebrated by the Presbyterians under a misapprehension of the law. The result of the matter was that Episcopalians married in church, as all sensible people ought to be, were all right, and that by the 7th and 8th Victoria provisions were made for the marriages of Presbyterians. Two other classes remained. First, the Dissenters, particularly the sturdy Covenanters, who would not yield to any civil authority in matters of this kind, and provision must be made to meet their conscientious scruples;

and, secondly, the Methodists, who also objected to the 7th and 8th Victoria, required to have their scruples regarded also with tender care. The great question still remained—what was to be done with the marriages of Roman Catholics? Questions upon such marriages arose in every conceivable form. Judges would not receive the certificate of a priest, because no legal obligation was cast on him to preserve a register. The certificate might be considered by a jury as moral evidence of a marriage, and one of the advantages of trial by jury was that when juries found laws which they did not like they very soon impressed upon the Legislature their opinion of their unsoundness. The Roman Catholics were in a worse position, although they were the most numerous body of inhabitants in Ireland, than even the Jews, who were infinitesimally small, or the Quakers, who were getting fewer and fewer every day. He regretted to say that by an Act passed by the Irish Parliament, who made some good laws, and some very indifferent laws, though two people should be willing to marry and go before a priest intending to marry—yet if one of them had within a year before professed to be a Protestant the marriage was void. He had heard a lady asked whether the gentleman whose marriage with her was in question had professed himself to be a Roman Catholic, and she very properly replied, "If you mean by professing, did he declare himself to be a Roman Catholic, he did; but if you mean, did he believe the articles of the Roman Catholic religion, as I cannot read the heart of man, I cannot say whether he did or not." It was very easy to criticise a jury for their verdict. But it seemed to him to be a very sensible thing for a jury to say, "If in order to perfect a marriage you declare yourself a Roman Catholic you must be bound by what you represent yourself to be, and we are ready to believe you to be the person who you said you were." The clergy of the Church of Rome were the obstacles to an alteration of the law. They had now the power to marry at any hour of the day or night persons of any age. There was no protection against clandestinity, or in favour of infancy, and as our law did not recognize the Council of Trent, which required two witnesses at any marriage of Roman Catholics, a marriage without was as good as a marriage with witnesses. He could conceive no more easy solution of this very delicate and important question than to confer on the clergy of the Roman Catholic Church all the advantages and privileges which satisfied the clergy of the Church of Scotland; and if they had other demands within the bounds of reason, it was their duty to receive them with respect and deference. It would be for the right hon. Gentleman the Chief Secretary to consider whether they should adopt the suggestion of his right hon. Friend and deal at the same time with the question of registration. One word as to the alarming Amendment of the hon. and learned Member for Cork (Mr. Scully). He was afraid that that Amendment would open up the large question which would ultimately, it was true, have to be taken up, to determine whether a man, instead of being comforted by one wife, might have the advantage of having three wives—one in England, one in Ireland, and one in Scotland. Formerly the law of England did not recognize the jurisdiction of the courts of Scotland when they annulled a marriage on the ground of adultery. That state of things had been since altered, but the law as it now existed in England did not extend to Ireland, the consequence was that a man might possibly have three wives at one time. A sufficient penalty in itself it might be, but an anomalous state of the law. That, however, was a different question, which must be taken up at another time, together with the question of the law of divorce, and, therefore, he trusted that his hon. and learned Friend would not press for an inquiry into the whole of the marriage law of the three kingdoms on that occasion.

MR. VINCENT SCULLY said, he proposed his Amendment in order to give to the inquiry a more extended bearing and practical character. He understood from the reply which he received from the right hon. Gentleman the Chief Secretary for Ireland some time back that there was no prospect of legislating on the subject during the present Session. No time would, therefore, be lost in remitting the inquiry to a Commission instead of a Committee. The whole of the Irish business of the Session was now before Select Committees, and if another Committee were to be added to the number, Irish Members could only manage to attend by dividing themselves into half a dozen halves. It would be better at once to establish a little Irish Parliament by consolidating the various Committees into one, with leave to all Irish Members to sit upon it. The Amendment of the law as to mixed marriages in Ireland ought certainly to be dealt with before the registration of births, deaths, and marriages, and he believed that that was the view of the right hon. and learned Gentleman opposite, as well as of the Statistical Society of Dublin and other authorities. If the right hon. Gentleman the Chief Secretary for Ireland would give an assurance that the labours of the Select Committee now proposed should be concluded and legislation on the subject undertaken before the close of the Session there might be some argument in favour of the Motion of the hon. and learned Member for Belfast; but if such an assurance was withheld it was desirable that a Commission should be appointed to inquire into the Marriage Laws of the three parts of the kingdom. It was no less important that they should learn exactly what the law of Scotland was on that subject than the law of Ireland. He certainly should not like a son of his, at a marriageable age, to visit Scotland without being thoroughly aware of the law of marriage in that part of the kingdom. Indeed, he believed the risk of his getting into difficulties through the peculiarities of the Scotch law was so great that he would rather not have him go there at all. A Commission could conduct the investigation, as was now commonly done, by means of printed interrogatories and written replies, quite as cheaply and more effectively than a Committee, and its Report would carry more weight with it.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying, that She will be graciously pleased to issue a Royal Commission, to inquire into the Marriage Law of England, of Ireland, and of Scotland respectively,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL said, that he did not intend to object to the proposal which had been made by his hon. and learned Friend the Member for Belfast (Sir Hugh Cairns), and, therefore, he hoped that his hon. Friend the Member for Cork (Mr. Vincent Scully) would not press his Amendment to a division. All that he had previously stated with regard to this matter was that he did not think it advisable to introduce into the measure establishing a registration of births, deaths, and marriages, a provision for the repeal of the Act of George II., prohibiting mixed marriages, and that if it were proposed to repeal that Act the House would find that it could not deal with that question entirely by itself. He thought that that statement had been fully justified by what was then occurring. The question for consideration was what was it most expedient for the House to do with a view to early and practical legislation in the course of the present Session? The Motion of his hon. and learned Friend limited inquiry to the law of marriage in Ireland, and surely such a proposal had, *primâ facie*, an advantage over one which would involve an inquiry into the law of England, with which no one was dissatisfied, and into that of Scotland, any interference with which would excite much jealousy and alarm in that country. If, then, they wished to accomplish anything practical with respest to Ireland, they should decline to embark in the more extensive inquiry. The history of the marriage law in Ireland was mostly this:—Up to the year 1844 marriages in Ireland were, with two exceptions, as to which there existed statutory regulations, entirely subject to the common law. One of these exceptions was the legislation which for reasons now happily condemned on all sides was intended to prevent the celebration of marriage between a Roman Catholic and a Protestant; and the other the Act of 1781, which, dealing with all Protestant Dissenters as a single body, legalized all marriages among them which were celebrated by their own clergyman. In other words, all marriages celebrated by a clergyman in holy orders of our own or of the Roman Catholic Church were valid, and all others invalid. Under these circumstances the wisdom of the Legislature intervened, and the Act of 1844 was passed which substantially extended to Ireland, as regarded Protestants, the law which was in existence in England. There was, however, this distinction, that it intended to give to the Presbyterians, who formed the great bulk of the Protestant Dissenting population of Ireland, by the creation of licensing ministers or surrogates, the same advantages which were enjoyed by the Church. He understood that the Motion of his hon. and learned Friend had for its object to ascertain whether these advantages might not be extended as so as to include other religious bodies; and thus, by various detailed arrangements, which might properly be considered by a Committee, to enlarge the policy and extend the utility of the Act of 1844. That was the ground on which he cordially concurred in the Motion for a Committee to ascertain whether it was necessary to continue to exclude from the benefits of that Act certain persons who desired to have those benefits, and whose conscientious feelings were entitled to every attention. The hon. and learned Member for Belfast was also willing that the Committee should consider how the disability under which the Roman Catholic clergy laboured in respect to the celebration of mixed marriages could best be removed. There was, however, no reason for embarking in that larger investigation into which the hon. Member for Cork's Amendment would carry them. Then came the question whether there was any prospect of useful legislation on that subject this Session. There could not be a greater evil to a community than the absence of an efficient system of recording all the domestic facts of life, and it was to furnish an uniform mode of registration that the Bill now under the consideration of a Committee had been introduced. Another measure had also been brought into the House of Lords to render it no longer impossible for the majority of the people of Ireland to celebrate mixed marriages. It was most desirable that that measure, when it came down to that House, and the kindred questions connected with it, should receive a calm and dispassionate consideration; and that object was most likely to be secured by the Bill being referred to the proposed Committee, on which all parties would be fairly represented. By that means he hoped to see the remaining portion of the penal laws, which both sides desired to see amended, no longer disfiguring the statute book.

MR. DAWSON said, the announcement of the right hon. Gentleman the Chief Secretary for Ireland would give great satisfaction in the north of Ireland, and he thought a Select Committee was the proper tribunal to deal with the question, which was one of the greatest importance.

MR. BUTT said, that the great difficulty which existed in the way of the mixed marriages was, that in the present state of the law, a marriage by the Roman Catholic clergymen between persons professing the Catholic religion was valid if celebrated at any time, and any place, and without the presence of witnesses. If mixed marriages were to be placed on the same footing, then the same amount of uncertainty and confusion would exist as at present in the existing marriage law of Ireland.

MR. M'MAHON said, he approved of the appointment of the Committee, as he believed it to be calculated to put an end to a grievance which has existed for many years in Ireland, in connection with the marriage laws of that country.

MR. VINCENT SCULLY expressed his readiness to withdraw the Amendment.

MR. HADFIELD said, that he hoped no attempt would be made to inquire into the religious professions of persons about to be married, as among the Nonconformists no questions of the sort were asked of persons desirous of having the marriage ceremony performed.

MR. MORE O'FERRALL said, that on the part of the Roman Catholic bishops and the clergy of Ireland, he must protest against the appointment of the Committee, and stated that the proposition had created great alarm and anxiety throughout the country.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to*

Ordered,

"That a Select Committee be appointed, to inquire into the Law affecting the contracting and celebration of Marriage in Ireland."

WOOLWICH DOCKYARD.

PAPERS MOVED FOR.

MR. ANGERSTEIN said, he rose to move for Copies of the Reports of the Officers of Woolwich Dockyard, and of the principal Officers of the Admiralty, on the errors referred to in the eighthteenth Clause of the third head of the Report of the Royal Commissioners appointed to inquire into the Control and Management of Her Majesty's Naval Yards, as having been discovered in certain Accounts in the department of the Storekeeper, the Accountant, and the Chief Engineer of Woolwich Dockyard.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter before Seven o'clock.

HOUSE OF COMMONS,

Wednesday, May 15, 1861.

MINUTES.] PUBLIC BILLS.—2° Piers and Harbours; Reformatory Schools (Scotland).

NEW TRIALS IN CRIMINAL CASES BILL.

SECOND READING.

Order for Second Reading read.

MR. BUTT said, that as he understood the measure was to be opposed by the right hon. Gentleman the Home Secretary, it would be more convenient then to state its provisions, together with the grounds on which they were supported. The question as to the necessity of instituting some tribunal to review erroneous verdicts in criminal cases was not new to that House, as on several occasions the subject had been introduced and met with the approval of hon. Members, but had been generally postponed at the request of the Law Officers of the Crown. Early in the present century Sir Samuel Romilly introduced a Bill identical in principle with the one now under consideration. In 1844 the hon. and learned Member for East Suffolk (Sir Fitzroy Kelly) following in the footsteps of Sir Samuel Romilly, introduced a similar measure; but that Bill, on the second reading, at the suggestion of Sir James Graham, then Home Secretary, was postponed to the next Session, and nothing more was heard of the question for some years. But in 1848 and 1853 measures on this subject were again submitted to Parliament, and again postponed. In 1858 the hon. and learned Member for Wexford (Mr. M'Mahon) and himself, acting in concert, brought forward a similar measure, the principle of which was affirmed by a vote of 145 to 91, although it, unfortunately, was not allowed to become law. The present Bill embodied various suggestions thrown out in the course of previous debates. It sought to make no innovation in the law and constitution. New trials were granted in certain classes of criminal cases. The object of this Bill was to render that remedy more general, and extend it to cases in which, above all others, it was most needed. The judgments of inferior courts were liable to be reviewed upon writ of error by the Court of Queen's Bench; but that remedy was reduced to a mere matter of form, and did not touch the substantial miscarriages of justices which sometimes took place. Proceedings could also be removed from inferior tribunals to the Court of Queen's Bench upon writs of *certiorari*. Moreover, convictions for misdemeanour before the Lord Chief Justice of the Queen's Bench and a Middlesex jury could be set aside either upon points of law or fact. If, however, the conviction was one for felony no new trial could be obtained, on account of an absurd and unreasonable distinction which ought not in these days to be obtained. Surely, if a new trial was given, where the penalty was fine or imprisonment, it ought not to be denied where the punishment was death or transportation; more especially as in the trial of the two cases the tribunal was the same and the rules of evidence also the same. The Bill, therefore, proposed to remove that anomaly by granting to prisoners tried and convicted of felony in the Court of Queen's Bench the same right of appeal as was enjoyed by persons convicted of misdemeanour. It also propose to extend the writ of *certiorari* to case in which it was not now usual to grant it, and to enable the Court of Queen's Bench, upon a proper case being made, to send that writ to any court of criminal jurisdiction in the kingdom in order to have its verdict reviewed. Everybody must feel that there were instances in which it was most desirable that there should be an opportunity of having the judgment of a criminal court reviewed, not by the discretion of the Secretary of State, but a judicial tribunal administering the law upon settled principles. He knew that it would be said that the discretion of the Secretary of State to grant pardons supplied the place of a power of appeal; but he would ask, was it right that an innocent man should be placed in the position of a pardoned criminal? and, also, was it right that the Secretary of State in his private office, should alone have the power of reviewing a sentence? It might also be urged that erroneous convictions were very few, but he doubted much whether they were not far more numerous than was generally supposed; for, at present, there were no means for an improperly convicted person to obtain a re-hearing. In the Report of the Criminal Law Commissioners it was stated that in one year in no less than nine criminal cases there were wrong decisions at the Central Criminal Court, and some of the persons at least would have been executed, but for the exertions of Mr. Wyld, then Sheriff of

London, and who watched all the cases. He might also instance the cases of Mr. Barber, and Lord Dundonald as admitted instances of erroneous convictions. In the latter case Lord Dundonald was tried with others for a misdemeanour, and applied for a new trial, but there was an old rule of law that where several persons were tried together for a misdemeanour no one of them could obtain a new trial without all joined in the application, and, as his co-defendents did not join with him the application was refused. In the case of Dr. Smethurst there was a conflict of scientific evidence as to the administration of poison. In that case the Secretary of State interfered, but it would have been more satisfactory, although he (Mr. Butt) did not believe that Dr. Smethurst administered poison to the deceased lady, it would have been better for all parties if there had been a new trial, when the scientific evidence given upon the first occasion could have considered and reported upon by the highest authorities. In the recent case of Mr. Hatch a power of appeal would have been of great importance, as the terms upon which he obtained his pardon—the conviction as perjurers, of his accusers, placed him in a most difficult position. In the case of Mr. Kirwan, who was tried for the murder of his wife at Ireland's Eye, near Dublin, whom he had himself defended, the Lord-Lieutenant had yielded to the popular feeling in that person's favour by commuting the capital sentence to one of transportation for life—a compromise that satisfied no one, and could not be consistent with justice. Those instances showed the uncertainty of the present system, and the necessity for some such law as he now proposed. When a man was convicted for murder, he was asked by the Judge what he had to say why sentence should not be pronounced upon him, and if he said that a witness had sworn falsely, and he had the means of proving that statement, the Judge was bound to tell him that that was no reason for deferring the sentence. The same with respect to an error in the reception of evidence on a point of law; but if he could point out an error in copying the indictment, and that a clerk had put the word "*for*" instead of "*of*" our Sovereign Lady the Queen, that would be a good reason for deferring the sentence. The fact was that a man's property was much more carefully guarded in this country than his life and liberty, and he could only account for that by the fact that the Members of the Legislature were not so liable to be called on to answer for matters which would involve a restriction on their liberty, as they were to answer a claim made upon their estates. If they were, depend upon it they would have had a criminal appeal long before. He might be asked whether he intended to give a power of appeal in cases of acquittal? He did not propose to give such a power, and the Home Secretary could only pardon—he could not hang a man whom the jury had acquitted. Neither did he apprehend that there would be such an immense amount of additional business caused by this Bill as would overwhelm the Courts, as no *certiorari* would be granted without sufficient grounds being shown. He thought that both experience and authority were in favour of the Bill which he now asked the House to read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR GEORGE LEWIS said, that among the various maladies with which their Wednesday Legislation was afflicted, it seemed to him that the Criminal Appeal Bill held a prominent place. He could have wished that it belonged to the class of maladies called agues, which were intermittent, rather than to that of fevers, which were continuous. Last Session substantially the same Bill had been introduced and undergone a full discussion, and was then negatived without a division, and he really thought, after that circumstance, it was hardly necessary to introduce it again this Session. The object of the measure was to make the trials of all treasons and felonies removable by *certiorari,* and to give power to the superior Courts of granting new trials. That was the principle of the Bill of last Session, and no fresh light had been thrown on the subject by the speech of the hon. and learned Member, or by the provisions of the measure itself. The hon. and learned Member had not had the boldness to declare that innocent men were frequently found guilty in this country. [MR. BUTT: I do.] All he (Sir George Lewis) could say was, that upon the strongest evidence of the Judges, of persons acquainted with prisoners and convicts, it was clear that such cases were of very rare occurrence. The converse, however, did frequently occur. There was a general tendency in our laws to favour the prisoner, but if such a step were taken as was now proposed, the inevitable result would be to diminish that merciful and forbearing feeling which was an honourable distinction of our criminal law. He denied that the cases of erroneous conviction were numerous, but upon all points of law the statute book afforded a complete remedy. There was no reason to suppose that a Judge ever refused to reserve a point where there were sufficient grounds. But the real question was whether they could assimilate the civil and criminal law by giving a prisoner power to appeal in cases of treason and felony. The hon. and learned Member said he wished to assimilate felonies with misdemeanours; but that involved the whole question in dispute. At present the power of appeal was only exercised when persons had the means of paying costs. The appeal given by the Bill would be a mere mockery unless the prisoner had the means of paying the costs; and it would be necessary to saddle the public with the costs of all second trials. Unless that were done the Bill would be mere waste paper. And if the costs of the second trial were paid by the public every prisoner would appeal, on the chance of obtaining an acquittal from the first conviction. If the Bill passed it would in many cases be very difficult to secure the attendance of witnesses on the second trial, while all the advantages of the present system of criminal trial would be forfeited. The hon. and learned Mover of the Bill had referred to several cases; among them is the case of Dr. Smethurst. It had become a stock case, but it really afforded no argument in favour of a criminal appeal. That process was intended to remedy defects of criminal procedure; but the real ground of the uncertainty in Dr. Smethurst's case was the fallibility of medical science. It was an obscure case of suspected poisoning. There was a time when scarcely a Sovereign in Europe, or any person of rank, died without the operation of poison being suspected; and even with all the modern improvements of medical science it was still very difficult to form a judgment in cases of suspected poisoning. If there were twenty appeals in criminal trials it would not meet the difficulty; the medical evidence might still mislead the tribunal. In the case of Mr. Hatch the hon. and learned Gentleman stated he (Sir George Lewis) had advised a prosecution of the chief witnesses for perjury, and that that was but an imperfect remedy in that case. He differed from the hon. and learned Gentleman; he believed Mr. Hatch stood a much better chance upon the indictment he preferred for perjury, as both himself and his wife could be examined as witnesses; on an appeal Mr. Hatch must have appeared as a prisoner at the bar. The jury, on the trial for perjury, heard the whole case of the opposite party, and its decision was in favour of Mr. Hatch. He was at a loss to see how this case supported the argument in favour of a criminal appeal. It told, he thought, the other way. The case of Mr. Kirwan was a case in which the Lord Lieutenant of Ireland, having some doubts as to the conclusiveness of the proof, gave, as was usual in such cases, the benefit of the doubt to the convict, and commuted the sentence to transportation. Of course it was difficult to defend the logic of a commutation of sentence, because it was said that either the prisoner was guilty or innocent. If innocent he ought to be pardoned, and if guilty the sentence of the Judge ought to be carried out. He did not think, however, that that case, properly understood, afforded any argument for the establishment of a criminal appeal. There might be cases where the evidence was such that although the jury had convicted there was so much uncertainty that the Executive were unwilling to allow the law to be fully carried out. He was far from saying that Secretaries of State were infallible, but he believed every precaution was taken to avoid error in their decisions. The Judges were consulted, and every statement and representation was carefully considered. And it should be recollected that Courts of Appeal would themselves be liable to error. No alteration of the law would secure an absolutely infallible authority. The hon. and learned Gentleman had drawn one argument for a criminal appeal from Irish State trials. But if there were any cases in which a second appeal to a jury would be of doubtful benefit they were those in which political and religious feelings were involved. It was difficult to obtain evidence in such cases; it had sometimes been necessary to confine the witnesses in prison before the trial, and to send them out of the country afterwards. In such a state of things a new trial would place a great obstruction in the way of the administration of criminal justice, and might be made a justification of exceptional and stringent modes of Government. So far from the measure being a mere change of degree in applying the law of misdemeanour to that extent to the law of felony, it was in reality a most important change, it would effect a complete revolution in the administration of justice in this country; and considering that the Bill would be prejudicial to its best interests, he must move as an Amendment that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. M'MAHON stated the steps he had taken to procure the passing of a Criminal Appeal Bill, and said that as he received great support in the year 1859 he was justified in re-introducing the measure in 1860. On that occasion the right hon. Gentleman argued the whole question in a most masterly manner, and brought before the House the state of the law in almost every country in Europe; but he hoped on another occasion he would refer to the law of the United States, by which a criminal appeal was allowed. At the same time he quite admitted that the right hon. Gentleman had thoroughly exhausted the whole subject. He did not consider that Hatch's case was so clearly put by the right hon. Baronet as to be a conclusive argument against criminal appeal, because in that case the evidence of Plummer on the second trial could not be heard. The case of Tate, in the north of Ireland, afforded a strong argument in favour of the Bill. It would certainly have been more judicious to send Tate before another jury than to have discharged him. The case of the seven pirates tried before Baron Platt also afforded an argument in support of this measure. In that case the Judge, thinking there was no reasonable ground for doubt, refused to reserve a point raised on behalf of the prisoners, but the authorities at the Home Office required that the point of law should be reserved, and it was discussed before the Common Law Judges. The result was, that the twelve Judges who heard the arguments, with only one exception, decided that the judgment was wrong, and that the prisoners should be discharged. As however the Liberal party, who might be supposed most anxious for the liberty of the subject, gave no encouragement to any attempt at law reform, he should not trouble the House with another word on this topic so long as they remained in office.

MR. BUTT, in reply, quoted the opinion of Chief Baron Pollock and other authorities to the effect that instances of innocent persons being convicted were by no means rare in this country, and intimated that he would not trouble the House to divide.

Question, "That the word 'now' stand part of the Question."

Put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

PIERS AND HARBOURS.

SECOND READING.

Order for Second Reading read.

MR. PAULL said, he rose to move the second reading of the Bill. It was the fourth time he had ventured to present a measure of a similar character to the House. In 1858 the Bill passed a second reading by a considerable majority. In 1859 it was again introduced, but owing to the dissolution it made no further progress. Last year the Bill was once more introduced, and passed a second reading by a considerable majority. At the suggestion, however, of the authorities of the departments to which the Bill referred, he moved for a Select Committee, which the House granted. In the course of that inquiry he found the provisions of the Bill were too stringent considering the measure was experimental, and he had, therefore, framed the present Bill in accordance with the opinions entertained by the Committee, and in conformity with the evidence taken before it. Neither the principle nor the details of the Bill were new. The principle of allowing inquiries to be made by public departments and of allowing them to grant provisional orders to be subsequently confirmed by Parliament, had been sanctioned over and over again, and had been found to work satisfactorily. He hoped that the principle might be extended to the class of undertakings to which this Bill referred. As to the details, he submitted that they would mainly be subjects for consideration in Committee. The greatest difficulty in the case was to select the body most fitted to give effect to the provisions of the Bill. In his former Bills he had made the Admiralty the executive, but their multifarious duties indisposed them to take upon themselves any new functions; and that being so, he had naturally turned to the Board of Trade, which had a marine department, and was not so overworked as the Admiralty was said to be. At the same time, all the rights and privileges of the latter Board were reserved to them. The objections to the measure came principally from conservancy bodies and those who had rights and privileges under old charters; but, he had inserted a saving clause as to the rights and privileges possessed by those bodies. Then, former Bills which he had introduced were obligatory in their nature; this was only permissive, and, therefore, it came before the House in a less objectionable form than on former occasions. His object was that persons desirous of constructing harbour works, if they wished to save the expense of an Act of Parliament, should make application to the Board of Trade. They would be compelled to give ample notice, to deposit plans, and, in fact, to comply with all the Standing Orders of this House relating to the introduction of private Bills of this kind; and then the Board of Trade by a provisional order might empower the promoters to undertake the works proposed. Such provisional order, however, would have no validity whatever until it was confirmed by Parliament, introduced on the principle of the Enclosure Acts, and every opportunity of seeking redress would be given to all parties who felt aggrieved by the decision of the department. The great object which he had in view was the saving of expense in obtaining private Bills. However simple might be the provisions of such a Bill, the expense of passing it, even if unopposed, was several hundred pounds; and Captain Veitch gave an instance of an Act which had been passed under the most favourable circumstances, but which had cost £750. Looking at what had lately occurred with reference to harbours, he thought the object of the Government should be to enable parties to carry out in the easiest and most inexpensive manner harbour works which might be required for the purposes of commerce and of refuge. In the small ports along the coast the expense of carrying a Bill through Parliament was an important element for consideration, and deterred the execution of useful works. He trusted, therefore, that the House would give a second reading to a Bill which he believed would prove a great boon to the seafaring population around the coast, and would form a valuable appendage to the Bill of the right hon. Gentleman (Mr. Milner Gibson).

Mr. MILNER GIBSON said, from the title of the Bill hon. Gentleman might suppose that it was a measure for precisely the same object as that which had been introduced by the Government; because they were both called Bills for facilitating the Construction of Piers and Harbours. This Bill did not clash with the Bill of the Government, and if it should please the House to agree to the second reading, it might even act as an aid to the objects of the Bill which the Government had introduced. he begged to say that it was not the wish of the Government to object to the Bill on the second reading. He should reserve any observations on the measure until its details came to be considered. Although if the House should decide to impose any fresh duties on the Board of Trade, that department would endeavour to discharge those duties satisfactorily, it would be for the House to consider whether they were prepared to part with the powers which the Bill undoubtedly deprived them of. It appeared to be a well-considered measure, and constructed in accordance with the principal evidence given before the Select Committee on this subject last Session; but, in passing through Committee of the whole House, he though it would require to be considered with very great care, because there were powers relative to the compulsory taking of land, and with regard to the levying of rates, without a special Act of Parliament. That such powers as those should be obtained from Government by a provisional order, was a matter requiring great caution and consideration. In making those observations, he reserved to himself the right to object to the details of the Bill; and, with that understanding, there would be no opposition on the part of the Government to the second reading of the Bill.

Mr. HENLEY said, he had no objection to the second reading of the Bill. But he had to observe that he thought they would have to consider in Committee whether it would not be desirable that they should fix some limit to the amount which could be raised under the provisions of the measure.

Sir LAWRENCE PALK said, it was impossible for the Government to take under their charge the harbours of the kingdom, and the best thing to be done was to facilitate the action of the companies and of private individuals. He was himself the proprietor of a harbour which was capable of great improvement, and the present Bill would give facilities in such a case for the carrying out of works of great advantage to the community.

MR. BUCHANAN said, that he opposed the Bill last year, and still, upon principle, entertained strong objections to it. At the same he admitted that in the case of small undertakings of the kind to which it applied, it was of great importance to save expense, and seeing that the principle of provisional orders had already been recognized by the House, he should renounce his opposition to the second reading.

Bill read 2°, and *Committed* for *Tuesday* 11th June.

House adjourned at Three o'clock.

HOUSE OF LORDS,

Thursday, May 16, 1861.

MINUTES.] PUBLIC BILLS.—1ª Officers of Reserve (Royal Navy).
3ª Princess Alice's Annuity.

THE UNITED STATES—THE CIVIL WAR—PRIVATEERING.

THE EARL OF ELLENBOROUGH: My Lords, I did wish to have given public notice of my intention to put a Question to the Lord President with respect to the interpretation to be put on some expressions in Her Majesty's Proclamation, relative to the conduct of Her Majesty's subjects in respect to the War in America. As this House did not sit yesterday, however, I had not the opportunity of doing so; but I hope the noble Earl, having had private notice, will be prepared at once to give the explanations I desire. It seems to me to be a matter of essential importance that a Proclamation instructing Her Majesty's subjects as to the conduct they should pursue in that unhappy war should be clear of all doubt, and to the last degree intelligible to every individual — that a man should not be obliged to go to his lawyer for an opinion as to the meaning of the expressions used; and, further, that if he should go to his lawyer, the lawyer should have no difficulty in assigning to the words their true interpretation. The warnings given to Her Majesty's subjects relate, first, to the law of England, and then to the law of nations. As to the law of England, it is clear enough; there is no doubt at all with respect to the duty imposed on Her Majesty's subjects. But as to the law of nations, as might naturally be expected, there is a great degree of doubt. Her Majesty's subjects are warned "not to break any blockade lawfully and effectively established by either of the belligerent Powers." Now, the first question I wish to put to the noble Earl is in what sense we are to understand these expressions. We are at present under an obligation to adhere to the declaration on the subject of maritime law agreed to by Her Majesty's Plenipotentiaries and those of other Powers at Paris. That declaration bears directly on the subject of blockades in these words—

> "Blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy."

Now, if these words are to be understood in their strictly literal signification, to establish a lawful blockade would be almost physically impossible. They must receive certain qualifications and explanations. I say "impossible," because there is hardly in the whole universe any locality in which ships can remain safely with the power of absolutely preventing access to an enemy's coast. Blockades are carried on by ships at sea. They must be carried on by ships at sea, and under sail, because no ships can carry a sufficiency of coal to enable them to act constantly under steam. No doubt it would be a great facility if they could always act under steam; that would go far to enable them to make the blockade effectual. I recollect having heard that during the blockade of Toulon the ships employed in that service were on one occasion driven by a storm across the Mediterranean and, if it had continued a few hours longer, would have been lost on the Coast of Africa. Such things—such an event as the blockading ships being driven away by bad weather—will occur again; and, according to the strict and literal meaning of the Proclamation, a blockade would then cease to be valid because it had ceased to be effectual to prevent access to the enemy's coasts. But I apprehend the words must be understood with necessary qualifications, arising from the circumstances of wind and weather, which command all such operations; and that the real meaning is to prevent access by establishing such a case of danger to those who attempt to violate the blockade as to induce them to desist from attempting to do so. But, if that be the real meaning of Her Majesty's Proclamation, I confess I think it very much to be regretted that instead of adopting totally new words, as they have done in this Proclamation, the Government did not warn Her Majesty's subjects against breaking, or endeavouring to break, a blockade lawfully established and effectively maintained—because it is not enough that a blockade is lawfully established, and unless it be effectively maintained it ceases to be lawful. I wish, then, first to know from the noble Earl in what sense we are to understand the words used in this Proclamation. Do they intend to convey the exact meaning, with the qualifications I have mentioned, of the declaration made by the Powers? If they do not, what further meaning do they contain? Do they go below or beyond the words of that declaration? And why should not the particular words there used be adopted on this occasion? I confess I also very much regret to see so much vagueness in the expressions used as to "contraband of war." The Proclamation speaks of "arms, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usage of nations." How are plain men to find out what articles have of late been considered contraband of war by the usage of nations? They must look through all the recent decisions of the Courts of Admiralty jurisdiction, not only in this country, but in others; and it is highly probable that they will be found conflicting with one another, and prove no guide to the construction to be placed on the words of the Proclamation. I wish, therefore, to know what are the further articles not mentioned to which it is intended that the Proclamation should apply, and which Her Majesty's subjects are cautioned not to carry upon the sea. The law with respect to contraband of war is in a state of constant change. It must change year after year, according as the manner of conducting war is changed. The time was when bows and arrows and armour would have been considered contraband of war. When I looked into this matter six years ago I recollect to have found in the law books of best authority that all these changes were controlled by one prevailing principle—namely, that that is contraband of war which in the possession of an enemy would enable him better to carry on war. That is a clear, reasonable, and intelligible principle, and I very much regret that, instead of using the words which I find in this Proclamation, Her Majesty's Ministers did not go back to a principle which all can understand, and which is not affected by changes in the mode of carrying on war.

Earl GRANVILLE: The Questions put by the noble Earl are certainly very important. I feel it a somewhat difficult matter to speak upon questions of international law; but, at the same, it is my duty to give the noble Earl all the information I can, and if I should happen to make a mistake, I shall be grateful to learned Lords on either side to correct me, in order that no misapprehension may go abroad on a subject of so much importance. With respect to the first question—what meaning is to be attached to the words, "a blockade lawfully and actually established"—I apprehend that, although the agreement of Paris is likely to form an epoch in the history of international law, and although it was concurred in by all the nations of Europe and by several American States, yet it does not in itself constitute a change in international law excepting as regards those Powers which signified their acceptance of it. I believe, further, even with respect to those countries which entered into that agreement with us, that what took place at Paris made no change as far as blockades, lawfully and actually established, are concerned. That question of international law remains exactly the same as before, with this difference only, that mere paper blockades will not in future be recognized. I believe that the construction of international law that has been adopted is, that before a blockade can be said to be lawfully and actually established, it must be announced in proper form and manner, and the State declaring it must have on the spot such a force as—I do not say to make it impossible, but, at any rate, to make it very difficult for vessels to obtain egress or ingress. The second question which the noble Earl has put to me is still more difficult to answer in a clear and satisfactory manner; but I can say, at all events, that the Government have followed the course usual on such occasions. To a certain extent the noble Earl answered his own question, for he stated that what is contraband of war must vary from time to time according to the character of the war which is carried on. There are certain articles which are clearly contraband of war, but there are certain other articles the character of which can be determined only by the circumstances of the case; as, for instance, the ports for which they are destined, and various other incidents which can be properly determined only when they have been submitted to the judgment of a prize court of Admiralty. The decisions of such a Court, unless there has been a flagrant violation of international law, all those who have recognized the rights of the belligerents must accept. I think, therefore, that Her Majesty's Government, in adhering strictly to precedent in this matter, took the only course which it was possible for them to pursue.

THE EARL OF DERBY: My Lords, the answer of the noble Earl is for the most part entirely satisfactory. I do not feel disposed to complain that the terms of the Proclamation are vague and uncertain. It is impossible to introduce into a Proclamation of this description such a definition of the character of a blockade, or of contraband of war, as would satisfy the conditions which seemed to be laid down by the noble Earl who first addressed the House. Nor do I complain of the Proclamation on the ground that the warning it gives goes beyond the necessities of the case. I refer to the warning which is given to British subjects against taking part in privateering expeditions. The Proclamation wisely and properly informs the subjects of Her Majesty that if they should engage in privateering expeditions they would have no right, whatever might be the result, to claim the protection of this country against any penal consequences to which they might render themselves liable. I do not complain of that—quite the contrary; but there are two points upon which it is absolutely necessary that Her Majesty's Government should lose no time in coming to a thorough understanding with the Government of the United States. The first is with regard to the question of blockade. It has been stated that the Northern States—I will still call them the United States—have intimated their intention of blockading the whole of the Southern ports. Now, we know perfectly well that it is not in the power of the Northern States, if their navy were three times as powerful as it is, effectually to blockade all these ports. There is no doubt they might effectually blockade this, or that, or the other port, and that would be a blockade which we should be bound to recognize, and as to which they would be entitled to all the rights of blockade; but I do think it is very important that Her Majesty's Government should not commit themselves the doctrine that the United States are to lay down the principle of a universal blockade, that that universal blockade would be recognized by Her Majesty's Government, and that all Her Majesty's subjects who might choose to disregard it would be liable to penal consequences. I apprehend that to make them so liable the blockade must be one the validity of which has been recognized by their Government. It is important, therefore, that Her Majesty's Government should come to a clear understanding with the Government of the United States that a mere paper blockade, or a blockade extending over a space to which it is physically impossible that an effectual blockade can be applied, will not be recognized as valid by the British Government. The other point is one of, perhaps, still greater importance. A noble and learned Lord (Lord Brougham) was understood to say a few days ago that by the law of nations privateering was piracy, and that, consequently, the Northern States would be perfectly justified in carrying out their threat to treat all privateering as piracy, and visiting it with capital punishment. I apprehend that if there is one thing clearer than another it is that by the law of nations privateering is not piracy—that no enactment on the part of any one nation can make that piracy as regards the subjects of another country which is not piracy by the law of nations, or by the law of that country. The Northern States, therefore, must not be allowed to entertain the opinion—although it may be right that we should warn British subjects that if they should engage in privateering expeditions they will not be entitled to claim the protection of their Government—that they are at liberty so to strain the law as to convert privateering into piracy, and visit it with death. The punishment under such circumstances of persons entitled to Her Majesty's protection would not be viewed with indifference, but would receive the most serious consideration by this country. It is right, on the one hand, that the people of this country should be warned of the peril of engaging in privateering undertakings; but it is essentially necessary, on the other, that the Northern States should not be induced to rely upon our forbearance if they choose to deny the general interpretation of international law, and attempt to visit privateering with a penalty which is not attached to it by that law. It is said that the Northern States treat the Southern Confederation, not as having the rights of belligerents, but as rebels, whose acts will be visited with all the penalties of high treason, including capital punishment. But that is not a doctrine we admit, because we have declared that the Southern States are entitled to the rights of belligerents. The Northern States, on the one hand, cannot be entitled to claim the rights of belligerents for themselves, and, on the other, to treat the Southern States, not as belligerents, but as rebels. These are the two points upon which it is most desirable that a clear understanding should be come to between Her Majesty's Ministers and the Government of the United States—first, that we cannot recognize any except a really effective blockade such as the United States may be able to enforce; and secondly, that we cannot recognize the doctrine that by any proclamation or any enactment the Northern States have power as against the Southern Confederation to treat privateering as piracy, and to visit it with all the penalties that attach to that offence.

Lord BROUGHAM heartily wished that all privateering were piracy by the law of nations, but, unhappily, it was not. His opinion upon this point had been misunderstood. What he said was that privateering undertaken by the subjects of one country against the trade of another country with which their own was at peace amounted to piracy. Privateering, however much it might be reprehended, was, undoubtedly, in the case of recognized belligerents, not piracy according to the law of nations, as that law was at present understood and administered; but if any persons, subjects of this country, fitted out a vessel against another country with which we were at peace, that in itself constituted a piratical act, and he was clearly of opinion that the persons so acting would have only themselves to blame if after full warning they entered upon that course. As to contraband of war, the articles coming under that category naturally changed with the advance of military science. Taking into account the great changes and improvements in all the appliances of warfare which had of late years taken place, he should hold that coal might be looked upon as amounting to contraband of war, if furnished to one of the belligerents to be used in warfare against the other. He might add that he entirely concurred in the opinion that it was not necessary that a blockade, in order to be considered effective, should be of such a nature as to render access to any part of the coast impossible, but that it would be sufficient to constitute it a real blockade, that it precluded the existence of any reasonable chance of entrance.

Lord CHELMSFORD said, he wished to bring the opinion to which his noble and learned Friend had given expression to a test. The Confederated States of America were admitted by Her Majesty's Government to be entitled to exercise the rights of a belligerent Power. That being so, he should wish to know from his noble and learned Friend whether he meant to contend that if an English ship were commissioned by those States and fitted out as a privateer against the Federal Government, her crew would under such circumstances be guilty of piracy? That was not the state of the law on the subject, although many people wished that it was. British subjects so engaged would, no doubt, be answerable to the laws of their own country, for an infraction of the Foreign Enlistment Act, but it was perfectly clear that, on principles of international law, they would not be liable to be treated as pirates. That warning should be given to English seamen by means of the Proclamation was, of course, a most useful and necessary step, and if after that warning they would engage in such expeditions as those to which he was referring, they must, of course, take the consequences of their conduct. If, he might add, the Southern Confederacy had not been recognized by us as a belligerent Power, he agreed with his noble and learned Friend that any Englishman aiding them by fitting out a privateer against the Federal Government would be guilty of piracy. The question was one which arose after the abdication of James II., when he had been expelled from Ireland, and had not a foot of territory in this country, and when, therefore, he was merely a sovereign claiming a right *de jure.* James II. at that time commissioned certain persons to fit out privateers against the commerce of this country; and the question having come before the Lords of the Privy Council, they desired to have with respect to it the opinion of learned civilians. Several civilians had, in consequence, attended before the Council, and a report of the proceedings in the case was given in a very grave and curious way by Dr. Tindal, who was one of its members. According to that Report Sir Thomas Pinfold had asserted that the persons to whom the inquiry related were not pirates, and for the following very strange reason—that a pirate must be regarded as *hostis humani generis*, but that those persons were not enemies to all mankind, and were, therefore, not pirates. Whereupon, the Report said, all "smiled." One of the Lords of the Council asked whether there could ever be such a thing as a pirate if no person could come within that category who was not actually at war with all mankind? To that question it appeared Sir Thomas Pinfold did not reply, but contented himself with repeating what he had said before. One of the Lords, therefore, pressed the learned civilian with another question—he said "Suppose any of their Majesties subjects, by virtue of a Commission from the late King, should by force seize the goods of their fellow subjects by land, would they stand excused of being guilty at least of robbery, and if not, why should they stand excused of piracy?" To that question also the learned civilian made no answer, and for the very good reason, as their Lordships would at once perceive, that there was no good answer to be given; for it was perfectly clear the persons supposed would be guilty of piracy. He was, he might add, of opinion that it was manifest that in the case assumed by his noble and learned Friend, piracy could not fairly be said to exist; and, as the point was one upon which it was desirable no misapprehension should prevail, and his noble and learned Friend had, he thought, left it in some uncertainty, he had deemed it to be his duty to state the opinion which he held on the subject.

THE LORD CHANCELLOR said, his noble Friend the President of the Council had laid down the law on the point at issue with perfect correctness. If, after the publishing of the present Proclamation, any English subject were to enter into the service of either of the belligerents on the other side of the Atlantic, there could be no doubt that the person so acting would be liable to be punished for a violation of the laws of his own country, and would have no right to claim any interference on the part of his Government to shield him from any consequences which might arise. There could, however, at the same time be no doubt that, although he would be guilty of a breach of the laws of his own country, he ought not to be regarded as a pirate for acting under a Commission from a State admitted to be entitled to the exercise of belligerent rights, and carrying on what might be called a *justum bellum*. Anybody dealing with a man under those circumstances as a pirate and putting him to death would, he contended, be guilty of murder.

LORD KINGSDOWN said, that there could be no doubt as to the state of the law on the point—that a privateer acting under a Commission from a Government was not a pirate. No doubt the Government of the United States did not put the extravagant Proclamation they had issued on the ground that privateers were pirates, inasmuch as America had insisted upon maintaining the right of resorting to that mode of warfare when it had been abandoned by the great Powers of Europe:—He supposed the order was based on the ground that they were dealing with rebels, and privateers would be hanged not as pirates but as persons guilty of treason to the State of which they were the subjects. Of course it was a matter for their own consideration what was to be the operation of that Proclamation. He believed that the enforcement of that doctrine would be an act of barbarity which would produce an outcry throughout the civilized world; but he hoped it was a mere *brutum fulmen*, and not intended to be carried out. But that being the case with regard to their own country, the case with regard to England was quite different. We had recognized the Southern Confederacy, not as an independent State, but as a belligerent Power; and, therefore, if the Federal Government should act upon the principle they had laid down as against British subjects, he apprehended that the English Government might, with perfect justice, interfere, and under some circumstances they might, by the influence of public opinion, be compelled to interfere. Yet, at the same time, the offender having acted in violation of the laws of his own country, and after notice issued by the Government that they would not extend protection to him, could not, as a matter of right, call upon his Government to interfere. That, he apprehended, was the state of the case. He must say he thought it impossible that the Government could have framed the Proclamation more prudently than they had done with respect to articles contraband of war. The determination of what was contraband must depend on the circumstances of each particular cargo. Provisions, for instance, though they might be safely sent under other circumstances, yet, if sent to a port where an army of a State at war was in want of food, might become contraband. So with regard to coals. They might be sent for the purpose of manufacture, but if sent to a port where there were war steamers with the view of supplying them coals, then, became contraband. It was, therefore, quite impossible to frame a Proclamation defining what goods were and what were not contraband. With respect to blockade, again, though the law remained unaltered, the application of it to practice had been very much altered by the introduction of steam-power. A port must be strictly blockaded, but for the purposes of blockade two or three steam vessels might now be as effective as twenty sailing vessels had been formerly. Many questions of nicety had come before the Judicial Committee sitting as a Prize Court of Appeal during the Crimean War; and he thought this country, now that it was in the situation of a neutral, would have no reason to insist upon any other rules than those which it had acted upon as a belligerent.

Lord BROUGHAM hoped and trusted that all persons would take notice of the warning given in the Proclamation, that British subjects if they interfered in the differences prevailing in America must run the risk of whatever penal measures might be adopted by the Americans on one side or the other, and at sea or on land. In the case which occurred thirty years ago two English subjects were tried and hanged for piratical interference on the land, and not on the sea, and not one step was taken to protect or avenge them.

The Earl of ELLENBOROUGH said, the object of the proclamation was certainly to deter Englishmen from engaging upon either side in the unhappy conflict in America, because they were told that if they violated the law of their own country and the law of nations they were not to expect any protection from their own Government. He feared, however, that the discussion in their Lordships' House that evening might tend to diminish the effect of the Proclamation. But he still hoped that Englishmen would not take any part in those hostilities, and he felt sure that if they did they would be hanged long before diplomacy could interfere on their behalf.

CUSTOMS' DUTIES (INDIA).

QUESTION.

The Earl of AIRLIE asked the Under Secretary for India, Whether Her Majesty's Government have addressed any Representations to the Local Government of India on the Subject of the Customs' duties which were imposed last year on manufactured Articles imported into India? He said it might be inferred from the manner in which his question was put that those duties were imposed for the first time last year; but that would not be an entirely accurate impression, for duties varying from 5 to 20 per cent. had existed previously; and the late Mr. Wilson, whose loss was a great public calamity, proposed to equalize them by substituting an uniform duty of 10 per cent. That change, however, operated severely in the case of cotton and other articles. The Indian Government was doing its best to facilitate the exertions of those Gentlemen who were enlarging the growth of cotton in India; but as long as these Customs' duties on manufactured articles imported into India were maintained, what they were endeavouring to do with one hand the local Government were to some extent undoing with the other. It appeared to him that every Customs' duty imposed on English manufactures imported into India was a protective duty in another shape, and liable to all the objections to which protective duties were exposed. While, too, these duties tended to restrict the importation into India of cotton goods, they also checked the exportation of raw cotton to England. He saw it stated in a recent number of the *Bombay Mail*, that the imposition of a Customs' duty had developed quite a mania for cotton manufacturing in India. Eight companies were about to be started, and the working power of the mills was about to be increased tenfold. If this were so, it appeared to him that in thus causing an additional sum of money to be embarked in the cotton manufacture of India we were reversing the policy we had adopted in this country and forcing capital into unnatural channels. That this was the case it further appeared from the Board of Trade returns; for, whilst there was an increase in almost all the articles imported into this country from other countries in the year 1860, as compared with 1859, yet, in the importation of raw cotton from India there was a falling off in 1860, as compared with 1859, of more than 16 per cent, and that although there was no general falling off in the importation of the material. If the month of January, 1860, and January, 1859, were taken by way of example, it would be found that the increase in the general importation of cotton was much larger in the first month of 1860 than it was in the first month of 1859. He would beg to ask his noble Friend how he accounted for this discrepancy, and how it was that the amount of cotton imported into England from India was less in 1860 than it was in 1859? It would not be difficult to show that the operation of such an impost was to take out of the pockets of the Indian taxpayers a sum much larger than it put into the Exchequer. Their Lordships must remember that these duties had been in operation barely a year, and that their injurious operation had been only partially developed. He trusted that his noble Friend would be able to give their Lordships some assurance that the effect of these Customs' duties, in stimulating the manufacture of cotton in India and diminishing the export of raw cotton from that country, had not escaped the attention of Her Majesty's Government.

EARL DE GREY AND RIPON said, he thought it was scarcely necessary to say that the Government deprecated as much as the noble Earl himself anything which approached to a return to protection; and, he thought, sufficient proof would be afforded that no such object was contemplated, when it was recollected that these measures were brought in under the auspices of the late Mr. Wilson, than whom a more able or more consistent adherent to the principles of free trade this country had never known. It was necessary he should first remind their Lordships that with regard to the mode by which the revenue was to be raised in India they had very little choice. Its sources were very few, and were confined within very narrow limits. Under these circumstances, and considering the present state of Indian finance, which, as his noble Friend knew, had more than once shown large and formidable deficits, it became the imperative duty of Mr. Wilson and the Indian Government to do everything in their power to put the finances of India on an improved footing by an increase of taxation on the one hand and a large reduction of expenditure on the other, so that the revenue and the expenditure might be brought to an equilibrium. He must remind their Lordships of what had not been stated by his noble Friend, that the first change in the Customs' duties on these articles had been made not in 1860 but in 1859. In 1859 Mr. Wilson introduced a new Customs' tariff. That tariff was founded, no doubt, mainly on the principles which were ultimately adopted, but it also made a great change in the protective system, to which his noble Friend had not adverted. The previous system of finance imposed differential duties in favour of English produce. These differential duties were swept away. Under the new system there were certain articles of luxury on which at first a duty of 20 per cent was levied; but this was subsequently altered, and an equal duty of 10 per cent was levied on all imported goods. In the course of the year 1860, in order to carry out this equalization, the duty on one article was increased —namely, cotton yarn. The duty was raised at that time; and if he (Earl de Grey) were not mistaken it was the only duty which was raised by the tariff. He was not about to deny that under the increased duties which in 1859 and 1860 were levied upon English produce connected with the cotton trade more activity might have taken place in Indian manufacture, and that to that extent the duties might have had a protective effect. He could, however, assure his noble Friend that they were not imposed with any such object, and that whenever in the opinion of Her Majesty's Government these duties could be safely dispensed with, no consideration of protection would permit them to be retained. Assurances to that effect had already been given by his right hon. Friend the Secretary of State, and he hoped that persons in India who might engage in the industrial pursuits to which his noble Friend had referred, would receive the warning that the present duties would not be continued a single hour longer than was necessary for the finances of India. His noble Friend had referred to certain trade returns, from which he had gathered that there had been a great falling off in the cotton importation from India in 1860 as compared with 1859, and his noble Friend said he believed that was entirely owing to the Customs' duties which had been established. But his noble Friend had overlooked the fact that these duties were imposed in the year 1859, and not in 1860. This at least was clear, that the duty upon cotton piece goods was not increased in 1860. The whole of the falling off, therefore, to which his noble Friend had referred was clearly not attributable to the cause which his noble Friend had assigned. It was entirely a question of necessity. It was necessary to raise a sufficient revenue in India, and it was from a conviction of the necessity that the Government had sent out no instructions to India for the repeal of those duties. The total amount received from Customs' duties in 1858-9 was £2,867,681; in 1859-60 it was £3,872,000; and the estimated amount for 1860-1 was about £3,900,000. Under these circumstances his right hon. Friend had not thought it right to call upon the Indian Government to alter the Customs' tariff in this respect. His noble Friend had referred to the tariff of valuation which existed in Bengal. Grave objections had been expressed to that tariff; and in consequence of those objections a Commission had been appointed, and was sent to Calcutta to investigate the question. The result of the Report of that Commission was that the tariff had been revised, he believed with the approbation of the commercial public in Calcutta, and also with that of persons interested in the trade of England. In conclusion, he might say it was the earnest desire of Her Majesty's Government to promote the extension of English trade with the east whilst they endeavoured at the same time to provide for the revenues of India.

EARL GREY said, this was a matter of considerable importance, and one which undoubtedly deserved their attention and consideration. The noble Earl who had just addressed the House had said that the character of Mr. Wilson was a sufficient guarantee that these duties were proposed in any way for the purposes of protection. He (Earl Grey) had himself had the pleasure of being personally acquainted with Mr. Wilson, and from his knowledge of Mr. Wilson's high character he could admit the force of that answer. But at the same time the facts stated by the noble Earl who had introduced the matter had not been disputed, and it was, judging from those facts, pretty clear that the practical effect of these duties was the stimulation to a very large extent of the cotton manufacture in India. He (Earl Grey) thought we ought not to look with any feeling of commercial jealousy on the natural increase of manufactures in India. No one condemned any commercial jealousy on subjects such as this more than he did —it was beneath them to consider it; but at the same time he thought it was for the interest of England no less than that of India that they should not misdirect the industry and capital of India. It was desirable for both countries that the industry and capital of India should be allowed to flow naturally into their proper courses, and should be left entirely to themselves. As far, however, as possible, it was desirable that the Customs' duties in India should be employed for the purpose of increasing in that country the production of raw material, and of promoting manufactures in this country: but, in all cases, the interests of the Indian population would be best consulted if they were left to themselves. It appeared that the duty of 10 per cent upon yarn and other things produced in this country tended to create a very great increase of mills in India, and also to create a good deal of speculation, and if that was the case no petty advantage which we could get from an increased Customs' duty could make up for the great loss which must be sustained from artificially directing the industry of India into a channel in which it would not otherwise flow. The noble Earl who last spoke (Earl de Grey) had quoted the very large increase which had taken place in the Customs' revenue, but he had not told them what portion of this increase was applicable to these particular articles. No one proposed to prevent the Government from getting as much revenue as they could by an increase of Customs' duties, if those duties did not act as protective duties. In our own country we had adopted the principle that all Customs' duties acted as protective duties that were levied on articles which were manufactured in this country and were also imported into it; and last year we carried that principle to almost a pedantic extent. He thought that his noble Friend was justified in asking that the same principle should be applied to India; and that we should not establish there protective duties against our own principal manufacturing industry, and protective duties which would at the same time have the effect of directing capital to India. They were all aware that the great difficulty of India at that moment was, that she could not find sufficient capital to develop her great natural resources, and the greater that want the more clear was the policy of avoiding any fiscal measure, whatever it was, which would artificially affect the distribution of wealth. As he had already said, any small revenue to be derived would not counterbalance the evil inflicted; for, as his noble Friend said, the tax was condemned on the great principle that it took far more out of the pockets of the people than was brought into the Exchequer; and, therefore, the greater the want of revenue the more careful should they be in imposing taxes, not to press more upon the resources of the country than was necessary to produce the revenue required. He was sure that the Government ought to lose no time in directing their attention to this subject, for it was much easier to prevent a great protective interest from growing up than to deal with it after it had been created: and where there was a great tendency to run into speculations of the kind to which he had referred, it was not enough for the Government to hold out a warning by saying "Do not rely upon these duties, for we shall repeal them as soon as we can do without them." It would be thought a great hardship if, after the speculations had been carried to any extent, mills had sprung up, and people had been collected together, there was to be a change of legislation which would subject the parties to a competition on which they had not calculated. These considerations convinced him that his noble Friend was right in the view which he took; and he, therefore, hoped that the Government would at once direct their attention to it.

House adjourned at a quarter before Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 16, 1861.

Minutes.] Public Bills.— 1° White Herring Fishery (Scotland); Transfer of Stocks and Annuity.

2° Customs and Inland Revenue; Excise and Stamps; Volunteers, Tolls Exemption (No. 2).

3° Combination of Parishes Dissolution (Scotland).

THE GALWAY POSTAL CONTRACT.

QUESTION.

Mr. **BAXTER** said, he would beg to ask Mr. Chancellor of the Exchequer, If the Government have terminated the Contract entered into with the Atlantic Royal Mail Steam Company for carrying the Mails between Galway and America?

Lord **DUNKELLIN** said, he wished further to ask whether it is in accordance with the recommendations of the Committee upon Contracts that a Contract ratified by the House of Commons should be put an end to without being brought under the consideration of the House?

The **CHANCELLOR of the EXCHEQUER**: Sir, I think what my noble Friend asks me is rather a matter of opinion upon a matter of duty: but I have no hesitation in saying that I think it is the duty of the Government, if it believes there is a necessarý for exercising its lawful powers, to put an end to a contract between the Executive and a Company without in the first instance consulting the House of Commons, but subsequently placing the House in possession of the fullest means to enable it to pronounce judgment upon their conduct. With respect to the question of the hon. Member for Montrose, I would recommended him to read the closing words of a notice addressed by the Postmaster General to the Secretary of the Galway Company, and a note which I have just received from the Secretary of the Company. My noble Friend (Lord Stanley of Adderley) through his Secretary, yesterday wrote a letter ending in this manner—

> "Under all the circumstances, and on a review of the whole case, the Postmaster General feels that in the discharge of his public duty he has no alternative but to exercise the power reserved to him, and to declare the Contract at an end. I am desired, accordingly, to transmit to you the accompanying notice to that effect."

The note which I have received from the Secretary to the Company is as follows:—

> "May, 16, 1861.
>
> "A letter from the Postmaster General was delivered at half-past 5 o'clock yesterday evening at the Office of the Company, containing the intimation that he had declared the Galway Contract at an end. If time be permitted, the Company will be prepared to join issue upon all the reasons given by the Postmaster General, and I am desired by the Board to request that you will

add this statement to any answer that you may feel called upon to give to Mr. Baxter's question this evening."

THE FRENCH TREATY.
QUESTION.

SIR HENRY STRACEY said, in the absence of the noble Lord the Secretary of State for Foreign Affairs, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer, Whether his attention has been called to a division in the French Senate on Monday last, from which it appeared that an attempt was made to reverse a Clause in the Convention or Treaty recently entered into with this country, and which Clause referred to the rates of duty chargeable upon imported fish into France? The alteration would be an important one, and very much affect his constituents. He begged to ask the right hon. Gentleman if he would be kind enough to assure him that he would use his best endeavours to see that this Clause of the Convention or Treaty should be strictly carried out, because if it were not carried out it would doubtless be considered in the eyes of the country a very objectionable proceeding—["Order, order!"]

THE CHANCELLOR OF THE EXCHEQUER: Sir, I can quite appreciate the anxiety which the hon. Member on behalf of his constituents feels on this question. I have only to say that Her Majesty's Government have received no official information upon the subject of the proceedings in the French Senate, nor do we suppose that there is the slightest intention on the part of the French Government to commit a breach of faith. Indeed, it would be an injustice to them to refer to such a contingency in connection with the Convention and the Commercial Treaty. There is no reason to suppose that any intention exists to make application to the British Government for a relaxation of this part of the Commercial Treaty.

PRIVILEGE OF MEMBERS TO ATTEND COMMITTEES.—OBSERVATIONS.

MR. MACEVOY: Sir, in reference to a matter which I have to bring before the House affecting the privileges of hon. Members, I trust I may claim its attention for a very few moments. At the outset, I may be permitted to say that I feel there is no Member of this House who is readier than I am to abide by the rules which regulate the conduct of the business of this House. I will state very shortly the circumstances of the case which I desire to bring under the notice of the House. Yesterday, there being a not very lively debate at the time going on in this House, and knowing that there was a Select Committee sitting upstairs upon the subject of births, deaths, and marriages, a matter with regard to which we take a considerable interest in Ireland, I thought I could not do better than see what that Committee was doing. I had scarcely entered the Committee room when the hon. Gentleman the Member for Clonmel (Mr. Bagwell), who, in the absence of the right hon. Gentleman the Secretary for Ireland, acted as Chairman of the Committee, beckoned to me to approach, which I at once did, and he then informed me that my presence there was out of order. I replied that I was not out of order, and he repeated that I was out of order, when I again told him I was not out of order. Having intimated that opinion to him, I at once retired. I had, however, some time ago made myself acquainted with the rights enjoyed by hon. Members to attend Committees, and it was in consequence of the certainty which I felt with regard to my opinion being the right one, that I in such a deliberate and cool manner told the hon. Member that he must be under a misapprehension. I believe it is the intention of the hon. Gentleman to defend himself after having done wrong in calling me to order by referring to what has occurred in a Committee not a great number of days ago when, as I understand, the hon. Gentleman the Member for New Ross (Mr. Tottenham) went into a Committee which was sitting on fairs and markets, and having asked whether there was any objection to his being present, he was told that although the Committee would be excessively glad glad to see him on all occasions, yet it was contrary to the rule of the House for him to remain. I mention this case with the view to justify myself in the course I now take, and as showing that it is not a matter which alone affects myself. I will, with the permission of the House, read to it the rules by which we are to be guided in this particular matter; and I will merely say that there have been four times, within the last twelve years, decisions which go to justify the course that I was endeavouring to pursue, and which the hon. Gentleman, in the exercise of an authority which was vested in him for a short time, thought himself justified in refusing. In the year 1849 a clear decision was given by the late Speaker upon this question. I think the House will forgive me if I read what was the question put, because, then, it will be able clearly to understand the decision. Let me say, however, before reading it, what makes the case of the hon. Gentleman very much worse, that I understand a witness was being examined at the time when he thought it his duty to tell me I was out of order. That is an important feature. The case is this—

"Mr. Bernal Osborne wished to put a question as to the privileges of the House. He did not know what the custom might be as to Committees of the House, but he always understood that these Committees were open to the attendance of Members of Parliament, except during the time of division. There was a Committee, the Irish Poor Law Committee, in which many Members took a strong interest, and he understood that that Committee had come to a resolution to prevent the attendance of all Members of Parliament. This not being a Secret Committee, he asked whether such a course of proceeding was in conformity with the rules of Parliament."

The Speaker—your predecessor, Sir—immediately answered the question as follows :—

"Mr. Speaker: According to the rules of the House every hon. Member is privileged to attend in a Committee unless the Committee is Secret. The usual practice has been that during the deliberations of the Committee other hon. Members have left the room. There have been instances where hon. Members would not leave the room."

That is not my case.

"And where on the application of the Committee the House granted a power to exclude hon. Members.

"Mr. B. Osborne: Am I to understand that they cannot turn me out of the room?

"Mr. Speaker: The Committee have no power to exclude the hon. Member unless they have a definite power from the House."

[3 *Hansard*, cii. 1182-3.]

Now, I made no objection whatever to go out, but I do very strongly object to being told that I am out of order by the hon. Gentleman. In bringing the matter forward I do not wish at all to make any attack on the hon. Gentleman personally. I am perfectly well aware that it was nothing more than his entire and utter ignorance of the duties of Chairman which had the effect of making him do that which had the appearance of being a discourteous act. I will now read a decision which is very much more important, because, Sir, it was your decision. It was given on the 22nd of June, 1857, in answer to a question put by the hon. and gallant Member for Roscommon (Colonel French), who is very jealous of the privileges of Members of this House, and who has taken on all occasions a great interest in such questions as this. On that occasion the Speaker after quoting the decision of 1849 then proceeded—

"The rule, therefore, has been very distinctly laid down—and it was assented to by the House—that hon. Members are privileged to attend in Committees. Indeed, there does not appear to have been any difference of opinion between hon. Members and the Members of the Committee upon this subject. The hon. Member does not ask me a question as to an exercise of discertion on either side, and I, therefore, think it fitting to confine myself to announcing what is the rule of the House." [3 *Hansard*, cxlvi. 139.]

I am not aware that the decision has been altered since 1857, as to the power of any particular Member to attend any Committee whatever if he thinks it his duty to do so. Of course, I am as ready as any Member of the House to retire on the slightest intimation of a wish on the part of the Committee that they should deliberate or even examine witnesses without the presence of other persons. I should be the last man in the world to resist that. I hope I have made the case sufficiently clear upon this point, and also that, in bringing it forward, I do not mean any personal want of courtesy to the hon. Gentleman. I merely desire to express a wish that for the future, before calling a Member of the House to order, who is, I believe, as old a Member of the House as himself, though perhaps not so old—I mean in years—he will give him the opportunity of retiring in a more courteous manner than by calling him to order.

MR. BAGWELL: Sir, if I have been guilty of any want of courtesy I regret it. But the hon. Gentleman has brought this matter forward without having had the common courtesy to give me any notice of it; and it is by the merest chance that I am down at the House.

MR. MACEVOY: Allow me to say that I did myself write a letter to the hon. Gentleman. The occurrence took place yesterday, and this afternoon I wrote a letter to him, and, being afraid such a suggestion would be made, I left it at the office of the hon. Gentleman myself.

MR. BAGWELL: I do not suppose that a junior Lord of the Treasury is bound to live in his office any more than other people. However, I will merely state the circumstances of the case as they arose. Two or three days ago, my right hon.

Friend the Secretary for Ireland was in the chair in the Fairs and Markets (Ireland) Committee, when the hon. Member for New Ross came in, and he was told that it was not usual for strangers to be in the room when the Committee were in deliberation. The hon. Gentleman then spoke to my right hon. Friend, and left the room. Yesterday my right hon. Friend was obliged to attend Court, and during his absence I took the chair. The hon. Gentleman opposite (Mr. MacEvoy) came into the room and sat down at its far end. I beckoned to him and told him that it was contrary to rule that he should be there when the Committe was in deliberation, and I thought that was the rule at the time. The hon. Gentleman has read me a lesson, and I will read him one, which I hope he will take in the same friendly spirit as I have taken the one he has vouchsafed to me. First of all, I ought to mention that the Committee were in deliberation, and were not examining a witness. Dr. Farr was in the Committee room giving advice to Members, but we were not taking any evidence. In May's work on "Parliamentary Privilege," at page 367, he says—

> "Members of the House of Commons have claimed the right of being present as well during the deliberations of a Committee as while witnesses are examined; and although if requested to retire they would rarely make any objection; and on the grounds of constant practice and courtesy to the Committee, they ought immediately to retire when the Committee are about to deliberate; yet it does not appear that the Committee, in case of their refusal, would have any power to order them to withdraw."

Had I had that before me I should have showed it to the hon. Gentleman and left him to act as he pleased. But the hon. Gentleman said, "You are wrong;" simply that. Now, if ever I have the honour of sitting again as *locum tenens* for my right hon. Friend, and the hon. Gentleman comes in, I shall merely show him that rule without any observation, and leave the hon. Gentleman to take his own course. I can only assure the House, and, I am sure, no Gentleman in the House who is acquainted with me will ever suppose that I should be guilty of any discourtesy to any hon. Member. With these few words I will merely say that I am exceedingly sorry such a thing has taken place.

Lord NAAS said, there was not the slightest discourtesy on the part of the hon. Member for Clonmel. The Committee were at the time engaged in rather an irregular proceeding, and the rule in question did not apply. Dr. Farr was requested to attend the Committee to give his advice upon the registration of births in Ireland, and he (Lord Naas) suggested that he should be treated as a witness, and his evidence then taken down. The Committee, however, ruled otherwise; but they were for all political purposes engaged in examining witnesses. He did not think that any of the Members were aware at the time that the hon. Member for Meath was requested to leave the room. He supposed the mistake arose in the way he had said. The Committee at the time was certainly not engaged in an act of deliberation, but in examining witnesses. He thought it right to express his opinion that the rule quoted by the hon. Member for Clonmel did not apply,

Mr. MAGUIRE said, he was a Member of the Committee, but had not been aware of the request for the hon. Member to withdraw.

PUBLIC BUSINESS.

Mr. DISRAELI: It would be convenient to some Members on both sides of the House if the noble Lord at the head of Her Majesty's Government would inform us what business will be taken on that day week, when the House resumes its sittings after the Whitsun recess.

Viscount PALMERSTON: The right hon. Gentleman has only anticipated me in the statement I was about to make on this subject. I am quite aware that it will be convenient for the House at large to know what arrangements the Government propose for the public business after the holydays. We are engaged to-night in discussing the Second Reading of this Budget Bill. I should hope I am not too sanguine in expecting that we shall dispose of the second reading in the course of this night. Assuming this, I can assure the House that it is the anxious desire of the Government to combine as far as possible the despatch of public business with the general convenience of hon. Members. Our intended adjournment, though for the same length of time as last year; is some days shorter than it has been in preceding years, and I am aware that it might be inconvenient to many Members who wish to go to more distant places during the recess if the whole body were called back for the consideration of an important public measure so early as the Thursday. What I propose, therefore, is that, assuming the second reading to be disposed of to-night, the next stage, namely, the Committee, should be fixed for the Monday after the meeting of the House. We can arrange other business for the Thursday and the Friday, and I hope that will meet the general convenience of hon. Members. It is obvious that on a matter of such interest it is desirable that the House should be as well attended as possible, and I am quite aware that it would not be convenient to all hon. Members that the Bill should be fixed so early as Thursday.

CUSTOMS AND INLAND REVENUE BILL.

SECOND READING. SECOND NIGHT.

Order read, for resuming Adjourned Debate on Question [13th May], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. HENNESSY said, he rose to draw attention to a point of order connected with the second reading of the Customs and Inland Revenue Bill. The Bill contained certain clauses relating to Customs, and, as the House was aware, those clauses were based on Resolutions brought in in Committee of Ways and Means. According to the clauses relating to the tea duties, and to chicory, it appeared that certain duties on Customs would be levied on and after the year 1862, and, therefore, went beyond the current year. The Chicory Resolution distinctly specified that, up to a certain period in 1862, a certain rate should be charged, and that then there should be substituted a higher rate. Another point was, that these duties not only went beyond the current year, but that the Resolutions altering, extending, and, in some cases, totally repealing these Customs' duties, were not brought in according to the invariable practice of the House in Committee on the Customs Acts, but that the right hon. Gentleman the Chancellor of the Exchequer had, for the first time, brought in Resolutions of this nature in Committee of Ways and Means. Mr. May, in his book on Parliamentary practice, declared that the distinction between a Committee on the Customs Acts and a Committee of Ways and Means, with reference to the introduction of Resolutions on which a Bill was founded, was a very important distinction, because if the Bill were founded on Resolutions agreed to in Committee of Ways and Means hon. Members not being Members of the Government were precluded from making a Motion to alter the rate or duty, whereas, in the case of a Bill founded on Resolutions introduced in Committee on Customs' Acts they were not so precluded. By the course which had been taken, therefore, hon. Members were deprived of an undoubted right. Again, Mr. May stated—

> "A Bill founded upon a Resolution of the Committee of Ways and Means is usually drawn in the form of a Bill of Aid and Supply; but a Bill founded upon the Resolution of another Committee is prepared and assented to by the Crown in the ordinary manner; and this circumstance may sometimes serve to indicate the proper course of proceeding when it is doubtful in what Committee a Bill should originate."

Mr. Hatsell laid it down in the third volume of his *Precedents* that it was possible for such a Resolution as the right hon. Gentleman the Chancellor of the Exchequer had introduced to be brought in in Committee of Ways and Means, but only when a specific instruction had been given by the House to the Committee of Ways and Means, and the case to which Mr. Hatsell referred in 1808 was a case in point. There, a Bill was founded on certain Resolutions agreed to in Committee of Ways and Means. One of those Resolutions was for reducing the Customs' duties on foreign ships by 2*s.* The then Chancellor of the Exchequer took the precaution of moving a special instruction to the Committee that they should consider the Orders in Council in Committee of Ways and Means, those orders including this specific duty. In the House of Lords it was objected by many eminent Members of the Whig party, that as the Bill was founded on Resolutions introduced in Committee of Ways and Means, and as the House of Lords was, therefore, not mentioned in the preamble of the Bill, it appeared as though it was a Bill proceeding solely from the House of Commons, and the Lords were, therefore, deprived of their privileges. The answer to that was, however, that a specific instruction had been moved by Mr. Perceval, and that that, therefore, permitted the breach of the usual practice. The question here was, whether the Chancellor of the Exchequer had not departed without authority from this practice in moving in Committee of Ways and Means the Resolution to which he had referred, and then founding a Bill upon them? Last year when a point somewhat similar occurred—when, owing to a mistake of the right hon. Gentleman, Resolutions agreed to in Committee of Ways and Means were reported on the same night as the Resolutions passed in Committee—the right hon. Member for Kilmarnock (Mr. Bouverie), called attention to the subject, the Speaker decided that it was irregular; and although the noble Lord at the head of the Government did not think it of much moment, all the proceedings were declared null and void, and the right hon. Gentleman withdrew the clauses, recommitted the Bill, and re-introduced it. Looking then at all the circumstances of the case and the total absence of precedent for what had now been done, he begged to ask the Speaker whether it was desirable that the Bill should be proceeded with in its present form?

Mr. SPEAKER: Upon one point raised by the hon. Member—that relating to the power of the House to deal with the Resolutions agreed to in Committee of Ways and Means—I express no opinion; but with regard to the immediate question, all those Resolutions refer to Ways and Means for the services of the year. It is true that in one point they go beyond the services of the year, but they are all required for the services of the year, and, in my opinion, they properly form part of the Resolutions to be moved in Committee of Ways and Means.

Mr. DU CANE said, he wished, in the first instance, to dispel any impression there might be on the mind of the right hon. Gentleman the Chancellor of the Exchequer on Monday evening that his object in moving the Adjournment of the Debate was needlessly to obstruct the further progress of his financial scheme. He could assure the right hon. Gentleman and the House that he was actuated by no such motive. It was very seldom, indeed, and always he might say with extreme reluctance, that he ventured to take any part in the discussions in that House, and he should not have done so on the present occasion had it not been for circumstances which he thought might give him some little claim to the indulgence of the House. Probably the House would be disposed to admit that, having been last year, he believed, the foremost to oppose the financial proposition of the right hon. Gentleman, it was but natural that he should take an opportunity of expressing his opinion of the general scope and bearing of the present scheme. He had sought that opportunity more than once during the progress of the debate, but with ill success; and, certainly, it would have been with great reluctance that he should have foregone that which appeared to him the last legitimate opportunity before the discussions finally ended in Committee, of stating his opinion, as briefly as he could, not so much on what might be termed the Constitutional aspect of the Bill, but on that also which he took to be the principal issue raised by the Bill—the main scope and policy of the Budget itself. And he was the more induced to persevere in his Motion for Adjournment, because it appeared to him that the debate had been conducted to a late hour, certainly with very great ability, and, moreover, with unflagging interest, and that, in addition, it had been, with one or two exceptions, carried on almost entirely by independent Members of the House. It was not his intention on that occasion to follow the course that was pursued on Monday night, and confine himself entirely to what might be called the Constitutional aspect of the measure. He had no wish to involve himself in a maze of precedents on all the mysteries of "tacking," or to go over the ground which he thought was most ably discussed on both sides of the House by eminent authorities, and which was most efficiently opened in a speech of marked ability by his hon. and learned Friend the Member for Sligo (Mr. Macdonogh). Whether the form of the Bill were constitutional or not might be very fairly said to be yet an open question, but about the motive which had led to the adoption of the present form there could be no doubt in the mind of any hon. Gentleman on that side of the House. That motive was very plainly stated to the House in the able and he might add the remarkably candid speech of the right hon. Member for Carlisle (Sir James Graham). He told the House that, in his opinion, the House of Lords had a perfect right to do what they did last year; but he said also, that he believed that, in the exercise of that right, they had gone to the full stretch of their prerogative. He intimated also—though he did not say it in so many words—that if the House of Lords had a similar opportunity given them this year, in all probability they would, looking to the general aspect of affairs and the previous pledges of the House with regard to taxation, have ventured to repeat the salutary lesson. "Desperate diseases, therefore," said the right hon. Baronet, "require desperate remedies; we must take a leaf out of our adversaries' book, and we also must go to the full stretch of our privileges. I call upon the right hon. Gentleman the Chancellor of the Exchequer, therefore, to put all his propositions into one Bill—the House of Lords will never dare to contemplate the atrocity of rejecting a whole Budget; but if they do," added the right hon. Gentleman, "our course is clear—we can go to the hustings with our Budget in our hands, and we can meet our opponents' cry, "Tea *v.* Paper," by imputing to them the intention of exalting the power of the House of Lords at the expense of the just rights and privileges of the Commons." The right hon. Baronet was, as they all knew, an old and experienced electioneering tactician. He had raised other war cries before now on the hustings of Carlisle, and the one he had now started was, no doubt, a veritable "chip of the old block." But he had never heard that the right hon. Baronet's previous war cries had met with the signal success which he anticipated from them; and he might find, if the struggle came on this issue, that he had once again mistaken the feelings of the people. He might find that, while on the one hand the people viewed, in the step taken by the House of Lords in the rejection of the Paper Duties Bill, a step based upon the principles of equity and forethought, so on the other hand they clearly saw in the so-called Budget of peace and conciliation a concealed spirit challenge and defiance, and the germs of a dangerous financial and Constitutional innovation.

Passing, however, to the financial aspect of the question, he thought the time had now gone by for disputing any longer the existence of a surplus, though he confessed that he could not very clearly understand the mysterious process by which an acknowledged deficiency of somewhere about £3,000,000 had been suddenly converted into a surplus of nearly £2,000,000. But since the present Chancellor of the Exchequer and the various ex-Chancellors of the Exchequer had agreed that, according to the right hon. Gentleman's showing, a surplus did exist, and as the noble Lord at the head of the Government had given the House solemn and repeated assurances that the daily more alarming aspect of affairs in America had been fully discounted in the Cabinet, it would be the height of presumption in him, inexperienced novice as he was in financial mysteries, any longer to doubt the fact. He would also assume that the estimates from the receipts of the Customs and Excise had been based on the certainty of a bad harvest last year, and on the uncertainty of a good harvest this year, and with a due consideration of the alarming aspect of European and American affairs. The serious misgivings, however, which he felt were not at all allayed by the knowledge that, according to the last reports from the agricultural districts, the breadth of wheat sown was considerably below the average, nor by the recollection that if it had not been for the enormous importation of corn during the past winter from America we should have been almost in a state of famine. But the House had been told repeatedly in the course of the debate that prospective legislation in matters of finance had gone out of date, and that the proper principle on which to construct a Budget was "sufficient for the day is the evil thereof." Not wishing, therefore, to be behind the fashion he would open his mouth, shut his eyes, and swallow the surplus, and he would have been very glad for the sake of peace and quietness, if possible, to swallow the entire Budget with it; but there was one point at which his powers of digestion utterly failed him, and that was the manner in which the right hon. Gentleman proposed to dispose of his surplus. Though there was a marked difference in the construction of the Budgets of this and last year, the ultimate end and scope of both were the same—the repeal of the paper duty at all hazards and in spite of all consequences. Having failed last year to repeal the paper duty at the expense of the income tax, the right hon. Gentleman now invested his old friend with an entirely new face, and attempted to cajole the House under the somewhat specious appearance of meting out the same measure to direct and indirect taxation into sanctioning the abolition of the paper duty. But he must confess that, in that somewhat pitiable abolition of a penny of the tax he did not see any material guarantee for its further reduction. What, if for a moment he might be allowed to allude to it, was the history of that tenth penny? Last year, in that year of grace, when all persons were fondly looking forward to the extinction of the income tax, the right hon. Gentleman suddenly electrified the House and country by stating that what they had really pledged themselves to was a reduction of indirect taxation, which could only be effected by a large increase of the income tax. The tenth penny was avowedly imposed to enable them to effect the abolition of the paper duty. When, therefore, the retention of the paper duty was resolved on last year, if the Estimates of the Chancellor of the Exchequer had been correct, they might, with perfect justice, have insisted upon the immediate reduction of the tenth penny. He ventured to maintain, therefore, that, as far as the income tax was concerned, the right hon. Gentleman was simply calling upon them to be grateful for nothing at all, inasmuch as the tenth penny ought not to be in existence at the present moment. The amount of the income tax ought properly speaking to have stood at 9*d*. The reduction, if there was any reduction at all, ought to be from 9*d*. to 8*d*.; and the real issue which was raised by the Budget was not, as the right hon. Gentleman had artfully put it, whether they should treat direct and indirect taxation on the same impartial footing, reducing both *pari passu* whenever an opportunity occurred, but whether they were to maintain taxes which were imposed for the exceptional purposes of war at a rate which was oppressive and burdensome to the whole community, in order to abolish, in the interest of one class alone, an elastic and expanding source of revenue. That was the immediate issue raised by the Budget, and which so far simply as far as it affected the relative merits of tea and paper, had been decided on this day fortnight. But, beyond that, there was another and a far more serious question pending their decision, and it was this:—Were they, by giving their assent to the Budget in its present shape, to sanction the existing tendency towards a gradual but entire substitution of direct for indirect taxation? The time was gone by for entering into elaborate statistics with regard to the effect of former reductions of Customs and Excise duties. But he had been entirely unable to understand several of the arguments advanced by the other side of the House, and more especially by the right hon. Gentleman himself. He was utterly unable to understand why, if, as the right hon. Gentleman stated in the debate on the tea duties against the paper duties, the postponement of a reduction of taxation upon an article of consumption for a short period after the House had resolved on that reduction had the effect of causing a complete paralysis of trade, it should not have the same effect in the case of paper as in the case of tea. And he was also unable completely to understand why, if the effect of reducing a duty upon an article of consumption was virtually to maintain the price of that article to the consumer for years to come, they had been advocates for the last twenty years of the remission of indirect taxation. These were the main arguments in favour of the abolition of the paper duty as against that on tea, and such arguments, as far as he could see, went to establish the expediency of the abolition of direct taxation and the maintenance of the present system of indirect taxation. But if one point more than another had been made clear, not merely from previous experience, but from the arguments which had been adduced on both sides of the House in the course of the debate, it was that if they reduced the duty on any article of consumption, in a year or two, or a very few years at most, the increased consumption had the effect of restoring the balance of the revenue; whereas, if they entirely abolished the duty upon any article of Excise, even though they might partially benefit the trade which they proposed to relieve, years must elapse before the gap in the revenue was finally supplied. Another point which he thought had also been very clearly established was that, if they merely reduced a duty, in the event of a sudden emergency they could retrace their steps; but if they entirely abolished a duty, the Rubicon was fairly passed and retreat was impossible. They knew by sad experience the engine to which alone they could have recourse to meet a great deficiency. They were called upon by the Budget to maintain the income tax at what he had shown to be virtually an undiminished rate, to break faith with the country on the subject of the tea and sugar duties, and to abolish the paper duties. This year paper won the day as against dear tea and high income tax. But next year they would, in all probability, have the Chancellor of the Exchequer advocating, with all the force of his crushing rhetoric, the claims of the poor for cheap tea. The fight would be between cheap tea and high income tax, and it needed little foresight to predict that tea would win at the expense of the income tax. Thus they would progress year by year, cutting off one by one the indirect sources of revenue, and either creating a surplus by forced and unwarrantable reductions of the national expenditure, or repairing a deficiency by adding to the incubus of direct taxation, until at last the day would come when the weight of direct taxation would be too intolerable to be borne, and they would find too late that, in shifting the national burdens, they had arrested the progress of industry and driven the capital of the country to seek on a more friendly soil a safer investment.

As regarded the abstract question, he was perfectly willing to admit that the paper duty possessed many of the objectionable features of Excise duties in general. But that was not the point which was raised for their decision. All taxes were, after all, simply matters of comparison. Mr. Gregg, an able writer on the first principles of taxation, said—

> "All taxes are objectionable. Almost every tax we ever heard of is either inequitable in its nature, or fetters commerce, or stimulates to fraud, or is costly in the collection, or is irritating to the temper, or combines several or all of these objections. All that is left to us is a choice of evils. It is no sufficient reason, therefore, for rejecting or repealing a tax that it is open to one or more of the above charges."

In his own opinion the plain and simple question as to the Paper Duty was whether it was the tax the remission of which was most desired by the country, or the abolition of which would effect the greatest good in the country. They could have no better criterion on that point than the unanimity which existed among the trade which it was proposed to relieve. There were some taxes with regard to the remission of which those upon whom they were levied were perfectly unanimous. Those who were engaged in the cultivation of hops were perfectly unanimous on the subject of the repeal of the hop duties. If they went to any assembly of 400 or 500 farmers, and asked them what remission of taxation would confer the greatest benefit, they would answer with one accord, "A remission of the malt-tax." If the question between tea and paper were fairly put to the working classes, he was sure their answer would be equally unanimous in favour of a remission of the tea duty. But could it be said that the same amount of unanimity existed among those who were affected by the paper duty? Were the paper manufacturers unanimous for a remission of the duty? No; they were not. Were the booksellers? There was a strong party whose convictions were the other way. Were the stationers? If they were unanimous at all, they were unanimous for a retention of the duty. He had received a letter, which had probably also been put into the hands of other Members, from a stationer in a large way of business, in which he said—

> "I take the liberty to ask you to vote against the repeal of the paper duty. I am a stationer. I sell a good deal of paper, and am in the habit of meeting with many persons in the stationery trade, and we are all of opinion that the repeal of the duty would be an evil to us, and not any perceptible benefit to the public."

And he wound up by saying—

> "Myself and the persons employed here—about 70 hands—would hail with much satisfaction the repeal of the duties on tea and sugar."

He wanted to know where was the class which was unanimous for, or would be so greatly benefited by, a repeal of the paper duty. The hon. Member for Birmingham (Mr. Bright) and others had been eloquent on the case of the small paper manufacturers in the rural districts, whose mills were represented as virtually extinguished by the grinding tyranny and oppression of the Excise duty. He believed that if the paper duty were repealed to-morrow not a single small paper manufactory would start again into existence. What had virtually extinguished those small manufactories was not so much the grinding tyranny of the Excise duty as that gradual and inevitable law which directed the progress of machinery improvement, and gradually guided all the manufactures of the country into the hands of large capitalists. They might trace the operation of that not only in the manufacturing districts, but in the most improving agricultural provinces, in the consolidation of small farms and the gradual extinction of small farmers. It was to be observed in England and France in the gradual removal of the manufactures of linen and silk from the rural districts, and in the advice which had recently been given by the French Government to the papermakers of Brittany, Auvergne, and elsewhere, to give up their small factories and to concentrate their capital on large undertakings. He believed that nine out of ten papermakers would declare that it was not the pressure of the Excise duty which had produced the present depression of their trade, but the conduct of those who, when engaged in the negotiation of that famous reciprocity treaty, chose to leave them exposed to unlimited competition with foreign manufacturers, and though they might have made what terms they pleased with the French Government neglected to make any stipulation whatever towards relieving from an almost prohibitory duty on what was their best and almost their only raw material. Of all the fallacies connected with the subject the greatest was the idea that the repeal of the paper duty would afford great encouragement to the cultivation of flax and would open up a market for agricultural refuse. Flax was an exceedingly exhausting crop, and there were few parts of England where the soil was specially adapted for its cultivation. Even if it were to be generally grown, it could not be turned to much account without costly machinery and more extensive means of transport than were usually to be found in a rural district. It was a positive fact, that almost every experiment that had been made with a view to utilizing agricultural refuse had been a signal failure. A company was started a few years ago in the neighbourhood of Peterborough for the manufacture of paper out of twitch; a large capital was subscribed and laid out in expensive machinery, but the undertaking had proved such a complete failure that the original £10 shares were now selling at the somewhat reduced price of 2*s*. 6*d*. In conclusion, let him (Mr. DuCane) be allowed to observe that, in his opinion, the case for the retention of the paper duty was even stronger than last Session, because every year added to the weight of that obligation to reduce the taxes which were fixed at a high rate for the exceptional purposes of war, to which nearly all the Members of the present Cabinet were substantially committed long before the vague and shadowy paper Resolution was passed. That was a strong reason last year, but it is stronger by far this year, when the people were suffering from a bad harvest, and the commodities on which these taxes were levied were at once the necessaries and the luxuries of the whole mass of the labouring community. He must confess that the dislike with which he viewed this feature of the Budget was only equalled by his extreme regret. He regretted the more because he could not but see that it was intended as a peace offering and a salve to the wounded feelings of a certain section of extreme politicians, whose dangerous influence on the constitutional and financial policy of the country he had fondly hoped was slightly on the decline. He viewed in that concession at the present moment a step towards that system of financial confiscation the broad outline of which was given with all the touches of the master artist in certain almost forgotten Liverpool and Birmingham manifestoes. It was now some eight years since an able writer, to whom he had already alluded in the course of the debate, uttered the following words of warning against the tendency which was even then manifested towards the repeal of taxes for mere hustings popularity:—

> "It is essential to our future safety and good government that all leaders of public opinion, whether in Parliament or in the press, should take a deliberate view of the solemn responsibilities attached to their position, and, warned by indications of the dangerous tendency of an opposite course, should resolve to abstain in future—whatever temporary triumph they may have to forego—from arousing that 'ignorant impatience of taxation,' which, if carried much further and persevered in much longer, bids fair to end in rendering the wise and safe administration of this great Empire a task almost impossible. . . . Already it is difficult to maintain inviolate sources of revenue which every man, with the slightest insight into public business, knows to be perfectly indispensable. Already, on more than one occasion, legislators whose class-sympathies overpowered their sense of imperial necessities, or whose thirst for popularity was stimulated by an approaching dissolution, have voted the repeal of taxes which it was impossible to spare, and have been compelled to rescind the idle and disreputable vote."

More than eight years had now elapsed since those words were written, and he thought that they not inaptly pointed the moral and adorned the tale of their present financial position. He trusted that they would have the courage and foresight to do for themselves this year what they left last year to the courage and foresight of others to do elsewhere—correct the evils of a Budget based on principles of party, and not calculated to satisfy the just expectations of the people of the country. He trusted that the House would take warning even at the eleventh hour by those words, and save themselves from the pitfall on the brink of which they were now standing.

SIR WILLIAM HEATHCOTE said, he did not rise to dispute the financial considerations which had been so ably submitted to them by the hon. Gentleman who had just sat down, because he confessed that, after the best consideration he had been able to give to the subject, he was confirmed in the view which he had taken of the question a fortnight before. On a fair comparison of the relative claims of tea and paper, he still felt the Budget was not so safe as it would have been if framed on the principles urged by Gentlemen on his side of the House. But the present debate had gone for the most part on different considerations—on the relations between that House and the House of Lords. As he had the misfortune of differing from several Gentlemen who had spoken, he wished to take that opportunity of stating his opinion on that part of the subject, and he felt bound to say that he saw nothing unconstitutional in the form of the Bill. He was emboldened to make that assertion by the fact that his right hon. Friend the Member for the University of Cambridge (Mr. Walpole), who was absent from indisposition, took the same view. If that right hon. Gentleman had been present he should have rested content to leave to him the expression of that opinion; but as he (Mr. Walpole) was unfortunately suffering from indisposition, which disabled him from addressing the House, it became necessary for him (Sir William Heathcote) to express the opinion in favour of which he was enabled to claim the high authority of his right hon. Friend. The question appeared to him to be one which ought to be considered judicially, and, therefore, without reference to party considerations, he must state his opinion that the course adopted by Her Majesty's Government with regard to the Bill was quite in accordance with Parliamentary rules and regulations. Having had the honour to serve upon the Committee which was appointed last Session to consider the precedents and to advise the House as to the rights and duties in reference to money Bills of the Houses of Lords and Commons respectively, he came to the conclusion, which was afterwards so ably enforced by the noble Lord at the head of the Government, that the House of Lords had, in rejecting the Bill for the repeal of the duty on paper, only exercised a legitimate portion of their authority; but the facts which were ascertained by that Committee left upon his mind an impression as distinct of the rights of the House of Commons, to maintain which he was as determined as he had been to respect those of the House of Lords. The decision of the question now at issue turned upon the construction to be placed upon a Resolution passed by the Lords in December 1702, and acquiesced in by the Commons from that time to this, that no matter should be tacked to a Bill of Aid or Supply which was not connected with the subject-matter of Supply. A body of precedents showed how that rule had been understood by both Houses. Its interpretation is to be found in the usage of the House of Commons, acquiesced in by the House of Lords, as being in accordance with their Resolution; and this usage has been, on the one hand, to abstain from combining in one Bill with Aid and Supply anything not in *pari materiâ*; and, on the other hand, to combine without scruple in one Bill various kinds of Aid and Supply, and even enactments in reference to them so different in character from each other as the repeal of existing, and the imposition of new taxes. It is said, indeed, that modern usage has been so far different as that it has become common to find each tax dealt with in a separate Bill, and it is inferred that this separation expresses the correct interpretation of the Resolution of the House of Lords against tacking. But the answer to this is two-fold. First that the earlier precedents are of greater value than the recent, from the very fact of their having occurred while the jealousies between the two Houses insured watchfulness. It may be safely assumed that such a combination of different matters in one Bill, as the Lords did not consider to be an unparliamentary tack, when they were most on their guard against encroachment, and when they best remembered and understood their own meaning in their Resolution, ought not to be considered such in modern times, merely because it may have been intermitted for a time. Secondly, that the modern precedents do not really lead to the inference which is sought from them. If, indeed, the variation had been in the other direction, and subjects not *in pari materiâ* had been habitually tacked to Supply Bills; the argument, as against the Lords, and in proof of the modification of their Resolution, would have been strong, indeed, for their acquiescence in such adverse action of the other House. But that the House of Commons should, at their own pleasure, and under no pressure from the Lords vary their mode of action, and even habitually deal with only one duty in a Bill, leads to no inference of increased strictness in the rule against tacking, with reference to the House of Lords, but only to one in favour of the existence of some reason operating within the House of Commons itself; and this reason is not far to seek. Originally many taxes were granted annually, and in those times duties of the most different kinds were dealt with in the same Bill, but by degrees a system was introduced of voting taxes permanently instead of annually, until there was only the duty on sugar which had to be imposed every year, and thus the Supply

Bills became gradually of a much more simple character, and, finally, the sugar duty also became permanent. If hon. Members would look to what had occurred during the last century and the beginning of the present one they would find that the first duties of Customs and Excise, before there existed an income tax, were dealt with in one Bill, then a tax in the nature of an income tax upon pensions and offices was combined with Customs and Excise in one Bill. Nay, further they would find that at various times different taxes were repealed, imposed, or modified, all by the same measure, and under the preamble of a Bill of Supply. The Bill in which Mr. Pitt first imposed the income tax was a repealing as well as an enacting Bill, because it repealed assessed taxes to a heavy amount, which he had previously imposed. The famous Budget of the same statesman which followed the conclusion of the French Treaty, which had no less than four objects—the consolidation, repeal, and imposition of duties, and the giving effect to the Treaty with France, all combined in one Bill will be in the recollection of all the House; but it is important to refer to it because in that case, his mode of proceeding was questioned in both Houses. In the House of Commons an objection was raised, and the course taken on that occasion was that which ought to have been adopted now if objection to the form of the Bill was to be taken at all—namely, that of moving an Instruction to the Committee to divide the Bill into two Bills. That was not, however, done on behalf of the privileges of the House of Lords, but was suggested by friends of Mr. Pitt and supporters of all parts of his measure, as being for the convenience of the House of Commons. That was fully debated and negatived. The Bill went up to the House of Lords, and there the question was distinctly raised by Lord Carlisle, as to whether the introduction of the measure in that form was not a violation of the privileges of that House as defined by the Resolution of 1702, and subsequent usage? It was debated, and was decided in the negative. There are many other precedents, but those which he had cited were enough to show that the only consideration by which that House need be guided as to the combination or separation of duties in a Bill of Supply was regard to its own convenience. That convenience would vary with the circumstances of each year.

The circumstances of last year were very different from those of this. Last year there was a great dispute whether the Government was not throwing away a vast amount of revenue, the raising of which had been rendered necessary by circumstances which had occurred since the introduction of the Budget. The House of Commons felt that argument to be so strong that they passed the Bill for the repeal of the paper duty by a narrow and, he suspected, an unwilling majority. The House of Lords acted upon that ground, and, without reference to the question between the two Houses, with which the country did not much concern itself. The general opinion was that the decision of the Lords was in substance right. But in this year the House of Commons had decided that a certain amount of taxation could be spared by a vote which must be taken as unanimous, inasmuch as those who voted on opposite sides for the reduction of different duties alike agreed in the recognition of the surplus. If, therefore, they sent up to the House of Lords a Bill dealing with a surplus unanimously admitted by the House of Commons, the House of Lords might think them wrong as to the particular tax proposed to be remitted, with which opinion, he was bound to say, his own perfectly coincided—but they could hardly regard it as any slight upon them that the measure should go before them in its present shape. He disclaimed any concurrence in the proposals of the Budget, against which he had indeed voted, but the House having decided by a majority to adopt it, he had to consider only the mode in which it was to be submitted to the other House. Upon that point he had no hesitation in saying that he did not view the proposed measure as calculated in any way to trench on the privileges of the House of Lords.

General PEEL (who was indistinctly heard) said, that a great portion of the debate on the second reading of the Bill had turned on a supposed invasion of the privileges of that House by the House of Lords. His belief was that the privileges of the House of Commons were in far greater danger from an attack from within than from an attack from without. It had been laid down that if the Chancellor of the Exchequer assumed that he had a surplus it was the duty of the House to accept that statement without inquiry. Now, he said that by doing so the House would not only be abandoning a privilege, but neglecting a duty. It was their duty in his opinion to inquire most strictly into the financial statements of the Chancellor of the Exchequer; and past experience of what had taken place in that House would not bear them out in abstaining from such inquiries. What, for instance, had happened with respect to the previous Budget? He had been astonished at the triumphant tone adopted by the right hon. Gentleman the Chancellor of the Exchequer in bringing forward his last Budget. The right hon. Gentleman had appealed to them to know what had become of those prophets who had predicted a deficiency. What had become of them? Why, their predictions had been verified to the very letter. The right hon. Gentleman appeared to have forgotten the period when those prophecies were made, and what had occurred since. When the previous Budget was introduced he had himself ventured to doubt the accuracy of the Estimates for military expenditure, particularly as connected with the war in China. The right hon. Gentleman said that there was then no war in China—that it was a mere armed expedition intended to carry out the treaty. But, call it by what name they pleased, the £500,000 first asked for had been spent upon it, and if there had been no war in China it would have been equally necessary to come to that House for a Vote. The right hon. Gentleman afterwards asked for a Vote of Credit for £3,800,000, a portion of which had nothing whatever to do with the war in China, and which ought to have been known and provided for at the time the Budget was brought forward. Besides that, the right hon. Gentleman had the paper duty forced upon him, contrary to his own wish; and yet, with all that extra revenue, there was an excess of expenditure over income to the amount of something like £2,500,000. If that was not a deficiency sufficient to satisfy the right hon. Gentleman, he must be very difficult indeed to please. It was not to be supposed that, if they had this year a revenue equal to that of last year, which was calculated to meet a war expenditure, there would be another deficit; but it was to have been expected that the right hon. Gentleman would have provided for the payment of some of the debts which had been incurred last year before he sought to extinguish permanent sources of taxation. No doubt the right hon. Gentleman the Chancellor of the Exchequer had better means of calculating the probable revenue than other hon. Members; and the question as to the mode of appropriating the anticipated surplus had already been decided by the House. But it was obvious to everybody that the reality of that surplus would depend quite as much upon the actual expenditure as upon the revenue itself. He wished, therefore, to call attention to one or two points not hitherto touched, and on which he hoped the right hon. Gentleman would afford some explanation. And, first, he had to notice a very great omission, not only in the present financial statement, but in the Budgets of all Chancellors of the Exchequer—namely, the absence of any reference to the state of the accounts between the Indian and the British Governments. It might be said the Government were not yet able to give correct information on that subject, but, surely, the accounts for the Persian expedition and the former Chinese war might by that time have been ready to be produced. It was the more important that the House should understand this matter, because the right hon. Gentleman had said he did not think it necessary to provide for any charge the payment of which would not fall within the year; and he had admitted that in bringing forward his Budget for last year he had not provided for a large claim made by the Indian Government, although a Committee of that House had pointed out that it was not proper to carry on war with China at the expense of the Indian revenue. True, it might neither be wise nor just to add to the taxation of the country for the purpose of meeting a claim which might not fall within the year; but, if there was such a charge in existence, the House ought to be made fully and fairly acquainted with it. He could not expect the right hon. Gentleman, without receiving previous notice, to enter into all the accounts now open between the Indian and British Governments; but, perhaps, some information would be afforded the House as to the state of the accounts between those two Governments in respect of the recent Chinese war. The right hon. Gentleman had told them that of the Vote of £3,800,000 about £800,000 was unexpended, but that there were claims which would nearly come up to that amount. The right hon. Gentleman also told them in March that the Indian Government had been paid £1,111,000. Now, he wanted to know whether any other sum paid to the Indian Government was included in the

£3,000,000 of the Vote of Credit which had been expended upon the recent Chinese war? He also wished to learn what was the estimated charge due from the British Government to the Indian Government, on account of that war. He further desired to know whether, in the anticipated claims, amounting to about the sum of 800,000, credit had been given for any excess of expenditure over the money voted for the ordinary Estimates of the year. Because he must give the right hon. Gentleman fair notice, as he had done last year, that in Votes 2, 3, 4, 9, and 10, for the army, there would be an excess of expenditure over the Estimates voted by Parliament. The effective British establishment for 1860-61 was 142,000 men, and the money voted in the Estimates was £7,479,000. Comparing that with the actual expenditure of the previous year, or with the estimated expenditure for this year, there would be a deficiency of upwards of £200,000. Reckoning the cost of their effective establishment at £54 4*s*. 7*d*., the usual rate, per man, the sum required would be £7,700,000, which would leave a deficiency of about £220,000. They had commenced the year with 3,000 or 4,000 more men than they had taken money to pay for. The hon. Under Secretary for War said he did not believe that any troops would be sent to China for whom provision had not been made in the Estimates, and yet within a month after making that statement a Vote of Credit for a million was taken to provide for expenses which it had been stated were already provided for. There was another point of expenditure to which he desired to call attention. He had pointed out to the hon. Under Secretary for War that the Indian Government would be entitled to repayment of £17 for every man whom they sent home in excess of the establishment. The hon. Gentleman then said that an arrangement had been come to between the Home and the Indian Government, and that no more payments on that account would be made. He (General Peel) gave notice of an address for the production of the terms of the arrangement, but he found that they could not be given, as the matter was not then concluded, but was still under consideration, and in any case could not take effect until May 1. It was obvious, therefore, that the Indian Government was entitled to repayments for all troops sent to China and sent home up to that date. He made these remarks, not because he wished to cast doubt upon the existence of a surplus, but to throw upon the Government the responsibility of the surplus, and that the House might not be told at some future time that unforeseen charges had come upon the Exchequer. He had pointed out these matters to the right hon. Gentleman, who he trusted would give the House some explanations concerning them.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have listened with great satisfaction to some of the statements of my right hon. and gallant Friend. My right hon. and gallant Friend commenced by saying that the surplus—that is, the prospective estimate of a surplus, must be assumed as a matter of fact for the guidance of the proceedings of this House. He has, likewise, given his assent to the principle which it has been my duty to lay down, which, although it has been received by some hon. Gentlemen as though it were an unheard-of novelty, is really little more than a financial truism—that it is the duty of the Chancellor of the Exchequer to make provision during the year of the charges becoming payable during the year, and it is his duty to make provision for no more than those charges. And my right hon. and gallant Friend also said, with candour and fairness, that he does not dispute the application of the surplus because he considered that that had been settled by the vote of the House. Then he asked me certain questions as to military charges, which I will notice in detail. My right hon. and gallant Friend says, and I agree with him, that it is a great evil that we should have from time to time to deal with unclosed accounts involving very large sums between the Indian and the British Governments. He knows well from his own experience that the reformation of a system of this kind is a matter that cannot be effected in a day or a year; nor will I undertake to say when the accounts between the two Governments for operations which have been carried on at a distance of 15,000 miles will be brought into such a state as shall be thoroughly satisfactory. All I have to observe in mitigation of his apprehensions upon the subject is that when I say that vast sums of money are involved in these accounts I do not say that all these sums are in the nature of unsettled claims; on the contrary, the balances of accounts that may be brought out may be comparatively small, although the accounts themselves may be very large.

Moreover, I ventured to say, and I repeat now, that, as far as I am able to give information, there never was or rarely has been a time when the state of those accounts has been more favourable to the British as compared with the Indian Government than at present. Now, as to the particular questions of my right hon. Friend, I find, from reference to the accounts of the revenue, that no further claims have been paid to the Indian Government since April 1, nor has any payment been made within that period under the head of the Vote of Credit for China. Therefore, as far as I can say, without reference to any one, my impression is that the payments to the Indian Government stand where they did at the time when I stated them at between £1,100,000 and £1,200,000. That statement included payments which had been ordered at the time, but which, as I am informed, were not made for a day or two after, but which are, nevertheless, included in it. My right hon. and gallant Friend also asked me whether any payments have been made on account of claims of the East Indian Government previous to the late China war? Yes, Sir; if I remember rightly, about £440,000, speaking in round numbers, was a claim provided for under the Vote of Credit in July last—a claim which my right hon. and gallant Friend says I must have been aware of in February, but which, as far as I can judge, I had no means of being aware of at that time, it being dependant upon a settlement of our accounts with others which were then, I imagine, dragging their slow length along, in a correspondence between India and Great Britain, and I had no means of knowing when it would fall due. I am not aware of any other payments, but I will not say absolutely that none have been made. My right hon. and gallant Friend challenges me as to the provision made for an excess of the army Votes, and states that, in his opinion, upon certain Votes there will be great excess. I must leave the explanations upon those points to my hon. Friend the Under Secretary for War, but I must take the liberty to make one remark. My right hon. and gallant Friend feels great apprehensions that the provision we have made for the public expenditure is very unsatisfactory, and will make a considerable inroad upon the surplus, and at the same time he gave his authority, and the weight of his name and example, in conjunction with 280 other Gentlemen, to take away from our surplus £285,000 more than we proposed. I think that proposition requires some explanation from my right hon. and gallant Friend when he next addresses us upon this subject.

I do not propose to enter now into any of the personal matters which have occurred in the course of this debate. Some of them, relating to myself, I think I shall do best to pass by. There are others—such as the impeachment by the right hon. Gentleman the Member for Buckinghamshire of what I said upon the subject of the public expenditure, and the former declarations by me as to tea and sugar—which I place in quite a different category. I think those are fair matters of attack and controversy, and it is only my respect for the House, and my unwillingness to occupy its time in personal explanations, that prevents me at the present moment from entering into those matters; but I will venture to state my conviction that I could well prove to the House, by recalling facts, that the declarations I made in 1857 on the subject of the tea and sugar duties are in entire accordance with what I have stated upon every subsequent occasion. I pass that by for the present, however, as a matter of personal controversy, which is not worthy the attention of the House. I feel it my duty to notice what is called the constitutional principle, because I cannot but feel that I have some especial responsibility as the Finance Minister for the plan of the Government now before the House, and for the particular mode of arrangement that has been adopted in presenting that plan. At the same time, I do not touch upon this question because any further argument is needed upon it, for let the House recollect how the weight of argument and authority runs. My hon. Friend and Colleague (Sir William Heathcote) having voted with hon. Gentlemen opposite upon the subject of the Budget, as a financial plan, has told us to-night, and has supported his opinion by reasoning, that he thinks the mode of presenting the financial scheme as a single measure, which we have adopted, is a sound and constitutional mode. He has, likewise, authoritatively informed us that he gives that opinion not only in his own name, but in that of his and my right hon. Friend the Member for Cambridge University (Mr. Walpole), whose sound judgment and calm mind must have the greatest weight in this case, because he was last year the chairman of the Committee which considered the subject, to which he applied himself with the greatest diligence. And, lastly, I am bound to say that we are acting upon the direct invitation and under the direct authority of the right hon. Gentleman himself and of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). I do not desire to quote nor to speak of that which is history, and I have not heard the right hon. Gentleman opposite forswear the opinions of last year. I am not surprised that issue has not been raised upon the other side, because if it had been so raised, and the course pursued by the Government is challenged, I should claim, and shall claim, the vote of the right hon. Gentleman the Member for Buckinghamshire. Nevertheless, I think it will be well to take more particular notice than has yet been taken of the propositions which were so clearly and so well laid down by the hon. and learned Gentleman the Member for Sligo (Mr. Macdonogh). I must say, with the opinion I entertain of the poverty and barrenness of materials which the hon. and learned Gentleman had at his command, I can the more conscientiously pay him a very sincere compliment for the manner in which he has handled these scanty materials. I have no doubt, he recollects, as we all recollect, with what inimitable skill, when the master of Ravenswood was in distress, Caleb Balderstone, having no provisions of any kind in the house, nevertheless, did undertake to serve without notice a first-rate banquet; and I do not think Caleb Balderstone himself could, either in diligence, in hearty goodwill, or in success, have surpassed the operation of the hon. and learned Gentleman. As he has dealt so fairly with the case, and has laid down his opinions in distinct propositions, I will endeavour to meet him with distinct propositions also. I concede to him, as has been done by my right hon. Friend the Member for Carlisle (Sir James Graham), his first proposition, that there is no instance upon record of a financial Bill rejected by the Lords being afterwards sent up and passed by them in a Bill of Supply. I make that concession freely and without reserve, but I call upon the hon. and learned Member for a reciprocal concession, that not only is there no instance, but there could not possibly be such an instance, because there never has been a case of rejection by the House of Lords of a financial Bill resembling in its essential characteristics the Bill for the Repeal of the Paper Duty. Passing from that, I do not think I need detain the House by discussing the question of tacking. In the early history of this country "tacking" was a common practice. When the House of Commons were weak, when their privileges were ill-established, they made use of it as a weapon, and perhaps in some sense and in those times as a legitimate weapon, of self-defence. Possibly it may be said that we retain a very faint relic of that state of things in the rule which still prevails, that when it is proposed to grant Supply to Her Majesty, or when the Motion is made to go into Committee of Ways and Means, any discussion, however irrelevant, may legitimately and conformably be raised by any Member of the House. On the general subject of "tacking" I think we entirely understand one another, and I make this concession to the hon. and learned Gentleman, that when Her Majesty's Government shall come down to the House and shall attach and append to a financial Bill some proposition with which it has but a slight and casual conformity, I hope he will be found in his place to expose so monstrous an attempt; and, no doubt, with the excellent case which he will have in his hands he will gain over us a very conspicuous triumph. But the proposition, as stated by my hon. and learned Friend, is, whether the question of joining proposals essentially homogeneous can, by any amount of ingenuity, or any amount of prejudice, be confounded with that which is essentially distinct, but which is the very point that is now at issue—namely, whether the proposals joined together are such as have no natural cohesion? Let me look at the cases cited by the hon. and learned Gentleman, because, although he has taken great pains, I do not think he has taken the trouble necessary to obtain a full mastery of the subject. It was not likely, I am afraid, that the hon. and learned Gentleman would have done me the honour to consult me on the best mode of ascertaining what had been the practice of the House of Commons with regard to the combination of financial subjects; but had he done so I should have been obliged to advise him to go through precisely the same process which I myself have undergone—namely, to look over the titles of all the statutes passed since the Restoration, and then, picking out those which have reference to finance, to observe for himself, from year to year, the component parts of those statutes. Though that operation is not an agreeable one I am quite certain that the hon. and learned Gentleman, if he had performed it, would not have made the speech which we heard from him. I will take his main propositions founded on the particular cases which he advanced. He quoted a case of 1676, where the effect of a vote of the House of Commons—before the Revolution—undoubtedly was to decide against the combination of a grant of money with an Appropriation Bill; and that was the first point which he laid down. I hold in my hand a list of no less than eighteen Acts of Parliament—the titles of which are at the service of the hon. and learned Gentleman—all of which are in the eighteenth century, since the Revolution, and every one of these combines grants of money with the appropriation of the Supplies of the year. So completely was the hon. and learned Gentleman misled by having—as he thought luckily, but as I think unluckily—hit upon an old case in which a Vote was passed contrary to the well-established practice of later times and more matured constitutional principle—that he has overlooked the crowd of cases which I do not doubt might be greatly enlarged, all of them going directly in the teeth of his own fundamental proposition. The 10th of Anne, cap. 36, begins by granting an augmentation of duties; goes on to grant new duties; then enacts various matters for the regulation of trade; and ends by appropriating the whole of the monies granted in that Session of Parliament. That disposes, I think, of the case of 1676, and the principle founded upon it. Then the hon. and learned Gentleman dwelt largely on another case, which I venture to think he had not sufficiently examined, and with respect to which he was evidently misled by the first aspect of the words which he read: I mean the case of 1807. I find another of the hon. and learned Gentleman's propositions was that you could not combine a grant of money in a taxing Bill with provisions dealing with Exchequer bills. The hon. and learned Gentleman found operations connected with Exchequer bills referred to, and naturally jumped to the conclusion that they were financial operations; he saw also that they were disconnected from the other portions of the measure, and that the Bill was reintroduced in a different shape, and he, accordingly, laid down that to combine operations in regard of Exchequer bills with taxes was a "tack" and could not be admitted. Here, again, I can only say the hon. and learned Gentleman is in the most distinct contradiction to the established practice of Parliament as shown by many Acts, with the list of whose titles I can supply him—the Act of the 8th of George the First is one of them—in which the granting of taxes is combined in the Act itself with full authority to levy Exchequer bills—that is to say, to contract debt on the part of the country. In the very interesting case of 1807, of which the hon. and learned Gentleman, if he will allow me to say so, has entirely mistaken the purport, a financial question of considerable magnitude was involved; namely, the attempt to combine certain provisions of a purely financial character with other provisions for removing doubts with reference to the legality of certain Exchequer Bonds. There are those in this country—there certainly is at least one noble Lord, with whom no small part of the merit and virtue of the British Constitution consists in those provisions of the law under which an independent authority at the head of the office of the Exchequer is established as a check on the financial proceedings of the Treasury. Be that important in the highest degree, or unimportant, it is no doubt capable of argument that such is in principle a very important control, and that, being established by law, any alteration of the law is not a financial matter. Now, the case which had arisen was this. Lord Granville, being invested on the part of the Exchequer with that responsible check on the Treasury, happened himself to become head of the Board of Treasury, and great doubt arose how far he, or any person authorized by him, could be permitted to sign Exchequer bills, which were issued from the Exchequer under the authority of the Treasury. The question raised was evidently one of law, if not of constitutional law, and was as distinct from finance, although it happened to touch on Exchequer bills, as if some man had been on his trial in a court of justice for forging Exchequer bills, which certainly would not have been a matter of finance. That is the true interpretation of the case of 1807. But the hon. and learned Gentleman laid down another principle, that you could not combine in one and the same Act of Supply the grant and repeal of taxes. There I meet him, in the first instance, by referring to the declaration made by the hon. and learned Gentleman (Mr. Rolt) who followed him on his own side of the House, and who examined the statutes for the first twenty years of the present century. Why the hon. and learned Member limited himself to so short a range I do not know, but I am satisfied with the result of his inquiry; for he discussed this question of the grant and repeal of taxes, and said that in the course of those twenty years he found eighteen or twenty cases in which taxes had been granted and repealed by the same Act. If the hon. and learned Gentleman, the Member for Sligo, wishes for particular cases they are very easily found. In point of fact, everything that is done by this Bill in the way of combination is entirely supported by precedent. But much more also is supported by precedent than is done in the way of combination by this Bill. I will give, first of all, to the hon. and learned Gentleman, certain cases where the granting and repealing taxes has been combined together in a Supply Bill. In 1695 there was a repeal of duties on coal, culm, and tonnage; other duties were granted in the same Act. In 1777 there was a grant of duties on servants and on glass, and there was a simultaneous repeal of another set of duties on glass and on certain persons and bodies corporate. In 1798 the great case occurred where Pitt repealed the assessed taxes and granted the income tax. In 1807 there was a repeal of duty, in Ireland, on beer and ale, together with a grant of various duties, showing a combination of the grant and repeal of taxes; and instances, I believe, might be multiplied almost without number. Let us look at two cases separated by 100 years to show the immense range over which this power of combination extends; and I must say I think there is great force in the doctrine of my hon. Friend, the Member for the University of Oxford (Sir William Heathcote), who says no precedent can possibly surpass in importance those drawn from the reign of Anne, following the reign of William, when the great contest as to the Irish forfeited estates had raged between the two Houses, and when the House of Lords, with a view to the legitimate defence of their privileges, found it convenient to adopt a standing order to prevent the practice of "tacking." At no time can you find a more exact criterion to determine what is and what is not objectionable in the combination of different provisions in a financial measure, as evidenced by the proceedings of both Houses. Here is a Bill of Supply of the 7th of Anne, cap. 8. The Bill begins by continuing—that is by granting—duties of a very important character, on wine, tobacco, and other articles; having done which, it goes on to repeal duties on the export of copper and brass wire; it next authorizes the issue of Exchequer bonds to the extent of £612,000; and, having thus dealt with the unfunded debt, it next touches the funded debt by authorizing a loan of £645,000 to be contracted; it then enacts various clauses of regulations into the details of which I need not enter; and it ends with appropriating all the monies given in that Session of Parliament. There is no one form of financial operation material either to revenue, expenditure, or to the contraction of debt, which is not compressed within the limit of that Act of Parliament, passed when the minds of men were still warm and fresh with the remembrance of conferences between the two Houses on the subject of "tacking," and on their respective jurisdictions in matters of finance. Well then, Sir, there is the other case, and it is the only other case with which I shall trouble the House. It is that to which reference was made by my right hon. Friend, the Member for Carlisle (Sir James Graham). It is most material to remember that we are not going to the extreme of our powers at all; we are doing what is required by the circumstances of the case, but stopping within the precedents of the good times of the Constitution. In 1808 an Act was passed that began by granting certain duties on malt, sugar, tobacco, and snuff. It repeals certain taxes on offices and pensions, and it regrants for the year certain of the duties that it had before repealed. The Act, therefore, combines granting, repealing, and granting anew. And that is not all. It combines duties of different departments of the State; it combines the duty on sugar, a great duty of Customs, with the duties on malt and tobacco, which were great duties of Excise —tobacco being then a duty of Excise. It combines the direct taxation of Customs' duties with the indirect taxation of Excise duties, and both with the direct taxes on pensions and offices. The precedent is positive on every point. It includes a combination of subjects, and proves that we might have introduced other points with entire consistency with former precedents. But it would have been a serious matter to lay down any precedent in this case that might hereafter have worn the character of innovation. At the same time, while I think the proof is complete and absolute—and I do not think there is a single case mentioned by the hon. and learned Gentleman which amounts to more than this, which no one disputes, that this course of combination has been variously pursued according to the circumstances of the times—while we speak so much of precedent we must not shrink from a consideration of the principles involved in the measure. A respect for precedent is idle and unimportant, unless some rational object must be kept in view. I think the remark of the right hon. Member for Bucks last year was wise and irrefragably sound when he said that the method of presenting different propositions to the House at the same time was distinctly for the advantage of the House of Commons. It is impossible to conceive a closer tie than that which unites these various items, for they are nothing but items in the same sum, and the constituent Members of one account, some standing on one side and others on the other. And, I say, the advantage has been shown first of all in the fact that last year it was found necessary to combine in one Motion things that were separate from the proposals of the Government—I allude to the Motion of the hon. Member for Somersetshire (Sir William Miles)—and, secondly, by the fact that this year it is open to any Gentleman opposite to make his choice from the series of Resolutions which are submitted to the House—a privilege to which all are entitled—and to select the point on which he will make his attack. It is only right that the Opposition should have that advantage, and I believe that the mode pursued by the Government is the best calculated to secure it, as the right hon. Gentleman the Member for Buckinghamshire most properly urged last year that it would be. But undoubtedly there is more in the case than this. I am not about to enter into any discussion as to the nature of the proceedings taken in the House of Lords last year. I have heard several hon. Gentlemen on the other side of the House express their gratitude to the House of Lords for the course they adopted, and really I must say that in this bad and imperfect world gratitude so disinterested is a sentiment at once so ennobling and so rare that I should be exceedingly loath—I could not find in my heart to interfere with its expression. But I can excuse myself on that ground and on other grounds for not referring to the conduct of the House of Lords. I do nothing except discuss, not the privileges merely, but the duties of the House of Commons. Let me state in a few words the whole question is really this, and it arises out of the Resolutions passed by the House last year. Because the first Resolution proposed by my noble Friend at the head of the Government was, "That the right of the granting aids and Supplies is in the Commons alone as an essential part of their constitution." It is not only inherent in them, but it inheres in them in such a manner that they cannot part, "and the limitation of all such grants as to matter, manner, measure, and time is only in them." Now, let us pay due attention to the words "as to time is only in them." Public convenience, and considerations of expediency connected with trade and commerce of the country, have led to the practice of passing permanent Acts; and the doctrine laid down is this, when once the House of Commons has committed itself by passing a permanent Act, it has entirely foregone and surrendered its power of limitation which it unanimously asserted last year—its power of limitation of aids and Supplies to the Crown in respect of time. We are told that it has then made a grant for ever, that it has alienated the privilege which by a prior part of that Resolution we declare to inhere in us as an essential part of our Constitution. Then, if that be so, it is quite clear that the House of Commons stands seriously maimed; and the question arises whether it will not be for the House of Commons to resume those powers which they have declared to belong to them—to resume—of course, in a regular and constitutional manner—the exercise of powers which they still possess, and which they declare to belong to them, in such a manner as to be in their nature entire and inalienable. If you look at the matter practically, what is it? The question at issue—if any issue is to be raised as to which as yet we have not been informed—the question is, whether it is to remain in the hands of the House of Commons alone to adjust the income and charges of the year? Now, Sir, the doctrine upon which all our financial proceedings, until last year, have been founded, has been this:—That it has been the exclusive right, and not the exclusive right only, but the exclusive duty and exclusive burden of the House of Commons. Is this charge capable of being divided between the two Houses of Legislature? Is such a course practicable? Can it lead to anything but mischief or confusion? I consent to look at it merely in the utilitarian point of view, and I make no appeal to the spirit of the House of Commons and its sense of duty of preserving the privileges it has inherited. But is it practicable that you can bring two separate, distinct, and individual bodies, each of them to exercise separate judgments on the separate parts of the financial scheme of the year, and yet not lead to utter confusion and absurdity as the result? The consequence of it would be, that whereas the finance of this country has upon the whole been creditably distinguished from that of other countries, and consequently the credit of the country has been raised to a height never known in other countries, so, on the contrary, all those benefits would be lost, and we should be compelled by utter extremity, in consequence of the surrender of our rights and the abandonment of our duties—to return to the ancient system which we so rashly gave up. This is a point which, I think, is well worthy of the consideration of the House. It is said on all hands that the House of Lords do not claim the power of amendment. That is commonly stated, but is not literally true. The House of Lords has never given this up—and I must say I think they are perfectly right in declining to record against themselves this limitation of their privileges. Because cases might arises in which, from the illegitimate incorporation of elements not financial into financial measures, it might be wise and just to fall back on an assertion of the whole breadth of their privileges. I believe I am strictly correct in saying that the House of Lords have never abandoned, by any corporate act of their own, that which can bring them the right of making Amendments in a financial measure. But though the House of Lords have not abandoned it, speakers in the House of Lords, the authorities in the House of Lords and the representatives of it have; and they admit that the power of amending the financial measures of the House of Commons is a power which they do not hold. What I have to say is this: In my opinion the House of Commons would be very much safer if the House of Lords did claim and exercise the power of amendment than it would be if, without recognizing that power of amendment, it continued to send up its finances piecemeal. Why, what is the case? Suppose the House of Lords made an Amendment in this Bill for imposing duties. It comes back to us, and we have the power of taking our own course. But if, on the contrary, we strip the Bill into shreds and patches, and send it up to them in so many pieces, how do we stand? Not only do the House of Lords revise our legislation—that it could do by its power of Amendment—but it revises without appeal, and it is not simply that our finance is not passed into law, but something else is passed, and we remain, so far as the Bills are concerned, without remedy or redress. Therefore, it seems to me this is a matter of very grave consequence, but one on which there ought to be no misunderstanding and doubt in the House. Do we or do we not claim the right and duty of granting aids and Supplies to the Crown, or, in modern language, of adjusting income and charge as a right pertaining to us and to us exclusively? If we do claim it, I must say it seems to me that the course adopted by the Government, besides being by far the most convenient for freedom of discussion in the House of Commons is, likewise, the most advantageous, and, let me add, the most respectful and considerate mode we can adopt with regard to the House of Lords. If we do not claim it, then I hope some hon. Gentleman will move to rescind the Resolution that we passed last year. Either of those courses is perfectly legitimate and intelligible — I will not say consistent, but legal. And as the hon. and learned Member for Sligo was not a Member of the House which passed that Resolution, it is perfectly fair in point of consistency for him to give notice of a Motion to remove that Resolution from the journals for something of an opposite character. But what I hope will not be done is to flinch from declaring plainly what is meant, and to take small objections to the plan of the Government, and to speak in vague and general terms of the valued privileges of the other House of Parliament, which I admit are as sacred and, I believe, as important to the balance of the Constitution as are our own. I can draw no distinction between them in point of importance. The powers of this House must remain greater than those of the House of Lords; but I believe the infringement of the privileges of the House of Lords or their functions would be as fatal to the balance of the Constitution as would be the loss of the privileges of this House itself. But do not let us resort to mere vague declamation on this subject. Let us know what we are about. As I understand this Bill it is one which, without being intended in any manner to rouse even the recollection of any irritating question, is intended, and is also calculated, to give the House of Commons security in the possession of those powers which are absolutely necessary for the discharge of one of its primary duties. That, I think, is a fair description—at least so far as I am concerned—of what I take to be the meaning and object of this Bill. Do let us have a similar description of what is intended by those who object to it. Do let us know what you mean when you say there is no distinction between matters of general legislation and finance, and that it is as much the duty of the House of Lords to revise and alter the financial legislation of the House of Commons as it is for them to revise and alter any common Act of Parliament. That is the question. That would be a mode of proceeding which would enable us to know what we are about. Because, I must observe, that, except my hon. Friend the Member for Stroud (Mr. Horsman)—who certainly excited, I believe, great sentiments of satisfaction in those who entertained the same opinions, but who had not the courage to speak them — except my right hon. Friend the Member for Stroud, there was not a man in the House of Commons who, during the discussions of last year, laid down that doctrine, or who questioned that it was the exclusive duty of the House of Commons to regulate the income and charges of the country. They contended, and so far in the strict course of truth, that the House of Lords exercised their right in a constitutional manner. But the right hon. Gentleman the Member for Stroud says of this Budget, as he has said of many other things, that it finds no favour in his eyes, and, in addition to its demerits, he says it is a mortal stab at the Constitution. I want to know to what Constitution does it give a mortal stab? In my opinion it gives no mortal stab, and no stab at all. But, on the contrary, so far as it alters anything in the most recent practice, it alters in the direction of restoring that good old Constitution which took its root in Saxon times, which grew under the Platagenets, which endured the hard rule of the Tudors, and resisted the aggressions of the Stuarts, and which has now come to such perfect maturity under the rule of the House of Brunswick. I think that is the Constitution, if I may presume to say so, which it will affect, and which will be all the better for the operation. The Constitution laid down by my right hon. Friend began with this—"There is to be a division of function and office"—if I understood him rightly, and if not he will correct me—"between the House of Commons and the House of Lords with regard to fixing the income and charge of the country from year to year, both being equally responsible," which simply means that neither will be responsible at all. Now, so far as that Constitution is concerned, with great respect for the abilities and candour and ingenuity of my right hon. Friend, I think the sooner it receives a mortal stab the better. I say, then, that, in point of form, the Bill which has been presented by the Government to the House is perfectly correct; and I cannot conclude without expressing my full conviction that, both in numbers and authority, it will be found to have the very general assent and approval of the House. I am convinced, likewise, that it is not less likely to receive the approval of the country. Nor do I speak of a merely temporary and passing favour, for I believe it will be approved by its deliberate judgment as being conducive to its best and permanent interests, and as being a proposal and a plan conceived in the very spirit of the Constitution.

Mr. HORSMAN: Sir, my right hon. Friend the Chancellor of the Exchequer commenced his speech by saying that as the Minister of Finance the House would hold him peculiarly responsible for the proceeding now before us, and he rose early in the discussion to vindicate himself from that responsibility. Now, I must say for myself that I think my right hon. Friend on this occasion stands clearer than any man on the Treasury bench. I attach to him no new and peculiar responsibility. On the contrary, I hold his position to be very different from that of the majority of his colleagues or of this House, because last year when the Resolutions were before the House there was an almost unanimous agreement in the speech of the noble Lord the First Minister of the Crown, while the right hon. Gentleman the Chancellor of the Exchequer very openly and honestly stated to us that he only accepted those Resolutions under certain conditions, the principal of which was that he reserved to himself the right of future action, of which this measure is the first expression. Therefore, I am not prepared to cast on my right hon. Friend any exclusive blame for the course he now proposes to adopt. With regard to the speech he has just made, I have only one objection —that he narrows this question to an issue on which I cannot consent to fight it. It is not a question of mere precedents. No doubt, if this House chose, for reasons satisfactory to itself, whether sufficient or insufficient, to alter its latest forms of practice and send all the finance of the year to the Lords in one Bill, abundant precedents might be found for such a proceeding; just as if the Lords chose to exercise their extreme right and reject all the finance measures of the Commons ample precedents might be found for such a course. [Mr. Bright: No!] If it were a matter of precedents between the two Houses, it is very difficult to say on which side the precedents would be most abundant. But it is not so much a question of past precedent as of present policy. The right hon. and learned Member for Dublin University (Mr. Whiteside) put the question on its true grounds in one of our early discussions when he asked this plain short question, "Last year you sent up your finance measures to the Lords in two Bills; why this year in one?" Thus bringing the two years together and fixing the date of the change he discovered the motive of the change; namely, that very proceeding which my right hon. Friend the Chancellor of the Exchequer says he will not make matter of argument. It is no use telling us what precedents were established ten, twenty, or fifty years ago. We knew of them all last year, and, with all of them before us, we sent up our finance measures in two Bills. It is obvious, therefore, that it is not the precedents that suggest the motive; but there is a motive that seeks and finds the precedent as a justification for some predetermined necessity. What is that necessity? It is to cripple and limit the functions of the Lords in matters of finance. Whence does that necessity arise? From the proceedings of last year. The Chancellor of the Exchequer does not disguise the fact. He stated that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) was now bound to vote in accordance with the opinion he expressed last year, leaving out of view changes in circumstances, which proved the most material element in his judgment. It is quite obvious that the new form has been adopted because of our finance miscarrying last year in the Lords. It is to correct something that then went amiss that we take precautions against the recurrence of that mischance; but every one in the House knows that what this Bill corrects in the past, what it prohibits in the future, it virtually condemns as wrong; and the Bill has so far a retrospective character that indirectly it reverses that judgment which the House did not venture to impugn last year, and so, under the plea of improving our forms of practice, it in reality passes a censure upon the past proceeding of the House of Lords. Now, this motive of the change being undenied and undeniable, common sense and common reason suggest to us that we should limit our discussion to an inquiry into this one point — was there anything in the proceeding of the Lords to necessitate at this time a new practice in the Commons? I will step by step follow the Chancellor of the Exchequer through his argument upon the subject. The constitutional right of the Lords it is not necessary to discuss. That was settled last year by the Committee, and, undoubtedly, in its collective capacity, the House must abide by the decision of that Committee. It is said we must restrain that right — in fact, abolish it. Why? Because by doing so we bring our practice into conformity with past precedent. But does that bring it into conformity, not with precedent, but with principle? Precedents are mere pedantry when not vindicated by principle. And the House must have observed with some surprise that after four speeches from constitutional authorities delivered in this debate—two on Monday night by the noble Lord the Member for the City (Lord John Russell), and the right hon. Gentleman the Member for Carlisle (Sir James Graham), and two this evening by the two Members for the University of Oxford; and, although they have contrived to involve us in a mass of precedents, of technicalities, of contradictory rules, of theories constantly set aside by practice, of constitutional anomalies and perplexities and double readings; and yet, from first to last, there was not one word of those speeches addressed to the great principle on which the relations of the two Houses to each other were established, and which in the difficulties created by the new circumstances of our day, must be the only light and compass by which a technicality-bewildered House of Commons can safely steer. My right hon. Friend has referred to the opinions which I expressed last year upon the conduct of the Lords. He misunderstood them, and I will show how. Though I have been challenged by so many distinguished speakers in this debate, I do not think it necessary now to reargue the questions which were discussed at such length, and which, as I thought, were exhausted last year. At the same time, I will reaffirm my belief that it is the bounden duty of the House to consider at every step of this proceeding, not merely whether it be in conformity with the past, but still more that which the hon. Baronet (Sir William Heathcote) said was the vital question—its effect and bearing on the future. Now, I will state very shortly—and I will do so only because reference has been so frequently made to what I said last year—the principles which I then ventured to urge, and by which I am now still prepared to abide. Every one admits that of all the questions we can discuss the relations between the three Estates is the one which requires the greatest thought and the tenderest care to act in the spirit of the Constitution. Every one admits that the very essence of the mode of Government in England is the rule by three coordinate Estates, each discharging its own special functions, each performing a duty which the others cannot perform, and each balancing and limiting the other. This has been the Government of England for centuries. England has never been governed by a single force. The Barons checked the Crown, and prevented it from becoming absolute. My right hon. Friend referred to the Plantagenets and the Tudors, but he knows that the Plantagenets and the Tudors were never able to seize arbitrary power. The Barons, and after the Revolution, the great families became the strongest element in the State. Since then we have seen the gradual growth of the predominance of the Commons, and it is the inordinate extension of this new and growing power against which precautions and securities are needed. Everybody knows, and no one better than my hon. Friend behind me (Mr. Bright), the baneful and blighting effects of an autocracy, or an exclusive aristocracy. But, if there be one lesson more than another which we learn from all history, it is this—that the single rule of a popular assembly is both tyrannical and transitory. The Government of a single chamber has never been able to last long, and for a very obvious reason—because a single assembly, uncontrolled by any other independent power, soon breaks through all restraints. All forms of proceeding—standing orders, rules of practice, authorities, precedents all are swept away by the exciting passions and interests of the day. There is no institution known in history which is so entirely irresponsible. It is worse even than an avowed despotism, and for the same reason it is the most shortlived of all institutions. These are facts known to every reader of history, and yet because I stated them last year the hon. and learned Member for Plymouth (Mr. Collier) charged me with having spoken contemptuously of the Commons, and with having complained of its growth as a disease. What I said, Sir, was directly the reverse of this. I said that the growth of the House of Commons had been prevented from becoming a disease, and had been kept in a healthy state, because of the checks and balances which had been offered by the other branch of the Legislature; and to say, as I did then, that the Government of a single chamber in England would be swayed by the passions and errors which history tells us are incidental to all similarly uncontrolled assemblies was not the language of contempt; it was the language of common sense and reason, and indisputable truth. And here comes in what I urged so strongly last year. Here now we see the essential value and true character of a second chamber. It is not what some of my hon. Friends near me will insist it is; it is not an assembly of privileged men. It is a national body, selected for the performance of special functions of supreme importance for the maintenance of the Constitution; for the respect due to every right and for the welfare and liberty of the people. And I lay down this position, which I challenge my hon. Friend (Mr. Bright) to controvert—that the poorest peasant in the land has as great an interest in the existence and authority of a second chamber as in the existence and authority of the House of Commons itself. Destroy that second chamber or reduce it to a nullity and you have a despotism or a republic. The history of civilized nations has never yet shown us any alternative. But then I am told, "There is truth in all this, and truth which no one denies. Who disputes these truths?" I will tell you who disputes them—those who refuse to the Lords all voice in matters of finance. I say the moment you establish that the Commons may decree, and their decree must be instantly obeyed, disguise it as you will, from that moment you establish a despotism, and a despotism in finance speedily involves the subjugation of every other power in the State. Remember, that as money was the instrument by which the House of Commons won their rights and privileges, so money may be also the instrument by which the Commons may erect themselves into a despotism. We are told, "It is quite right, according to the Constitution, that every other display of folly or of passion on the part of the Commons should be checked, but we except finance." But why except finance? Is any good reason assigned? We hear only of one—that our forefathers chose to make finance the exclusive privilege of the Commons. If even that were true, it would not settle the question, because we are every day making changes in the practice of our forefathers. But it is not true. Historically it is false. Our forefathers did no such thing. It is true the Commons insisted on the right to tax themselves, and guarded it in many ways, but they never did or would claim exemption from all revision on finance. Errors in finance are as easy and as fatal as on other matters. Sir, it is idle to make this a question of precedents. Can any constitutional authority be quoted to show that it is consistent with the British Constitution that in any department of legislation there should be unchecked, uncontrolled, and irresponsible power? I ask you to name to me any constitutional writer you please, and I will from the same work supply you with ample evidence of an opposite principle? If that be so, how can you settle this question by reference to precedent? Do you say that the House of Commons is not liable to err in matters of finance? Impossible! Then show me any mode by which you can check the financial errors of the Commons, except by the suspensive power of the Lords? and if you cannot show me any other mode of imposing that check, which the Constitution holds to be indispensable, the question is settled. It ceases to be one of speculation or of mere precedent; it comes within the region of fact, and it is not only true that the Lords ought to possess, but that constitutionally they do and must possess this suspensive power in finance.

And I beg to say that I said in misconception of my opinions. I have never claimed for the Lords anything but a suspensive power in finance. My hon. and learned Friend (Mr. Collier) asserts I claimed for the Lords greater privileges than they claimed for themselves. That is a thing very easy to say, but my hon. and learned Friend cannot produce evidence to show that I ever expressed any such sentiments. Nor did I ever entertain or express the opinions which have been imputed to me by my right hon. Friend the Chancellor of the Exchequer to-night. Upon no occasion did I ever declare that the Lords should be in any manner partners with the Commons in matters of finance. I never held or expressed the opinion that we should let them have equal power with ourselves in imposing or remitting taxes. I gave them no more than a controlling power. That is all I ever claimed for them, and as all I have ever said on this subject is duly recorded, I am surprised that I should be charged with having claimed more. Moreover, while I contended that the Lords ought to possess the power of review in finance, I emphatically said that the power ought to be very rarely exercised, should be reserved for great and critical occasions, and then should only be exercised in order to give time for reconsideration, and not for the purpose of an absolute and final rejection. These are the views I expressed last year. My right hon. Friend thought that I wished to give the Lords equal powers with ourselves in imposing and repealing taxes. Upon that point, however, there is no difference between us, because I never expressed such a wish. These being the principles on which I hold that the House should act, we have to consider their application to the case of last year. That appears to me to have been an occasion to which the suspensive power was properly applicable, and on which it was wisely exercised, and I think it would have been more becoming in the House of Commons, knowing that the Lords had used that power so beneficially, if we had approached them, not in a resentful spirit, but in the attitude of penitent offenders, with a proper sense of our own unworthiness, and congratulating the country that there was still another assembly wise enough and strong enough to avert the mischief which might have resulted from our imprudence. I should have thought that there was no distinguished Member of this House on whose co-operation we might more surely have relied for the maintenance of that right which he has told us unquestionably belonged to the

Lords than the right hon. Member for Carlisle, who took a prominent part in the proceedings of the Committee of last year—a part which I have never heard mentioned except with praise. I must say that I never heard from any leading Member of this House a speech more surprising or more unsatisfactory than that in which he endeavoured to accomplish what certainly was a very difficult task—the reconciling of his support of this Bill with his defence of the Lords last year. He said, "I maintain that the Lords have an undoubted and inherent right to do what they did last year, and, therefore"—what?—he does not say "I will respect and maintain their right," but, with a strange consistency, "I prove that right only that I may show how ready I am to deprive them of it." The speech of the noble Lord the Member for the City was quite consistent. He said, "I hold that the Lords did wrong, and I will endeavour to deprive them of the opportunity of doing wrong again." But I cannot comprehend why the right hon. Member for Carlisle should differ from his Friends in vindicating a right only to agree with them in taking it away. I am sorry that the right hon. Baronet is not here, but, at the same time, before I come to the Resolutions to which my right hon. Friend the Chancellor of the Exchequer has just alluded, I must notice the speech of the right hon. Baronet. He said, "I maintain that the act of the Lords was legal and constitutional; but my objection to it is that it is novel." But is novelty in legislation in itself an evil? When I am told that it was a novel act, I ask was it not beneficial to the Exchequer and the public? and if it was, what is the second contradiction in which the right hon. Baronet is involved? The act was constitutionally right, it was financially beneficial—*ergo*, logically, it shall never be repeated. That, however, which has surprised me most in all the speeches I have heard from the supporters of the Bill, from the right hon. Baronet down to the Chancellor of the Exchequer—and in some of them has startled me—is the attempt made to connect this Bill with the Resolutions of last year. Really to listen to some of them we might imagine that when they passed the Resolutions last year they expected that this Bill would follow. But is it not clear that the connection of this Bill with those Resolutions is an afterthought—a defence suddenly caught at in order to justify what then was not expected? Various Gentlemen have referred to these Resolutions; the right hon. Baronet read one, and my right hon. Friend the Chancellor of the Exchequer another; but the House must have observed that there is one thing they have all avoided, which is—making any allusion to the speech of the noble Lord at the head of the Government which prefaced the Resolutions, and by which they were construed and accepted. That is an omission which, with the leave of the House, I will endeavour to supply; but first let us see what the Resolution really were, and how far they justify this Bill. The first Resolution merely asserts the right of the Commons to grant aids and Supplies to the Crown. The second Resolution lays down distinctly that taxation Bills have been refused by the Lords by negativing the whole, although it goes on to contend that the exercise of that right has not been frequent, and ought to be watched with great jealousy. But the principle is admitted, and the House will observe it is not condemned, and still less doomed to abolition. Parliament is not asked to sweep away one of its usages, which, though rarely exercised, still exists. That it is rarely exercised, and that it ought to be watched very carefully, is what may be said of the veto of the Crown, but no one has ever told the House that that is an institution which ought to be abolished. But the third Resolution removes all doubt about the matter. The right hon. Member for Carlisle read it; but I wish the House particularly to remark its language, and I will read it again—

> "That, to guard for the future against an undue exercise of that power by the Lords, and to secure to the Commons their rightful control over taxation and Supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of Supply, that the right of the Commons, as to the matter, manner, measure, and time may be maintained inviolate."

The House will observe that this Resolution affirms that the House has it in its power to guard for the future against an undue exercise of the power of the Lords, but guarding against the wrong use of a power is not the same thing as its suppression. You say the Lords shall not make a bad use of their power, but by this Bill you take it away altogether. The latter part of the Resolution becomes declaratory. It says that the House has in its own hands the power so to frame Bills of Supply as to maintain its own rights inviolate—undoubtedly, just as the

Crown can coerce an obstinate House of Lords by new creation, or punish a misbehaving Commons by dissolution. But if there were any doubt on the subject, it is removed when we turn to the speech of the noble Viscount in introducing these Resolutions. We must remember that a speech of a First Minister of the Crown introducing a measure is an authoritative declaration of the light in which the Government intend that measure to be regarded. It is a declaration of the opinions of the Minister, and a pledge of his future intentions. If, therefore, there be any doubt as to the construction to be put on these Resolutions, we must turn to the speech of the Minister, and that will give us the key by which they are to be interpreted. In looking over the speech of the noble Lord, and comparing it with those we have since heard, it seems as though he had had a controversy with some friend as to what was to be done when the proceedings of the Lords took place, and, having heard all the arguments of his friendly adversary, he answers them all in his speech. The first passage which I will read from the noble Lord's speech is that in which he characterizes the proceeding on which we are now engaged. We are taking away from the Lords the power of considering the repeal of the paper duty as a separate measure, and here is the opinion of the leader of the House on that matter—

> "To take from the Lords the power of dissenting to a Bill to which their assent is now required you would need an Act of Parliament to which they must themselves be parties, or you must, by a revolutionary proceeding, subvert our existing Constitution."—[3 *Hansard*, clix. 1387.]

You are now taking away from the Lords the power they had last year, and the conclusion as to the character of that proceeding I leave to be drawn from the noble Lord's speech. Then we have the noble Lord's opinion as to the feeling and spirit by which the Lords were actuated, and in what manner we should meet them—

> "Therefore, I cannot bring myself to believe that the Lords, in the step which they have now taken, intend to enter on a course, their progress in which, if they did enter upon it, it would be the duty of this House to resist by every constitutional and legal means which are at our command.
>
> "But until we have some more decided proof that such an intention was entertained I would adjure the House to content itself with the record of that declaration which is contained in the Resolutions which I have had the honour to lay upon the table, and not, without being driven to it as a matter of necessity, to enter upon a formal conflict with the other House of Parliament."—[3 *Hansard*, clix. 1391.]

He goes on—

> "I say then, Sir, that these Resolutions are adequate to the present occasion. . . . The Resolutions, moreover, point out that if our rights should be invaded we have in our own hands the means of resisting such invasion."—[3 *Hansard*, clix. 1394.]

That does not say that our rights have been invaded. It says that if our rights at some future time should be invaded, we have in our hands the power of resisting such invasion. There is another passage to which I wish to call the special attention of the House, and which points out more distinctly, not what is the course which the noble Lord would invite the House to adopt, but what was the course which he would recommend us particularly to avoid. We remember the memorable words used by my right hon. Friend the Chancellor of the Exchequer about future action. It would appear as if the noble Lord had already heard those words, and as if he anticipated the possibility of hearing them again. He said—

> "Many may think that the last Resolution is too vague, and that it does not distinctly point out the method by which we might enforce our Constitutional rights and privileges in the event of an attempt being made to invade them. But there are many ways in which, upon such a case arising, we should be able—first by argument, ultimately by the exercise of our own authority—to prevent such an encroachment upon the Constitutional functions of this House. If, Sir, such a mad course were to be adopted by the Lords, it would not be by a Resolution entered upon our journals, it would not be by commencing a scolding match with the other House, it would not be by impotent words laid on our table that our Constitutional rights could be vindicated. No, Sir, it would be by action, which we should not be slow to discover the mode of taking."—[3 *Hansard*, clix. 1393.]

That means, not that the Lords had entered upon a mad course at that time, but that they had not entered upon it, and that the noble Lord did not anticipate it was possible that they ever would enter upon it. There is one other passage, which I think is very remarkable, not applied to future action, but applied to the position in which the House of Commons would place itself if it did not rest contented with the Resolutions, without that further action, which the noble Lord deprecated. This passage reads as follows:—

> "I am inclined to think that this House values highly the existence of that harmony which it is

essential should prevail between the two branches of the Legislature; and if at all times that ought to be the ruling feeling of the House, I am sure there is nothing in the present aspect of affairs out of the kingdom—there is nothing, I repeat, Sir, in the general aspect of affairs in Europe and in the world—which should lead this House to think less highly of the importance of a harmonious union, or dispose them to exhibit to foreign nations the lamentable and humiliating spectacle of a disunited Legislature, of a divided people, and of internal conflicts at a time when it is desirable for the dignity, honour, and interests of this country that we should manifest to all nations a harmonious unity of action among all the estates of the realm for the common welfare of the country."—[*Ib.* 1396.]

Again, I ask, can any one connect these Resolutions with the Bill before us? Who can forget what occurred in this House on the evening these Resolutions were passed? The speech of the noble Lord, from beginning to end, was a justification of the Peers, and he entreated and pledged the House to take no further action unless the Lords did something which could be construed into a fresh aggression. But my right hon. Friend the Chancellor of the Exchequer honestly expressed his dissent from every sentiment uttered by his noble Colleague. So far from accepting these Resolutions as a settlement of that question, he recognized in them nothing but a preliminary formula, a necessary standing ground for that future action for which he told us expressly he reserved himself, and the advent of which was announced by the present Bill. I must say that against the Chancellor of the Exchequer and against the noble Lord the Member for this City this House can have no ground of complaint in connection with this form of Bill. Their opinions were made known to the House, and in the Tax Committee they were ably, though unsuccessfully, maintained. The language and conduct of the Chancellor of the Exchequer upon this question has been open, honourable, and out-spoken. There has been no concealment, no ambiguity, no double-dealing about him. The right hon. Gentleman has attained, however much we may regret it on this occasion, that mastery in the Cabinet which a man who is ready to sacrifice his place for his convictions will always attain over feebler men, who are ready to sacrifice their convictions for their place. We are bound to respect the victor in such a conquest as much as we pity the vanquished. But I beg the House to consider in what position we are placed by the abandonment of the pledges which the noble Lord gave last year. The noble Lord justified the proceedings of the Lords; he induced us to adopt his Resolutions by assuring us they were adequate to the occasion, and would prove a settlement of the question; and he told us he would not be a party to any further action unless the Lords compelled him by some fresh provocation. He told us it would not only be unseemly in the House of Commons, but in the then aspect of continental affairs it would be absolutely perilous, to do anything to disturb the harmony between the two branches of the Legislature. On that solemn assertion of the noble Lord the House accepted the Resolutions. Should we have accepted them if we had been aware that he was speaking all the time in the sense of his Chancellor of the Exchequer, and that he, too, was reserving himself for that future action which on that occasion he so strongly deprecated? My belief is that if the House had suspected that, that an Amendment would have been moved to these Resolutions, affirming more precisely the undoubted right of the Lords, and declaring the inexpediency of any further action on the part of the Commons; and in the then temper and feeling of the House and of the country is it not more than probable that such an Amendment would have been carried? But we relied on the pledge we got from the noble Lord; and I do not expect to be told to-night—I should hear it with surprise and sorrow—that that pledge was one jot less binding because it was implied and not expressed in an assembly of Gentlemen who accepted it and acted upon it in its plain sense and meaning. We have been placed in a very unexpected and difficult position by this abandonment by the noble Lord of the principles he maintained last year, and we have to consider in what way the House is now to act. We are told that we have passed a Resolution for the abolition of the paper duty, and must give effect to it by Bill. Yes, but when we passed that Resolution did the majority desire that it should be used for a double purpose, and that the repeal of the excise on paper should be an incomplete transaction, unless it was also made an instrument for crippling the functions of the Lords? We know that if the repeal of the paper duty is all we aim at, the easiest and simplest mode of obtaining it would be by sending up another Bill like that of last year. It is generally believed that the Lords would not again reject such a Bill, but however that may be, would it not be a more courteous proceeding towards that assembly—would it not be one more likely to meet with its concurrence, if we were to ask that concurrence as a voluntary, and not as a compelled act? But some hon. Friends near me say "That would not suit our purpose; we have another object in view. The Lords have raised a great constitutional question which we desire to settle; they exercised a power last year which we are determined they never shall exercise again." This is a very valiant determination on the part of my Friends, but are they sure they have the means of carrying it out? Suppose the Lords choose to say, "We exercised a power last year which the Commons at that time did not dare to dispute, and which the country cordially approved, and we will not now abandon that power which we hold in trust for the country and the Constitution to a House of Commons which misrepresents the one and would destroy the other. We will not do so, at all events, without an appeal to the country." Suppose the Lords say so, what becomes of your valiant determination to override them? Is it not possible, not only that the repeal of the paper duty may be postponed, but that you may find yourselves discomfited and rebuked by the Lords, and even discountenanced and condemned by the country? In these days of increased intelligence and rapid communication of information the country will form its own estimate both of the origin and of the temper of the quarrel. It will know it originated in a financial error of the Commons, which was corrected by the more sober judgment of the Lords. It will say "The Commons are angry because the Lords have shown more sense than themselves, and are placing themselves in that position in which a man is most supremely ridiculous, when, beginning by losing his head, he makes matters worse by losing his temper. It may ask a still more inconvenient and fatal question. The people of England, who are fond of plain dealing and fair play, may put this question to the Commons—"If the Lords gave you offence last year, why did you not meet it last year when the Lords and the country were both ready for you—why did you then smile acquiescence to the Lords, brood over it for ten months, and then come and give them this stab in the back?" We may rely upon it that, whatever may be our intention, the Lords cannot regard this proceeding as anything but an affront. Who can tell in what way they may meet that affront? Some hon. Gentlemen near me imagine that when the Bill leaves the Commons the question is settled. Instead of a settlement of the question take care that it does not become the commencement of a new crisis. The interval between the passing of the Bill here and its debate in the House of Lords will be an interval of doubt, of anxiety, and, if there is any uncertainty about the intentions of the Lords, of great excitement. "What will the Lords do?" will be in everybody's mouth, and nowhere will the answer be looked for with more trepidation than on the Ministerial benches. The consideration of what they shall do with this Bill, with all the attendant circumstances, will be for the Lords a matter of deep concern. How will they deal with this first step to bring them under the domination of the House of Commons? Will they resist it at the outset, as the only chance of maintaining their independence? If this question should be solemnly raised in that assembly—the most ancient of all the legislative assemblies in the world—the greatest in its services, and the noblest in its traditions—I cannot doubt that the Lords will exhibit a spirit of wisdom and resolution equal to the emergency which we are now about to force upon them. Suppose they say, "The House of Commons are exercising an extreme right in sending up to us the financial proposals for the year in one Bill; we will exercise our extreme rights in dealing with that Bill; the issue we will leave to the country." I do not suppose the House of Lords will altogether reject the financial measures which we send up to them. We all believe, and, I hope, with good reason, that they have no disposition to take that course, and that they are not likely to be provoked into the adoption of an unwise mode of proceeding by any imprudence in which we may indulge. It is not, at the same time, in my opinion, at all impossible that the House of Lords may discover and suggest some form of action by which they may combine the acceptance of our finance with the rejection of the affront by which it is accompanied. They may say to us, "Your measures of finance we consent to adopt, but the yoke which you seek to impose upon us we repudiate, and to that yoke we will not submit." Let me, then, suppose that your Bill comes back to this House amended in form though not in substance; you will have to consider that amendment—a position of affairs for which there may be, no doubt, ample precedent. But will not our situation under these circumstances be one of great embarrassment and difficulty? May not the result tend to our political humiliation? In such a state of things the House of Commons must adopt one of two disagreeable and damaging alternatives. It may acquiesce in the course taken by the House of Lords, and thus learn submission—a virtue which the majority of the Cabinet have been practising of late, and whose adoption, as having agreed so well with them, they may recommend to their friends. If they do so, and their friends follow their advice, as I predict will then be the case, the position in which the House will be placed will, it cannot be denied, be one of a very humiliating character. You may, upon the other hand, object to the proceeding of the House of Lords, and what will be the consequence? You will have a dissolution of Parliament, and an appeal to the country. Upon what issue, I would ask you, is that appeal to be made? Will you call upon the people to express their confidence in the present House of Commons? Would that be a safe issue for you to raise? For my own part—and I say it with considerable regret—I entertain very lively apprehensions that the merits and services of the great Liberal party are not at this moment very highly appreciated by the country. On the contrary, the country labours under the impression—possibly the erroneous impression—that that great party has broken all its pledges on Reform, and that it has also lost all character on finance. And the country may say, "This House of Commons—this discredited House of Commons—is endeavouring to divert attention from its own delinquencies by picking a quarrel with the Lords, and aggravates its offences by assailing the Constitution." It is just possible that the public, in a mood so unfavourable to your claims, may tell you when you appeal to them for their confidence, "We have very little for which to thank the present House of Commons, but we thank God that we have still a House of Lords, and as you have thought fit to give back to us the trust we placed in your hands, we think the best use we can make of the opportunity thus afforded us is to return a new House of Commons as unlike as possible to its predecessor." I really would advise my hon. Friends near me to take care that they are not brought to grief by following the rash counsels of the right hon. Baronet the Member for Carlisle. He seemed ready to cheer on his friends with the hustings cry of "the ancient usages and authority of the House of Commons against the innovating Lords;" but he forgets that one half of the Members of this House, and that a very powerful half—traditionally the supporters of ancient usage and authority—would be ranged on the side of the other House of Parliament, while he would be dragged at the wheel of that new school of democratic innovation the very dread of which would rally the country round the Lords as the defenders of the Constitution. And under what banner, let me ask, is this new battle to be fought? Not under the once popular banner of the noble Lord at the head of the Government, for every one who compares his constitutional and statesmanlike speech of last year with his proceedings now will perceive that, against his own judgment and convictions, he has been coerced by stronger men. The name of the Chancellor of the Exchequer will in some districts be received with acclamation, and well has he deserved the plaudits of his followers for the sincerity and success with which he has fought their battle. The name of the hon. Member for Birmingham, will be received with loud shouts, for he has been outspoken, and manly, and consistent upon this question. But the name of the noble Lord the Member for Tiverton will never be heard in the coming conflict. He will have been deposed by men of a different spirit and more unbending purpose; and in the cry of that minority—not led but followed by the noble Lord—it needs no prophet to foretell that we shall hear the knell of his Cabinet, the dispersion of his followers and the enthronement of his opponents in power.

Mr. PULLER said, he had listened to the speech of the right hon. Gentleman the Member for Stroud with that attention which his eloquence always commanded, even though his statements might be exaggerated, his reasoning fallacious, and his whole argument opposed to the great principles of constitutional law. The impression left upon his mind by that speech was that there were three parties who had reason to complain of the right hon. Gentleman—the noble Lord at the head of the Government, the House of Lords, and the country. The country had, perhaps, the greatest reason to complain, because the debate having been carried on for the most part by the previous speakers with a careful avoidance of irritating topics, the right hon. Gentleman had done all in his power to fan the smouldering embers of discord into a flame, and to stir up the House of Lords to reject the Bill, which might be sent up to them by the Commons, thereby placing the country in a state of embarrassment—the greatest that could possibly be imagined. The House of Lords had reason, he thought, to complain of the right hon. Gentleman who had asserted, on their behalf, that which the warmest advocates of their privileges had not before claimed for them, namely, the constitutional right of doing, as a matter of ordinary legislation, that which Lord Derby himself excused as an exceptional act. And, lastly, he thought the manner in which the right hon. Gentleman had treated the noble Lord at the head of the Government was hardly generous or fair. To say that, because the noble Lord had endeavoured last year to throw oil on the troubled waters, and had abstained from the use of violent language, that, therefore, he must be considered to have conceded to the House of Lords, all that the right hon. Gentleman was ready to concede to them was quite inconsistent with the conduct of the noble Lord, who had shown his sense that the privileges of the House of Commons had been, if not actually invaded, seriously disparaged—first, by moving for a Committeee to search for precedents bearing on the case, and afterwards by moving Resolutions to assert the privileges of the House of Commons, and in the last of which it was pointed out that they had in their own hands the means of resisting any aggression of the Lords. The right hon. Gentleman had argued at some length on the great advantage which the country possessed in having a second Legislative Chamber. That was a position which, probably, not a single Member of the House would be inclined to dispute. But, when the right hon. Gentleman went on to say that those gentlemen must dispute it who would deny to that Second Chamber a concurrent voice with the House of Commons in the regulation of finance, probably there would be found scarcely a Member of that House who would concur with him; and very few even of the Members of the other House. In his speech at the Mansion House the other day Lord Derby, after saying that it was for the House of Commons to consider whether they were prepared to make a large increase in direct, and a further reduction in indirect taxation, proceeded thus—"I say, emphatically, the House of Commons, because no man is more ready than myself to say that to that House belongs exclusively the imposition, and, mainly, if not exclusively, the regulation of the taxation of the country." He thought that was sufficient to show that Lord Derby would not go along with the right hon. Gentleman in the extravagant privileges which he claimed for the House of Lords. How far, indeed, were the Opposition generally prepared to go on this important constitutional question? Did they deny that to the House of Commons, as far back, at least, as the time of Henry IV. belonged exclusively the right of determining the matter, the manner, the time, and, above all, the measure of Supply? In the famous Schedule of Indemnity passed in that reign, and set forth last year in the Report of the Committee on Tax Bills, it had been acknowledged by the Crown, with the consent of the Lords, that grants of Supply belonged exclusively to the Commons, the Lords having only the right of giving or withholding their assent, and from that time to the year 1860 by uninterrupted practice, by the forms of proceeding, by the rule that Bills of Supply after passing the House of Lords should be returned to the House of Commons to be presented by the Speaker to the Throne, instead of being retained, like other Bills, in the custody of the House of Lords, by the form in which Supply Bills were drawn, and, above all, by the abstinence of the House of Lords during 400 years from rejecting on purely financial grounds any Bill which related only to taxation, the House of Lords had made a continued acknowledgment that to the House of Commons exclusively belonged the imposition of taxes and the granting of Supplies. Well, then, he had no hesitation in expressing his conviction that, so far as results were concerned, the conduct of the House of Lords last year had been really and substantially an encroachment on the privileges of the Commons. He did not impugn the motives of the Lords, he would show, presently, that a fair excuse might be made for them, and that what had occurred had occurred in some measure by the fault of the Commons themselves. Let the House remember first what had been done by that House last year. Acting on the financial information supplied to them by the Government, they agreed that an income tax of ninepence in the pound would meet the wants of the year; but, having regard to the pledges given in former years, as well as to the natural merits of the case, they determined, with the consent of the Crown expressly given by the proper Minister in his place in Parliament, to repeal the Excise duty on paper; and to meet the deficiency which would be created by the loss of that duty, they increased the income tax by an additional penny in the pound. That the two things were inseparably connected, that the repeal of the paper duty was the reason for granting that additional penny was perfectly notorious, and was, in fact, the occasion of a long debate on the Motion of an hon. Baronet (Sir William Miles). And what did the House of Lords do? The first Bill which went up to them was that imposing the income tax of 10*d.* in the pound; and they passed it. Afterwards when the Bill repealing the paper duty came before them they rejected it. And what was the result of this manner of dealing with the two Bills taken together? was it not clearly this, that the House of Lords actually granted to the Crown £1,000,000 more than the House of Commons ever intended to give? What, then, became of the exclusive right of the Commons to impose taxation and grant supplies to the Crown? It might be true that looking at any particular Bill relating to taxation by itself, the House of Lords had a legal right to reject it; but if, when two Bills were sent up to them forming separate parts of one financial scheme one being a Bill to impose a tax and the other a Bill to repeal a tax, the House of Lords passed the former and rejected the latter, it was clear that the result was that the subject was taxed by the Lords to an extent to which the Commons had never assented, and that the Crown received a supply which the Commons had never granted. It might be said, no doubt it had been said, that the circumstances justified the conduct of the House of Lords. That was their argument, "The Commons," they said, "have pursued a careless, reckless course, they have shown a want of foresight. We have looked abroad and we see a war impending in China, and we hear of wars and rumours of wars in Italy and Germany. We think, there is a probability, almost a certainty, of a deficiency in the Exchequer, and, therefore, we will take care that the permanent revenue which the Commons have thought proper to be given up shall not be given up." Now, he had no hesitation in expressing his own opinion that the circumstances last year were not of sufficient urgency to justify the House of Lords in that course, but that was really not the question now. The question at issue now was not whether their course of proceeding had been wise or prudent or economical, but whether it had been constitutional? He thought it was not, but he was free to make the admission that the Lords, if reproached for encroaching on the privileges of the Commons might reply, "It was your own fault. If you considered those two measures to be parts of one financial scheme, why did not you put them into one Bill: and then if we did not approve of the whole, and rejected any part, the Bill would have gone back, and you, the Commons, would have had an opportunity of saying whether you would accept the Bill so mutilated or make some different provision for the wants of the State? But instead of that you sent us first a Bill of Supply, to which we had no objection, and, of course, we passed it; and then you sent us a Repeal Bill, to which we had an objection; what could we do but reject it?" Well, then, after experiencing the inconveniences which belonged to the course adopted last year, what was the Government to do in the present year? They had presented to the House and the House had approved a financial scheme, which consisted partly of grants of Supply and partly of that same repeal of the paper duty. Was the Government again to deal separately with these different parts of their scheme, and so place the Lords in the same unfair position as last year? Or were they to follow the course suggested last year by the Chairman of the Committee on Precedents (Mr. Walpole) approved by the right hon. Gentleman, the Member for Buckinghamshire, and pointed out by the 3rd Resolution adopted last year by the House. That course was to combine both parts of their scheme in one Bill, not for the purpose of insulting or coercing the House of Lords, or compelling them to pass that of which they did not approve, but for the purpose of placing the whole subject before them. It would be open to the Lords to strike out any clause. If they did so the Commons would, no doubt, reject the Bill; but they would then have the opportunity of reconsidering the whole matter, and the people would not be taxed without the consent of their representatives.

MR. NEWDEGATE: Sir, I heartily rejoice that the urgency and magnitude of the question involved in the form of this Bill appears to have at length attracted the attention of the House. When hon. Members consider the argument of the hon. Member who last addressed the House (Mr. Puller), I think they will at once see the extent to which the peculiar function of this House is at once exaggerated and invaded. The position of this House is that, whereas last year it was led into a great financial error, from the effects of which the country was partly preserved by intervention of the House of Lords, hereafter this House shall be at liberty to commit any follies as it may think fit but never again be corrected by the House of Lords. Now that is an extent of privilege which has never yet been granted to the Commons; and when reliance is placed upon the almost exclusive right of this House to regulate taxation, those who use that argument seem to lose sight of the fact that there are not less than eighteen instances recorded by your Committee on Tax Bills in which the House of Lords have refused their assent to Finance Bills sent up by the House of Commons. I hope there is no Member in this House more ready to repudiate an undue interference with the peculiar functions of this House by the House of Lords than I am. At the same time I am not prepared for such an extension of the privilege of the Commons or rather of the Crown, as that of establishing in this form of Bill, by way of precedent, that the laws which give Tax Bills effect shall in reality be passed without the assent of the House of Lords. To give taxation the force of law the assent of the Lords is absolutely essential; and to send up Bills to that House in a form in which their assent would become a mere farce, is an insult to that branch of the Legislature and an infringement of the Constitution. I confess my deep disappointment when I listened to the speech of the right hon. Gentleman the Member for Carlisle. On referring to the proceedings of the Committee which sat last Session, I found before me a decision, given at the instance of that right hon. Gentleman, which, condemned as I understood it, the proposal to send Supply Bills from this House to the House of Lords in the shape of the present Bill. I found two paragraphs at the conclusion of the draft Report proposed by the Chairman of that Committee, my right hon. Friend the Member for the University of Cambridge; the one suggesting this grave alteration, that whereas our finance has changed its character, and that instead of the greater part of the Revenue being voted annually, the main portions of our taxation have become perpetual, that the chief items of taxation should again be rendered annual. The last paragraph is as follows:—

> "It should, likewise, be remembered that the power of the House over matters of Supply, and incident thereto was necessarily much weakened by dealing with them separately in separate Bills, instead of uniting them as much as possible in one measure, so that they may constitute and form part of the financial arrangements to be made for the year."

Well, Sir, the right hon. Gentlemen the Member for Carlisle objected to those two paragraphs, and they were struck out of the Report. The proposal to embody the Supply of the year in the form now suggested to the House was deliberately rejected by that Committee at the instance of the right hon. Gentleman; and I hope that that rejection embodied his deliberate opinion upon the subject. But what does he tell us now was his reason for moving the rejection of those two important paragraphs? He tells us that he did so only for the sake of securing unanimity in the Committee, which proves, I think, that there was considerable objection in Committee to the proposal. The right hon. Gentleman the Member for Buckinghamshire stated in the last Session that he approved of this form of Supply Bill, but, clearly, those who objected to it in the Committee never had the opportunity of recording their dissent, because the rejection of it was unanimous. I say, therefore, that this Supply Bill is drawn in a form which is not sanctioned by the Committee of this House appointed to consider the question; and I say, further, that there is nothing in the Resolutions which were adopted by the House last Session, as the sequel to the Report of that Committee which sanctions, or gives even a colourable sanction, to the proposal now submitted to the House. It would be only wearying the House, and repeating what has been so ably adduced by the right hon. Gentleman the Member for Stroud, if I were again to read our Resolutions. The first Resolution, it is true, embodies fully the predominant right of this House to regulate the finances and taxation of the country, but the second Resolution qualifies it by recognizing the power of exceptional action on the part of the Lords, and thereby recognizes a fundamental principle of the Constitution. The proposal now before the House is to act only on the first Resolution which we passed last year, to the exclusion of the second, without which, I can answer for it, the first Resolution would never have been passed uncontested in this House. I now wish to call attention to a subject which has hitherto been lost sight of in the course of this debate. I wish to show the House that the course now proposed to it, if agreed to, will tend to fetter and even to annul the right of the Lords to express their opinion, before they give their assent to Bills relating to taxation; and not only that, but will also grievously cramp the action of the Commons themselves with respect to finance. I know that I address the House under a great disadvantage. I speak as an independent Member sitting on the Opposition side of the House, knowing that the leader of the independent Members on the other side of the House is so deeply pledged to one item in this Supply Bill, that no independent action can be hoped for from that quarter. I trust the House will forgive me, therefore, if I point out that if, by accepting this form of Supply Bill, the House contemplates an undue curtailment of the rights and privileges of the Lords, it is also endangering its own independent action, and going far to justify a change in the form which Her Majesty adopts when She thanks the House of Commons for voting the Supplies. For such would be the increase of the power of the Government, that Her Majesty, instead of thanking us, ought rather to thank the Chancellor of the Exchequer. I felt the full force and value of the able argument of the hon. and learned Gentleman the Member for Sligo at the opening of the debate. Let not the hon. Gentleman be discouraged by the witty sarcasms which have been launched against him. Brilliant as are the qualities which characterise his countrymen, he has shown others which we thought to be rare amongst them, exactitude, precision, and a control over an undue action of the imagination which is sometimes too strong for the coolness of their judgment. He has thus earned for himself a high position in this House, and long may he retain it. The hon. and learned Gentleman only pointed out the truth when he said that the House is about to adopt the system of "tacking" by the present Bill; no one who looks back to precedent can doubt that we are adopting the principle of tacking by this Bill. All that the able argument of the Chancellor of the Exchequer proves is this: that we are not following the rule of action in this matter by consolidating finance, but that we are acting as though the exceptions formed the rule. The argument of the Chancellor of the Exchequer is that because the House of Commons has tacked Bills of Supply before, that the occasion has arisen for our doing so again. But that does not disprove the allegation that we are tacking by this Bill. It amounts on the part of the Chancellor of the Exchequer simply to this: he says the occasion is extreme, and we must establish a new precedent by adopting as our future rule the exceptions to our previous action, and now begin to tack, henceforward, systematically. That is the gist of the argument of the Chancellor of the Exchequer. Let the House consider for a moment why it was induced in former years to adopt the system of tacking. The great instance which is always adduced is the Supply Bill of 1700; but what were the circumstances of that case? Will the House allow me briefly to refer to them? There was then, and I dare say it was well-founded and justified by the circumstances of recent history, a great jealousy on the part of this House, because the power of the Crown appeared unduly in the action of the House of Lords. The circumstances were these. Certain estates in Ireland had been forfeited by treason, and instead of the Sovereign handing the produce thereof to his Parliament to be applied in aid of the Supplies of the year, "the Commons, inquiring into the forfeited estates in Ireland, found that 49,517 acres of those lands had been granted to the Earl of Romney; 108,633 acres to the Earl of Albemarle; 135,820 acres to the Earl of Portland; 26,480 acres to the Earl of Athlone; 36,148 acres to the Earl of Galway, and 95,649 acres (being the private estate of King James, and worth £25,955 per annum) to Lady Elizabeth Villiers, Countess of Orkney, a mistress of the King." And when the matter was brought before him by the Commons, what was the answer of His Majesty? That he thought himself obliged in justice to reward those who had served him well, and particularly in the reduction of Ireland, out of the estates there forfeited to the Crown; for he thought that the value of these estates would thus best contribute to the honour, interest, and safety of the kingdom. Whereupon the Commons resolved, "that whoever advised His Majesty to return this answer had used their utmost endeavours to create a misunderstanding and jealousy between His Majesty and his people." These, then, were the circumstances. The Commons on that occasion perceived that the House of Lords had become an instrument in the hands of the Crown, and that Members of that House had a personal interest in increasing the power of the Crown. What are the circumstances now? Why, it is a notorious fact that the personal influence of the Sovereign in everything that relates to taxation has been nominally merged in the House of Commons; that nearly the whole power of the Crown has been transferred to this House; and there is no danger that the power of the Crown will be again so far as we can see, exercised to any great extent through the Lords. The point I wish the House to consider is this; is it wise and consistent with the independence of this House to permit so great an increase of the power of the Crown, and of its exercise in this House, for though transferred it is not lost, to the curtailing of our privileges as well as those of the House of Lords. Observe what is our real position. The power of the Crown is shown in the fact that we, the Commons, with all our privileges, cannot originate taxation, unless it is first proposed to us on the part of the Crown. Look, then, at what you are about to do. Adopt the Bill now upon the Table, and you go far to prevent yourselves from repealing taxation without the intervention of the power of the Crown. You may say that this is all done by a majority in this House, and that Ministers are but the representatives of that majority. But have they not the power in their hands of coercing the House? Have they not the power of saying, "This question is one of confidence, and if you, by rejecting any portion of our Supply Bill, manifest a want of confidence, we will resign office; that is, of making an appeal to Parliament in the aggregate; or we will dissolve Parliament, that is, an appeal to the constituencies." Do not tell me that this is not an absolute power, and that it may not be exercised to coerce this House. If, from a sense of a duty, or for any other reasons, this House adopts a course which for the time is not popular and not in accordance with the views of the Government, the Members of this House will subject themselves to the power of the Crown, which rests in the Executive, and which may be so exercised to send us to our constituencies at an inconvenient period. That is a known fact. Therefore, I say, that this Bill embodies a direct increase of the power of the Crown to be exercised over this House, as well as against the privileges of the House of Lords. I have adverted to the fact which was acknowledged by the right hon. Gentleman the Member for Carlisle, that a change has taken place in our system of finance, and that instead of the great mass of the Supplies being granted annually, taxation has become more permanent in its character. I speak as an independent Member of this House to the whole body of the House; and, I say, "should we not be careful how we part with our control over taxation, now that it has assumed this altered character?" Is it not absolutely necessary that we should guard our power of repeal, which has not been hitherto qualified by the intervention of the Crown, to the same extent as our power of imposing taxes, but which, if you once adopt the principle contained in this Bill, will be materially curtailed? I am a man of the present day, and speak of existing circumstances. Are we so sure that there is no extraneous power tampering with and exerting the authority of the Crown over this House? I have not yet forgotten what occurred in the last Session of Parliament. A strict secrecy was observed as to the intention of the Government to negotiate a treaty with France. Until the House met there were but vague rumours and surmises; and even for some time after we had assembled, these rumours did not assume such a tangible form as to allow us to judge fairly of the general tendency of the provisions of this treaty. Information afterwards circulated rapidly, and by degrees the various interests which were likely to be affected, became aware of the position in which they stood, deputations waited upon the Chancellor of the Exchequer. I, myself, accompanied one of those deputations; but the right hon. Gentleman still maintained much reserve. It was not until just before his Financial Statement was made in this House, that we were really apprised of the actual provisions of the treaty, and found that those who negotiated it had dealt with our finances to an extent which, in the opinion of the Government, rendered it advisable that we should change our order of proceeding, and go into Committee of Ways and Means before going into Committee of Supply. In short, the instrument to which the Government had pledged the power of the Crown had so largely compromised the finances of this country, had in deference to the will of a foreign potentate, already so largely dealt with our finances, that it had become idle for us to talk of dealing with the taxation of the year until we had considered the decision arrived at by anticipation between the representatives of the power of the Crown and that foreign Power. I hope, then, I shall not be told that the power of the Crown is less now than it was. I say that it is as great as ever; I say that it controlled the action of the House unduly last year; and that, if you sanction this Bill, you may perpetuate a precedent which you will find most embarrassing to your freedom hereafter. What, then, disarranged our finances last year? Why it was this very necessity of considering the French Treaty at the commencement of the Session, before we knew what might be required for Supply. And how was that Treaty negotiated? It was negotiated by a Member of this House, who was avowedly appointed for the purpose; of whom Lord Cowley, our Ambassador at Paris stated in one of his despatches that the activity of this Member of our House was such that he really felt his own interference in the negotiation an incumbrance. In fact, the Ambassador could not go the pace of the extemporized negotiator. Well, this negotiator was a Member of this House, but his appointment was so made that it did not void his seat. His constituents, therefore, had no opportunity afforded them of expressing their judgment of his fitness for the office to which he had been appointed, in combination with the functions which, as their representative, he could not perform in this House, while thus engaged in the service of the Crown. It is well known that this hon. Member, who is also a leading member of an organization which has exercised an enormous power over this House in matters of finance for many years, scarcely ever appeared in his place to answer for what he was doing during the whole of the last Session. I once commented upon his conduct under these circumstances. He then wrote a letter to the hon. Member for Birmingham, instead of appearing in his place, to desire me to withdraw what he considered an unjust imputation, but which I never have retracted and never will retract. When he came into this House, did he advert to the comments that had been made upon his conduct? No; not by one word: he retired again to the exercise of his functions under the Crown, and has never since presented himself in the House. Again, I say, let me not be told that the power of the Crown is now brought within the control of this House. It is exercised in this House; but it is exercised over this House. I do not wish to speak with any disrespect of the hon. Gentleman to whom I have adverted. Still, the facts are such that I think the House would be wanting to itself it it did not recognize them. The hon. Gentleman opposite, the Member for Birmingham, has declared that this is his Budget. Well, Sir, the Member for Birmingham represents the very organization of which I have spoken; thus the organization which last year provided us with a negotiator using the whole, or nearly the whole, power of the Crown, though not authorized as the Constitution requires, has now supplied us with a private Member of this House who, standing in his place here, declares that this is his Budget! Coming from any other man such words might have been deemed idle, and one might think that he only claimed the Budget as his Budget, on the part of a majority of this House of whom he was one; but has that hon. Member manifested such respect for this House that we should trust him with the control of our privileges and our freedom. Why, throughout the country the hon. Member has used expressions towards the House of Lords which seem to justify the course he is now adopting in seeking to annul their privileges. But has he not also used language which is equally disrespectful and disparaging to this House? Has he not told the public and those with whom he acts out of this House that this House is a sham representation? Has he not publicly said that we are a collection of followers of the aristocracy, whose main function it is to enable the families of the aristocracy to feed upon the sweat of the people? And now, when we have this power exercised by the organization whom he represents, and he claims this Budget as his own, are we to believe that the Budget is only an embodiment of our own will? Are we not led to suspect that this organization cares little for this House; and uses it only as an instrument for carrying out intentions which they have not been backward to avow? Sir, I own I do feel suspicious when I see the manner in which the two leading Members of that organization have conducted themselves: the one in negotiating the Treaty of Commerce with France, and the other in coming down to this House and claiming this Budget as his own—this plan for incapacitating the House of Lords — this plan for limiting the free privileges of the independent Members of the House of Commons, as his own! I ask the House to beware and pause. I believe there is reason to fear that the power of the Crown, which, I grant, was once unduly exercised by Members of the House of Lords, is now used by Members of this House representing the organization, to which I have referred, in order to carry out their own purposes, and to promote their own interests, irrespective of the general interests of the country which it is our first duty to uphold and protect. I cannot conceal from myself the fact that the repeal of the paper duty, if accomplished, will be accomplished at the instance of this organization, to advance the interests of its leading members; and precedent warns me not to consent to tacking Bills in this House, when I see that the power of the Crown is likely to be unduly increased and used against our freedom, on behalf of a particular class, in derogation of the interests of the great body of the people. I thank the House most sincerely for allowing me, one of the few independent Members of the House whose voice and whose action is unfettered, to warn them that in thus seeking to curtail the privileges of the House of Lords they are in reality curtailing their own—limiting their free action, and abridging their own privileges. The other night an hon. Member asked—"Where are the Tory Gentlemen, who were once so jealous of the privileges of the House?" Sir, I tell him that one Tory Gentleman is here, and that I believe a considerable number are here also who are prepared to guard the privileges of this House as much against this democratic faction as they formerly showed themselves ready to resist the invasion of them by the House of Lords. I am loath to detain the House; but I wish to put before it clearly that the Chancellor of the Exchequer and the Government of the day, as the chief depositories of the power of the Crown in matters of finance, will become the real grantors of the Supplies, in derogation of the free action of the House of Commons if this system is adhered to. I do not wish to impute to the right hon. Gentleman, the present Chancellor of the Exchequer, any culpable design; but I say that he has vested in an extra-official Member of this House an undue amount of power; and that I see plainly that the tendency of this Bill, instead of wisely asserting our privileges against the House of Lords, who I must say, manifest no disposition to invade them, is to forge fetters for ourselves which we may find most inconvenient and embarrassing hereafter. In thanking the House for having permitted me to express the views which I entertain upon this subject, I reserve to myself, as an independent Member of the House, however feeble, the right of hereafter claiming for the House the power of judging of the principle involved in the form of this measure, relating as it does both to the imposition of taxation and to the repeal of taxes. When the opportunity arrives at which this House can regularly express its opinion thereon, I shall seek protection against the invasion of the privileges of this House which I clearly apprehend. Before I sit down, let me advert for one moment only, in justification of what I have said to the hon. Member for Birmingham and the organization which he represents. I would not impute to him, or to the hon. Member for Rochdale, or to any other man or set of men, designs such as I have described, if these designs were not clearly inferable from their own words. In December 1858, at Manchester, the hon. Member for Birmingham said—

> "I am not prepared to try to interfere with the prerogative of the Crown, nor the rights of the House of Peers. I do not desire to limit their Constitutional privileges or powers. We know, everybody knows, and nobody knows it better than the Peers themselves, that a House of hereditary legislation cannot be a permanent institution in a free country. We believe that such an institution must, in the course of time, require essential modification."

And then, speaking of this House, he said on the same occasion—

> "The only great result of the Reform Bill in the House is this—that it has introduced about 100 men who do at times show some amount of independence, and act free from the shackles of the Tory or Whig sections of the aristocracy; and it is we, it is by our work, it is by our speeches and our votes that we transfer the Government

from one party to another. We make it impossible for either of them to conduct the Government upon those antiquated principles which we and the people of England are desirous to abolish."

Sir, I think that the House will agree with me that when the hon. Member disclaimed all intentions of tampering with the power of the Crown, we have reason to remember the old French adage, *Qui s'excuse s'accuse;* especially as he followed up that declaration with another to the effect that it was he, and about one hundred other Members of the House—the representatives of the organization to which I have adverted — who are virtually using the prerogative of the Crown by deciding who shall, and who shall not, be the Ministers of the day. That, Sir, is in fact, using the power of the Crown and exercising it over the House; if the assertion, then, of the hon. Member for Birmingham is true, that this peculiar section of the House does exercise the power which is by the Constitution vested as the prerogative of the Crown, it is because the power of the Crown has been so extensively used by this particular organization, and the peculiar section of this House amenable to it, that I have now shown the House that although they may believe that the power of the Crown rests with the majority of this House, there are grave reasons for thinking that the majority of this House are so governed by an organization beyond these walls to the prejudice of their independence, that the power of the Crown, though exercised nominally on their behalf, is, in reality, exercised over them. Such is my conviction. Such is the view which I take of the present position of affairs. I object, then, to this form of Supply Bill as based on exceptional precedents. I claim for the House of Commons, and, to far less extent, but still absolutely for the House of Lords, the right to judge of each change in taxation, the right to judge of each separate and independent item of taxation, according to its relation to the interests of the people, and according to the principle which each such change in taxation may involve.

MR. MELLOR said, there was no man in the House who respected more than he did the independence and the sincerity of the hon. Gentleman who had just sat down, but he would not follow him into the French Treaty, or into the characters of the hon. Members for Birmingham and Rochdale, who were perfectly able to take care of themselves. The real question before the House was whether the Bill came within the scope of the Resolutions of the House of Lords against tacking; if it did, he quite agreed with those who argued that it ought not to pass. The hon. and learned Member for Sligo, who had shown so much research on these questions, must have been surprised at the doctrines maintained by the right hon. Member for Stroud, who had gone so far as to maintain that in all matters of taxation the House of Lords was a court of review over that House. He (Mr. Mellor) however, did not believe that the right. hon. Gentleman would find any one to maintain with him that doctrine. The right hon. Gentleman had also said, with reference to the conduct of the House of Lords last year, that the House of Commons ought to go as penitents and beg their Lordship's pardon. He (Mr. Mellor) was quite sure that, if these were the doctrines of the right hon. Gentleman, he would stand alone in the profession of them; and he would be the only person who would go in the garb of a penitent to the bar of the House of Lords to confess his repentance for the conduct of the House of Commons last year. The right hon. Gentleman had claimed to interpret the Resolutions moved by the noble Lord at the head of the Government by the light of the speech in which he had proposed them. The question, therefore, ought to be determined whether it was the Resolutions or the speech of the noble Viscount by which the House was bound? The House was by no means agreed in regard to the speech, for many hon. Members who sat near him took exception to it, but were unanimous in affirming the Resolutions. What a monstrous thing, therefore, it was to assert that the Resolutions were not to be read by themselves, but that their meaning was to be taken from the speech of the noble Viscount, as the key by which they were to be interpreted. It ought not to be forgotten that hon. Gentlemen opposite put the same construction last year upon the Resolutions which hon. Members on his (the Ministerial) side now contended they bore. The first Resolution affirmed the right of granting aids to be in the Commons alone. The state of things at the time when the Resolutions were proposed was that the House of Lords had adopted the Bill giving an additional penny of income tax, which was the consideration for the repeal of the paper duty, and had thrown out the Bill repealing the paper duty. What, then, was the meaning of the third Resolution? The third Resolution meant that the House had it in its power at any future time to guard against any undue exercise of the power of the Lords, and to secure to the Commons their right over taxation, and to frame Bills of Supply. After such a Resolution had been calmly and carefully and deliberately passed by the House, could the right now proposed to be exercised be justly called in question? The right hon. Gentleman the Member for Buckinghamshire, who spoke on that occasion after the noble Lord at the head of the Government, and after all the precedents had been brought forward, stated that the gist and marrow of the third Resolution was to be found in the last two paragraphs of the Report of the Committee, and that it was only an intimation of the recurrence to ancient practice on the part of the House in money affairs. Would the right hon. Gentleman now agree with the right hon. Member for Stroud that in all such questions the House of Lords was a court of review to the Commons? The right hon. Member for Stroud told them that if an appeal were to be made to the country many Gentlemen would find to their cost that the places which now returned them would return them no more. The right hon. Gentleman had visited Stroud in the course of the winter, and had received such an admonition from the electors of Stroud, as, no doubt, qualified him to speak as a witness on such a subject. But into that question he would not follow the right hon. Gentleman. With regard to the argument of the hon. and learned Member for Sligo, he would say that if this were not a tacking Bill the whole of his argument fell to the ground. He had argued that the word "grant" was inapplicable to the case of Bills repealing taxes. So far he agreed with him; but there were numerous instances in which Bills both repealed and imposed taxes. At the time the preamble of Supply Bills was framed by Selden, Coke, and Glanville there were few permanent taxes, and generally such as were permanent were settled for the life of the Sovereign, and the business of the Commons in the matter of taxation was mainly confined to granting Supplies. In substance, however, the claim of the Commons to settle the scheme of taxation was thereby admitted, and the practice since had been the same, whether Bills were confined to granting, or mixed with repealing clauses. In 1799 there was a Bill, with a Supply preamble, which repealed the assessed taxes and imposed the income tax; and another Bill, in 1707, with a Supply preamble, which granted certain duties and repealed the duty on beer. He gave these as specimens, but the cases were abundant in which the same course had been followed. Tacking Bills were very clearly defined in the reasons of the Lords in 1700, in the conference on the Land Tax and Irish Forfeitures Bill to the effect—

> "That the joining together in a Money Bill things so totally contrary to the methods of raising money, and to the quantity and qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the Lords, and to the prerogative of the Crown."

And this attempt of the Commons was the occasion of the Resolution of the Lords of the 9th December, 1702—

> "That the annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to, and different from the said Bill of Aid or Supply, is unparliamentary and tends to destruction of the Constitution of the Government."

He could not understand the meaning of the Resolutions of last year if they did not point to the very course now being taken by the Government as the very one that should be taken with a view of avoiding a repetition of the occurrences of last Session. With regard to the repeal of the paper duty, he did not think that the importance of that measure was confined to the effect which it would have on the paper trade. There were many other branches of manufacture which would be benefited by it. He had been told by a gentleman of great practical experience that a description of paper-box extensively used in packing gloves, stockings, and other such articles cost 4*d.* in this country, while it was only 2*d.* in Germany; and that so great was the competition in the hosiery trade that the difference between 2*d.* and 4*d.* in the price of one of these boxes made all the difference between trade and no trade. On the whole, he had arrived at the conclusion that the scheme of the Government was one to be justified not only on constitutional but also on financial grounds.

Mr. MALINS said, he had no desire to see the House of Lords reject the repeal of the paper duty if the measure passed the House of Commons, nor was he one of those who thought they ought to go in penitence to the House of Lords and beseech them to take any particular course; for he fully admitted, in the words of the Resolution of last year, that the right to grant aids and Supplies to the Crown was in the Commons alone as an essential part of their constitution. But, for the first time it had been boldly avowed by the right hon. Gentleman the Chancellor of the Exchequer that any constitution which gave the Lords a voice, negative, or otherwise, on the subject of taxation, could not too early receive a stab and be destroyed. If the right hon. Gentleman's principle was a correct one, the House of Commons had better not send money Bills up to the Lords at all. That would be a more consistent course than to send them up and deny to the other House of Parliament any right to have a voice in them. He hoped, however, that the principle would be held to be unsound. They lived in extraordinary times, and various schemes had come before them for changing the constitution of the House, and if, by lowering the franchise in borough or counties, the House became extremely democratic, what might be the result? If the House affirmed that, not indirect, but direct taxation was the true system, and resolved that all Supplies should be raised by direct taxation, and all indirect taxation should be repealed, what would be the situation of the kingdom if the House of Lords had no voice upon that subject? Surely the House was not prepared to adopt such a principle? No doubt the right hon. Gentleman the Chancellor of the Exchequer, in his speech on the Budget, recognized the expediency of not disturbing the just equilibrium between direct and indirect taxation; but looking to his antecedents, and to the paramount influence which it was said he exercised over his colleagues, what security had they that he would not unsay in 1862 what he had said in 1861, and propose to the House a system of direct taxation, which, in his (Mr. Malins) opinion, would go to the annihilation of the middle classes of the country. In what a deplorable situation would the country be if such a course were adopted, the House of Lords in the meanwhile having been deprived of all voice in the matter. The hon. and learned Member who had just spoken said that if it could be shown that the Bill was a tacking Bill the House ought to reject it with disgust and ignominy. He (Mr. Malins) admitted it was not a tacking Bill in the common sense of the word. There was "tacked" nothing which was unconnected with the subject matter of the Bill; but what he understood by a tacking Bill was one with clauses introduced on which the other House had no opportunity of voting. Directly they put a clause in a Bill with the intention of preventing the House of Lords from voting upon that clause, they resorted to the principle of tacking. The leather duty was repealed in 1830 by a separate Bill, and why? Not because any opposition was anticipated in the other House, or that it would act in contravention of the rights of that House, but to enable the Lords to exercise the privilege which had belonged to them for ages, to say aye or no upon the Bill. Again, the glass duties were repealed in 1845 by a distinct statute, and the repeal was not mixed up in the Bill with the imposition of new duties. The House on that occasion was actuated by the same feelings which induced them last year to pass a separate Bill for the repeal of the paper duties. The right hon. and learned Member for the University of Dublin had put a question, which had not yet been answered, namely, why, if it were right last year to bring in a separate Bill, they should this Session pursue a different course? The noble Lord, in his temperate and statesmanlike speech last Session said the Attorney General, at the memorable Conference of 1671, admitted that the House of Lords, though they could not alter or amend, had, nevertheless, the right to reject Money Bills; and added that between 1714 and the present time about thirty-six cases of rejections by the Lords of repealing Bills had occurred. What excuse could there be, then, for depriving the House of Lords of the opportunity of dealing with the Bill as they might think proper? What justification could there be for departing from the usual form on the present occasion? Was there any probability that the House of Lords would reject the Bill? The right hon. and learned Gentleman (Mr. Whiteside) asked that question; he (Mr. Malins) repeated it. Why was the alteration made now? Was it to justify the Chancellor of the Exchequer in his financial views? The Chancellor of the Exchequer had spoken of the conduct of the Lords as a gigantic innovation. Not so, however, the noble Lord; there was a wide difference between the noble Lord and his Chancellor of the Exchequer. It might be hoped that the result would prove that there was equal difference between them now. The Chancellor of the Exchequer did in one year unsay what he said in a former year; but he trusted the noble Lord would adhere in

1861 to the policy which he had expressed in 1860, and that he would not declare that he was now prepared to deny to the House of Lords all influence with regard to Money Bills, and to stab and destroy the Constitution which conferred that power upon them. It was sufficiently clear from *Hatsell's Precedents*, that every Bill ought to be drawn in as simple a form as possible. There was no excuse for any irregularity on that occasion, because they all well knew that the course adopted by the House of Lords last year was an exceptional one, occasioned by the state of the Revenue, and the occurrence of an event of great importance between the introduction of the Budget and the passing of the financial measures. The conduct of the House of Lords last year was, however, justifiable, and was treated as justifiable. Let the House of Commons give the Upper House an opportunity, which he was sure they would not exercise, of expressing a judgment in this matter, the question in the case being one of such great importance. With regard to the paper duty, he wished to explain that on a former occasion he had abstained from voting with the party with whom he generally acted, on the following grounds—that he thought the question had become, by various decisions and Resolutions of the House, in so unsettled a condition as to be a source of embarrassment to any Government. When, however, the question came to be one of the remission of *5d.* on tea and the abolition of the paper duty, he could not hesitate about giving his vote in favour of the former proposal. He anticipated that no opposition would be offered to the second reading of the Bill, and as the question now was simply whether the Bill should be divided into two, or be read as one, he begged to press upon the noble Lord the expediency of severing the measure into two portions, and paying to the House of Lords the tribute that was due to a constitutional branch of the legislature.

Mr. WHALLEY said, he did not expect to be able to throw much light on the question; but it had been said that the present state of things had been brought about by the extreme party in the House, who were described as some one hundred Gentlemen who entertained feelings of hostility to the House of Lords. He begged leave to say that he was one of that extreme party—one of the party who had most strongly deprecated the rejection of the Paper Duty Repeal Bill by the House of Lords last Session, but at the same time he repudiated the charge of being actuated by any vindictive feeling towards the other House of Parliament. He would call the attention of the House to the conduct of those with whom he acted last year in reference to this question. They declared from the first, when the noble Lord moved for a Committee to inquire into the privileges of the House—that the House of Lords had a right to do what it had done, and that the appointment of the Committee was a mere waste of the time of the House. What he and those with whom he acted concluded was, that it was the House of Commons who were to blame for having deprived themselves of control over a great portion of the revenues of the country by making the taxation permanent, instead of voting it from year to year. The noble Lord the Member for Marylebone (Lord Fermoy) last Session called for some action in consequence of the rejection by the Lords of the Paper Duty Repeal Bill; but the noble Lord at the head of the Government, in effect, advised the House to wait, and contented himself by moving the previous question. The right hon. Gentleman the Member for Bucks upon that occasion taunted the Government with having brought the difficulty upon themselves by not including all their plans in one Bill; and, therefore, he ought to approve the present Bill. There was no desire to obtain a victory over the Lords, but simply to retain for the House of Commons its legitimate control over the taxation of the country.

Sir STAFFORD NORTHCOTE said, that if the debate had taken another turn he should not have considered all the questions raised by the Budget so entirely disposed of as to preclude further discussion, but he thought the debate had rather run away from those financial questions. Still, there was much to be said on the income tax and the reasons for a repeal of the paper duties, and if he did not touch upon those questions it was not because he thought the subject had been exhausted, but because the House seemed to desire upon the present occasion to confine the discussion to the form of the Bill. He did not, however, intend to involve himself in the maze of precedents and constitutional arguments that had been adduced on either side; but there was one important question raised by the form of the Bill, which was entitled to more consideration than it had yet received. For himself, submitting his opinions to the judgment of those better acquainted with constitutional questions and precedents, he did not intend to dispute the right or the wisdom of the House to adopt the course which was now proposed to it, so far as combining together in one Act all the measures connected with the taxation of the year. The point to which he wished to call attention had hardly been glanced at in the present debate, although the right hon. Member for Carlisle threw out a suggestion which conveyed a distinct meaning, and which showed what was the real danger of the course. That idea was strengthened by what had fallen from the right hon. Gentleman the Chancellor of the Exchequer. They had heard a good deal about the danger of encroachment by the House of Lords. He did not believe in that danger. A good deal, also, had been said about the danger of a collision between the two Houses. He did not believe that danger either. The Chancellor of the Exchequer had talked about Caleb Balderstone, and he (Sir Stafford Northcote) believed no more in those dangers than he did in Caleb Balderstone's thunderstorm. The whole excitement was fictitious, but the results that might follow from the Bill were not fictitious, but real and serious. He would state what appeared to him to be a real danger. They were now about to vote for one year's taxation, to the extent of £20,000,000. The right hon. Baronet the Member for Carlisle, in recommending that course, had told them that it was formerly the practice to do so, and quoted precedents to show that such had been the case, and that all the financial schemes of the year were sent up to the House of Lords included in one Bill. He (Sir Stafford Northcote) had nothing to say about there being but one Bill, but as to the practice of voting from year to year a large portion of the taxation of the country he wished to say a few words. It was true that it had been formerly the practice to vote annual taxes, but by degrees the practice changed, taxes became permanent, and at last the only annual duty was the sugar duty. In 1846 that duty was also converted into a permanent tax, and at that time, as the right hon. Gentleman had stated, complaints were made that they were parting with the control of the House of Commons over the annual taxation of the country, and that some other annual taxes should be substituted for the sugar duties. The noble Lord the Member for London, then at the head of the Government, admitted that the Government must look for some other annual tax. The point now had become very important. It was immaterial whether one Bill or four or five Bills were sent up to the Lords, as he believed that the other House, practically speaking, would have just the same power, neither more or less in either case. The House of Lords knew that when they threw out the Roll of last year they disturbed the whole financial arrangements of the country, and took upon themselves a serious responsibility, which they could not do unless they were supported by the general opinion of the country. But Parliament was now about to revert to the ancient practice, and to make a large amount of taxation annual. Now, what was the meaning of that course, and what were the taxes which were to be made annual? No less than twenty millions of taxation were to be dependent upon annual Votes, and the particular taxes selected were the tea and sugar duties and the income tax. The Chancellor of the Exchequer, following up the hint of the right hon. Baronet the Member for Carlisle, had said that if this measure were adopted it would give to the House of Commons control over what he called the "time taxation"—that was, that those items were to be kept under the control of the House from year to year. ["Hear, hear!"] He could understand the meaning of that cheer from hon. Members below the gangway—such a course was coincident with their policy. The noble Lord the Member for North Lancashire (the Marquess of Hartington) upon a former evening, speaking for the Whig party, said they had been taunted with supporting the views of the hon. Member for Birmingham. Upon certain questions, said the noble Lord—such as questions of Reform and of domestic policy, they did not support the hon. Member for Birmingham, but upon commercial questions they went entirely with him. Now, they were not at present discussing commercial questions, but questions of finance, and he would like to know whether the noble Lord intended to accept the hon. Member for Birmingham as his leader upon those questions; because upon financial questions the hon. Member for Birmingham had laid down a clear and definite policy, and the present measure of the Government was in conformity with that policy, or rather, was introductory to it? The hon. Member for Birmingham had laid down a distinct financial policy; and what did he recommend? He would like to sweep away all taxation voted year by year; to sweep away the sugar and tea duties and the income tax, for the purpose of substituting for them a tax on realized property in funds, or houses, excluding property invested in trade.

MR. BRIGHT:—The hon. Gentleman has entirely mistaken what I said. I said nothing of the kind. I never proposed to exclude from taxation property in trade. Nothing can be more unjust than the system of taxation he has attributed to me.

SIR STAFFORD NORTHCOTE said, he had only spoken from memory of a speech of the hon. Gentleman, and he begged his pardon if he had misrepresented him. At all events an intention had been expressed to lay a tax on realized property, that was somehow distinguished from the present income tax, which the hon. Member for Birmingham had condemned as strongly as any one. It was proposed to substitute for the taxes now voted a tax of 8*s.* per annum on every £100 of property realized. Was that the financial policy the noble Lord the Member for North Lancashire and other Gentlemen of the Whig party were prepared to adopt? If so, he could perfectly understand their satisfaction with the system of converting the taxation into the subject of annual votes. If it was not, let them pause and consider what would be the effect of this system? The right hon. Gentleman the Chancellor of the Exchequer had met them with appeals to authority; he told the Opposition they were the innovators, but that he "stood upon the ancient ways," and followed the policy of Sir Robert Peel and other great statesmen. If the right hon. Gentleman's Budget contained the same features as the Budget of 1842, or that of 1845, he should feel less alarm; he should feel that the right hon. Gentleman was going on a solid and sure foundation. But his policy was not only not the same as Sir Robert Peel's; it was the reverse of it. Sir Robert Peel made remissions of duty; that was certainly one point of resemblance; but by the same arrangement Sir Robert Peel imposed the income tax for a period of years sufficient to cover the term of the experiment and to secure a surplus during that time. Did the right hon. Gentleman make provision for a period of years? He did not even provide for a single year. Was that the policy of 1842 or 1845, or that of the right hon. Gentleman himself in 1853? What would be their position next year? Even if all turned out successful, they must renew the present amount of taxation, postpone the payment of debts, or, if they paid the debts, add further to the amount of taxation. What must be the effect of renewing the chief taxes year by year? The public expenditure was now at a high level, and would, probably, remain at that level for some time to come. How should it be met? By taxation that should be the least galling, and the least oppressive possible. Was the income tax a tax not galling, not oppressive, not unjust, not unpopular? Was it so framed that they could stand by it without provoking a war of classes? Every year that the question was renewed, whether the income tax should be 9*d.*, 10*d.*, or 12*d.*, every year that the question was renewed whether the working classes should be subjected to taxation on articles of comfort and necessity, they revived a war of classes. And, taking the ground of economy, was the income tax the best kind of tax to induce it? The right hon. Gentleman had told them that the House of Commons was liable to hot and cold fits as to expenditure. If the House were in a hot fit, and were asked for enough to put all their fortifications and defences on the best footing, by a penny, twopence, or threepence added to the income tax, it might be done easily. If the House were in the cold fit, with the income tax voted year by year, it might spare itself any trouble about the details of the Estimates by at once reducing the income tax one-half or a quarter, or a Motion might be made to alter the form of the income tax. Suppose a Resolution were moved with that object, with the income tax renewed from year to year, was there no peril of giving rise to class dissensions? Might it not be proposed, from its unpopularity, to exempt certain schedules from the income tax, or to sweep away the tea and sugar duties and lay all the public burdens on the income tax? It was most dangerous to leave all these matters open questions. They might be raised when there was a weak Ministry, when the people were excited, or when parties in the House were nicely balanced, and it might be, impossible to resist a pressure. They might have a Ministry anxious to change the form of taxation; to get rid of all indirect taxation, and substitute a form more oppressive to the property and landed interests of the country. There were most serious risks incurred by voting the taxation annually instead of fixing it for a term of years. If the system was injurious to the political interests of the country, was it not also most mischievous to its commercial interests? The amount of the tea and sugar duties being uncertain, few would embark in a trade of which they could not calculate the conditions. Such was the objectionable element they were about to introduce into their Budgets, and for what purpose? To take vengeance on the House of Lords for the insult said to have been offered last year. He did not so much object to including all the financial propositions in one Bill as to the system of making all the taxation annual instead of permanent, making their finance provisional and shifting, and introducing a system that must raise questions between class and class in the most inconvenient form. The course taken by the Government was gratuitous and unnecessary, and pursued on account of an insult supposed to have been received—but which he did not believe had been received or would be likely to be received—from the House of Lords. Having taken this course, and thus thrown the House into confusion, the Government turned round on the Opposition, and, calling them innovators, commenced a policy which he believed would be fruitful of years of increasing difficulty to the country.

MR. LOCKE said, he thought the speech of the hon. Baronet was extremely satisfactory, because, after so much of the time of the House had been wasted in discussing the question which had been raised by the hon. and learned Member for Sligo (Mr. Macdonogh), the hon. Baronet told them that the question so ably raised was altogether unimportant, and that he did not care a straw whether they sent up one Bill or three Bills to the House of Lords. He must say that such conduct on the part of right hon. and hon. Gentlemen opposite did not reflect any very great credit on Her Majesty's Opposition. The question of the paper duties had been discussed *ad nauseam*, the whole country was agreed upon it. ["No, no!"] It was all very well to say "No, no!"—what constituencies had hon. Gentlemen consulted? The noble Lord the Member for Stamford (Lord Robert Cecil) talked of his constituents; now, he would tell the noble Lord the opinion of his (Mr. Locke's) constituents. He had 11,600 constituents—as many as would comprise the constituencies of some twenty or thirty hon. Gentlemen opposite. When he recently went back to them he asked them whether they were in favour of the Budget of the right hon. Gentleman the Chancellor of the Exchequer, and they told him they were. And when he told them of the course taken by the Tory party—they understood the expression "Tory"—they did not understand what Liberal Conservative meant. They knew who the party were that, down to a recent period, refused the people cheap bread, and then afterwards came forward in that House to ask for cheap tea. They called them Tories now, and he believed them Tories still. ["Hear, hear!" *from the Opposition.*] He liked that expression from hon. Members opposite; it showed that they did not put a mask upon their faces as they had been hitherto in the habit of doing, and that they came forth in all their ancient beauty, or ancient deformity, as one for or against them might choose to express it. The hon. Baronet had done good service to that (the Liberal) side of the House, because he had told his supporters that they had been wasting the public time in arguing a question which was wholly untenable. Hon. Gentlemen opposite put forward the hon. and learned Member for Sligo, who made a speech with great confidence and ability; but he left out of it all those precedents and points which were brought forward by other hon. Members. The hon. and learned Member spoke like a lawyer—he did as all lawyers did, as he (Mr. Locke) would do; but not in that House, because he did not think it would be correct. The hon. and learned Member just took that part of the case which suited him: he quoted the precedents which bore upon that point of the case, and left out of view everything which militated against him. He (Mr. Locke) was satisfied after the second speech in that debate. The speech of the hon. and learned Member for Sligo was answered by that of the right hon. Baronet the Member for Carlisle. The debate was concluded with that speech they had heard nothing new since. They had had the Report of the Committee tortured and taken to pieces bit by bit, misrepresented on one side and properly represented on the other, until they ought to know the whole of the Report by heart. But of all the extraordinary speeches which he had heard, the speech of his hon. and learned Friend the Member for Wallingford (Mr. Malins) was the most extraordinary. His hon. and learned Friend had a kind and generous heart: and when he spoke his real feelings, and was not misled by those about him, he came out in an honourable, straightforward, and generous manner. His hon. and learned Friend was so struck some evenings since by the statement of the Chancellor of the Exchequer that he rose in his place, the feelings of his heart got the better of his judgment, and he at once approved of the Budget. But in the speech which his hon. and learned Friend had delivered to-night, he made some sort of excuse, and what was the excuse? The result of his hon. and learned Friend's argument was this, that they ought to place confidence in the House of Lords. Why? Because the Lords had not placed confidence in the House of Commons. The hon. Member said that was the right way and that the proposed mode was an improper mode of proceeding, and he went on for a long time about tacking, but if ever there was a curious instance of tacking it was that of the hon. Member himself who had tacked all round. He (Mr. Locke) was at a loss to know why they should place confidence in the House of Lords. It was always usual in that House to express the highest opinion of all dignitaries—he himself felt it as much even as the hon. Member for Knaresborough (Mr. Collins). His hon. Friend said, "Do not send up this Bill with three things in it, but send them up one by one, and have that confidence in the House of Lords that they will pass them one after the other." He (Mr. Locke) had not the slightest reason to think why they should. They did not do so last Session, and unless his hon. Friend could give some special reason that they would do so this Session, he declined to confide in them or adopt his advice. On the contrary, the right way was to send up the Bill as it had been introduced by the Chancellor of the Exchequer. As it was near the end of the debate he had a right to ask why they should not do so? Had any reason been given why they should not send up the Bill as it was, containing those three points in it? If there had ever been any doubt on the point, the hon. Baronet the Member for Stamford had solved that doubt. He was put up by the right hon. Gentleman the Member for Buckinghamshire as a little kite just to see how the wind blew. The hon. Baronet had been put up on a former occasion, on the debate on the Reform Bill, of the late Government, when the noble Lord, the Member for the City, subsequently moved those important Resolutions, which caused a dissolution of Parliament, the hon. Baronet got up and led hon. Members on that side of the House to suppose that the right hon. Gentleman the Member for Bucks was going to adopt the Resolutions of the noble Lord. He (Mr. Locke) had that impression five or six times, his hopes were raised; but then the hon. Baronet spoke with bated breath, and those expectations and hopes the hon. Baronet dashed to the ground. The hon. Baronet had behaved in the same way that night. He said that Members on this side of the House had wasted time; whereas he (Mr. Locke) said that the question which had been raised by the Opposition was not tenable, and that in short the whole course which they had pursued in this debate had been perfectly ridiculous—for what did the hon. Baronet now say, why that the question, and the only one, which the House had to determine was whether the taxes should be voted for one year or for several years? That according to the hon. Baronet was the sole point they had to determine, and as he understood that the second reading of the Bill was not to be opposed by a division, he could only express a hope that when the House went into Committee, the Opposition would behave themselves better than they had hitherto done.

Mr. W. E. DUNCOMBE said, he wished to recall the attention of the House to the question before it. He was extremely surprised when the Chancellor of the Exchequer, in making his financial statement, said that he was throwing down the olive branch, and that he hoped the measure would be received in the same pacific spirit in which it was proposed. He could not understand how the right hon. Gentleman could be so sanguine, for his measures seemed more likely to occasion discontent and a great political injustice. It appeared to him that the question which had been submitted to the House might be divided into two parts—the financial and the constitutional. With regard to the financial part it might be stated in a very few words. How was it he would ask that the right hon. Gentleman proposed to reduce the duty on paper, which was a tax not severely felt by the great body of the people, and at the same time proposed to retain the war duties upon tea and sugar, and the income tax at a high rate? It had always been considered a right and politic course, when the Government was in a condition to reduce taxation, that they should first reduce that part of taxation which had been imposed in time of war or of peculiar emergency, rather than to reduce other taxes that had been a long time in existence. He thought that the country had a right to feel grievously disappointed at the course which the Chancellor of the Exchequer had taken. Those great men who had employed the income tax in former times as an engine of finance reserved that tax for periods of war or of great financial difficulty. Mr. Pitt imposed the tax when we were engaged in a gigantic struggle with France, and Sir Robert Peel imposed it when the finances of the country were in considerable difficulty, and when there was a deficit of upwards of £2,000,000 owing to the mismanagement of their predecessors. It was true that the income tax had not been taken off since that period, but it was not increased until the Russian war, when it was raised to 16*d.* in the pound, and the extra 9*d.* was called the war 9*d.* In 1853 the right hon. Gentleman the Chancellor of the Exchequer proposed that the income tax should cease in 1860, but instead of abolishing, or even of diminishing it, he increased it when that year came; and now when he had according to his own statement £2,000,000 at his disposal, he proposed to retain the income tax at the high rate of 9*d.* That proposal was altogether inconsistent with his previous views, and certainly he was bound to propose a reduction of the income tax in preference to a repeal of the paper duty. The reduction of the tea duties would also have received the general approval of the House and the country, and he could only ascribe the course actually taken by the Government to an anxious desire on their part to sacrifice even the interests of the country in order to gain the support of the hon. Member for Birmingham. On the constitutional question it was said that the Budget proposals were combined in one Bill in order to settle the differences between the two Houses of Parliament. But he denied that any differences had existed between the two Houses. When the Lords last year rejected the Paper Duty Abolition Bill a great change of opinion had taken place in this House, and when the right hon. Gentleman afterwards brought forward his supplemental Budget there was hardly an hon. Member who did not think the course taken by the Lords was wise, politic, and just. What right had hon. Gentlemen opposite to assume that the Lords would not pass the Paper Duty Abolition Bill, if it were sent up to them in the ordinary way? To jumble up so many different elements in one Bill, so as to prevent the Lords from exercising their independent judgment on any one of these different measures was, in his opinion, an attack upon the just rights and privileges of the Upper House. It was to retain the support of the hon. Member for Birmingham that this unconstitutional proceeding had been adopted. The hon. Member for Birmingham had endeavoured on various occasions to raise the feelings of the people in the manufacturing towns against the Lords, but always, fortunately, with ill success. This failure, however, had been atoned for by his success with the occupiers of Downing Street; but their unconstitutional attack on the privileges of the other House would recoil upon themselves if they ventured to take the opinion of the country on it.

VISCOUNT PALMERSTON: Sir, an old friend of mine used to say when a question was put to him, "I should like to hear it argued." A very prudent maxim that was, and undoubtedly the course of this debate shows the advantage of a full discussion. We began these debates with great doubts expressed whether there was any surplus at all. The statement of my right hon. Friend was disputed, his results denied, and the whole foundation of his scheme was said to be fallacious. After a certain amount of discussion it was generally admitted that there was a surplus. That admission was made not merely in words but by a Motion, because those who began by disputing the existence of a surplus ended by proposing a greater reduction of taxation, which would have absorbed a portion of that surplus. That was a step in the progress. Then arose the question as between tea and paper, and great objection was raised, which was largely and generally expressed, to the repeal of the paper duty; but discussion had its effect, and now there is no dispute as to whether the paper duty should or should not be repealed. There was step the second very satisfactorily established. Then arose the graver question—the question between the two Houses of Parliament. Serious objections were urged to the method proposed by my right hon. Friend of putting all his financial arrangements into one Bill, which was said to be an outrage on the House of Lords. That was a subject for discussion during a great many hours, but fortunately we have this very evening heard, on very competent authority, that that is a matter of no importance. The hon. Baronet the Member for Stamford (Sir Stafford Northcote) told us that the result of the discussion is that it is perfectly immaterial whether the financial propositions go up to the other House in one, two, three, or four Bills—he does not care sixpence about it, and so that question is entirely settled. Here, then, we have the surplus established, an entire acquiescence in the selection of the paper duty for repeal, and in the method and arrangement of the matters to be sent up to the other House. And, then, when—good, simple-minded people—we were looking upon the whole matter as disposed of, up starts another question, entirely unconnected with any of the former questions—whether taxes shall be voted annually, or made permanent? That is a new subject, and I dare say that when you, Sir, put the Question, we shall have a Motion for adjournment in order that it may be fully discussed like the other subjects satisfactorily determined. I can only recommend hon. Members to turn their minds to it in the course of the Whitsuntide holydays, so that they may be fully prepared to enter into a formal discussion of it. Being so far agreed, I was in hopes that the termination of these discussions might be peaceful and satisfactory; but up gets the right hon. Member for Stroud (Mr. Horsman), and throws the torch of discord into our hitherto comparatively peaceable debates. My right hon. Friend wants to set everybody by the ears. First of all he endeavours to sow dissension in the Cabinet, then he endeavours to set the two Houses in collision, and, not content with that, he carries his disturbing intentions so far as to try to get up a war between Members of the House of Commons and their constituents. I beg to assure him that he will entirely fail in his first object. He will not succeed by any taunts of his in creating dissensions in the Cabinet. With regard to his second object, I am convinced that he will be equally unsuccessful, as we have heard to-night from persons competent to speak, in creating hostility between the two Houses. That is a very satisfactory consolation. With regard to hostility between Members and their constituents, speaking generally for the House as a body, I am equally convinced that his endeavours will fail; but as far as his assertions may be founded on any local knowledge which he may possess with regard to any particular electoral body of course I cannot pretend to give an opinion. I refer that entirely to him. I will only say that it is an established maxim "Blessed are the peacemakers;" but what may be the fate of those who are sowers of dissensions, instigators of discord, and promoters of quarrels is not so clearly defined. Whatever it may be, I am afraid my right hon. Friend is determined to share in it.

MR. DISRAELI: Sir, the agreeable but unexpected observations of the noble Lord appear to me to be, generally speaking, founded on an entire misconception of what has taken place, and the arguments which have been urged in this House during the last week. There is one point, however, in which I agree with the noble Lord—namely, in the estimate which he has formed of the value of discussion. It is quite apparent from the observations, however casual, of the noble Lord that he has acquired very different opinions upon many points that have been under discussion from those he entertained at a previous period, and especially last year. The first statement of the noble Lord was that we now admit a surplus, which we formerly denied. I think the noble Lord will find on reflection that there is no foundation whatever for that statement. All have admitted—the Chancellor of the Exchequer himself has admitted—an enormous deficiency for the year; all have admitted —it cannot be denied—that we have been obliged to meet that deficiency by renewing taxes, mainly war taxes, to a vast amount; and the simple question before us was whether we should renew those taxes to an amount that would satisfy the demands of the service, or whether we should renew them to an amount that would create an artificial surplus? That is the whole case. If you had followed what I believe to be a prudent course, you would have lightened the burdens of the people to the largest extent in your power, and you would have renewed the war taxes only to the amount that was necessary for the public service. But when you refused to adopt that policy, when you chose to follow a caprice of finance, and to renew the war taxes to an amount that gave you a surplus of £2,000,000 above the demands of the public service, then we said, "Do with the whole of that what you propose to do with a half—namely, apportion it to the reduction of the war taxes which you are renewing." You agreed with us so far as the income tax is concerned, and we proposed that the same process should be applied to the war tax on tea. That is the whole question. It may not have been understood at one time by the House, though it is now, but it has always been thoroughly understood by the country. You have created an artificial surplus, in order that you might gratify a financial caprice. We tried to bring you into a more healthy and advantageous position. Yet you seem proud of the triumph which you have accomplished! What is that triumph? In a House of more than 600 Members, by a bare majority—a majority of 18—a majority in a certain degree supplied by hon. Members who sit habitually opposite to you, and who voted for your measure, not because they approved your policy, but because they shrank from the responsibility of disturbing your Government—you have to this moment, and only to this moment, succeeded in the first step of carrying your policy into effect. The noble Lord is forcing by a bare majority, not furnished by his legitimate supporters, a financial policy upon the country, and telling you at the same time that that policy shall not be submitted to the consideration of the other House of Parliament. I say, the noble Lord, in thus forcing a financial policy upon the country by a bare and illegitimate majority, avowedly furnished by ambiguous means, is straining the Constitution. Then we are told that we have shifted our ground—that we have brought forward a great constitutional question, and shrunk from the issue which we ourselves selected. Who said so? I think it was that hon. and learned Gentleman who represents the borough of Southwark (Mr. Locke). He has favoured us with a speech of choice eloquence, in which he imputed motives pretty freely, and commented upon our conduct in that grotesque style which I have no doubt suits the hustings he has just left. The hon. and learned Gentleman says I set up my hon. Friend the Member for Stamford as a kite in order to discover the temper of the House. Why does he say so? Oh, precious reason! He is well acquainted with my hon. Friend; he has observed his conduct, and he remembered his speech on the Reform Bill of 1858. He says he listened with intense interest to my hon. Friend when he spoke on that occasion, and more than six times he believed he was going to say I was about to accept the Resolutions proposed by the noble Lord the Member for London. Six times did he believe that? If he could only once have believed that the noble Lord himself was going to accept them it would have been more satisfactory. That I think would have been a little more satisfactory to the electors of Southwark than the precious story about kites we have heard to-night. The Reform Bill of 1858, coupled with what has since occurred, is not exactly the subject which an ardent and prudent supporter of the present Ministry would have chosen as an instrument of attack against us for our conduct in the matter of the Budget. But what is this great constitutional question? It is much simpler than at first supposed, though its simplicity cannot be surprising to those who were members of the Committee last year, including the noble Lord himself. The fact is, I believe, there is no right of the Commons which, if you search their journals, you cannot prove. On the other hand, there is no right of the Lords, which, if you search their journals, you cannot also prove. That is the state of the case as regards precedents. It is the natural consequence of dealing with an ancient Constitution that has gradually risen and gradually adapted itself to the wants and necessities of a great people. You have in the archives of the Lords the haughty records of prescription; you have in the journals of the Commons the rude annals of privilege. In either mighty code you may find sufficient authority for anything a factious Minister or an excited Parliament may think proper to undertake. We flattered ourselves, however, that we had not to deal with a factious Minister, but with a man who has had great experience of public affairs, and who, by his temperate conduct and moderate counsels, has generally been acceptable to Parliament. What was the conduct of the noble Lord when he had to do that which he did honestly, plainly, directly, and skilfully last year—when he had to accommodate modern circumstances to ancient precedents? He gave us temperate counsels, and if the Resolutions passed last year had been followed in their spirit by the House of Commons—if they had been followed in the spirit which was expressed in the speech of the noble Lord when he introduced them —a speech which was accepted by the House as the gloss and explanation of their meaning—there could have been no misunderstanding on the subject. I believe, indeed, that at the beginning of this Session it had never entered into the mind of the noble Lord that there could be any misunderstanding on the subject. But, then, another influence began, as last Session, to appear and to give a colour to public events and the conduct of Ministers; and what we complain of is that the policy which arose from this second and sinister influence is not one that is dictated by high considerations of State, by a regard to the spirit of our Constitution, or by a due respect for the privileges of the other House of Parliament; but has arisen from accidents, from circumstances, from private understandings, and from private pique. Hence the difficult and dangerous position in which this House now finds itself placed—a position far beyond considerations of party, far beyond the mere interests of individual Members—a position which may result in ruinous consequences to the Constitution of the country. We are, in consequence of these occult influences, brought to this condition—that we are straining the Constitution, that we are raising a question of immense importance, that we are unnecessarily and wantonly bringing into possible collision the privileges and powers of co-ordinate branches of the Legislature. Under what circumstances are we acting thus? When, in the very House of Parliament which, according to the view now advocated by the noble Lord, can alone benefit by that policy, parties are evenly balanced, or rather, I may say, a bare majority is obtained by the Government by means the most factitious. That is my answer to the noble Lord. I say, as I said last year, that to object to the mere form in which the Budget is produced would be to offer an objection which I admit is not technically valid. But why did you not bring forward your measure last year in the form which you now prefer? I should have been glad to have seen the Chancellor of the Exchequer's scheme of last year in one measure, assured that those outrageous propositions which created a mutiny in the Liberal ranks at a later period, would have manifested itself earlier and ensured its defeat. But, if it was not expedient last year to include all your measures in one Bill, why, I would ask, is it necessary now? In order to find a reason for this change we must look back and see what has occurred in the interval. Taking that retrospective glance we perceive that it is to the conduct of the House of Lords in the interval that this course of procedure is advisable. Well, and what has been that conduct? It is conduct which has been pronounced by the right hon. Baronet the Member for Carlisle—a great authority—as being perfectly legal and constitutional. It is not, therefore, because of its illegality or unconstitutional character that you object to the step which the House of Lords took last year. What, let me ask, was the policy of that step? The House of Lords were of opinion that, as the financial scheme of the Government was sent up to them, there would, if they sanctioned it, be a deficit for the year which has just terminated; and, therefore, they used their legal right—a right not contested in this House by any one except the Chancellor of the Exchequer, I believe—and prevented a branch of permanent revenue from being abolished. What has been the result? You had at the expiration of the last financial year a deficit of £2,500,000, which deficit would have amounted to £3,500,000 had the House of Lords not pursued the course to which I am adverting. It appears, then, that the conduct of that House in this respect was legal, constitutional, politic, and most advantageous to the public interest. What, then, is the ground—the real ground—on which we are called on to adopt a course quite the contrary of that which we took last year? It must be this or it is nothing—that it is sought to deprive the other House of Parliament of the exercise of a power which you admit was legally and constitutionally exercised, and which the nation has ratified as sound and politic. That is the real position in which this question stands. There is no meaning in language if the noble Lord at the head of the Government contemplated, when he was introducing his Resolutions on this subject last year, the course which he now advises us to pursue. And what does the noble Lord gain by taking this course? As the chief Minister of this country, he has been, if not supported by an enthusiastic majority, at all events with such a measure of forbearance on the part of this House that he cannot say he has been seriously inconvenienced previous to these discussions on any one point during the whole of the Session. What is his position now? He has given his adhesion to a policy which nobody but the few who were in the secret could have expected he would sanction, inasmuch as it is a policy totally opposed to the sentiments expressed in the speech to which I have already alluded, and in which the noble Lord placed an interpretation on the Resolutions which he moved on the occasion, which was adopted by this House in faith and trust that it was an interpretation by which the noble Lord was prepared to abide. The noble Lord now finds himself in a House of Commons in which his authority is severely criticized, and in which, when a division on an important subject is called for, putting that authority to the test, he escapes only by a bare majority, and that, too, a majority of a very ambiguous character. It has not, therefore, I say been on the part of the noble Lord a wise movement so far as Parliament is concerned unnecessarily to raise this conflict, and when we are told that "blessed is the peacemaker," and listen to the elaborate reproof which the noble Lord addressed to a right hon. Gentleman whose only fault was that he gave a most logical answer to the Chancellor of the Exchequer and other hon. Gentlemen who preceded him on this question, I would remind the noble Lord that he is the very man who has raised unnecessary discord in the House of Commons; that he is the man who has most unnecessarily provoked dissensions in the House, and has caused his authority to be questioned where before it was not challenged. I may say, speaking for Gentlemen on this side of the House, that we are not at all afraid of the position in which this question is placed. We entirely repudiate the accusation that we provoke unnecessary debate. The confidence which I repose in public opinion makes me assured that the general sentiment prevailing throughout the country is that this was a subject which required to be discussed; that, under all circumstances, deliberation was desirable, but that the peculiar position in which we now find ourselves when a Minister has introduced a strange, unusual, I may say even an unprecedented course of procedure, which entirely deprives the other House of Parliament of its power of revision, rendered it expedient that we should act with double deliberation, and deal with the utmost caution with the policy of the Government in this particular instance. That policy I look upon as extremely unwise. I will not say it is mean in device and malignant in execution, but I will say this: that when it is recommended to us as a policy of conciliation any retort is justified. But we are asked why, if we dissapprove the course which Ministers have taken, we do not oppose the second reading of the Bill under our consideration? My answer is that we have already given our assent to the provision respecting the income tax, which constitutes a principal part of the measure, and that as when the Resolutions relating to the paper duty were passed we reserved to ourselves the right to take with reference to all the other subjects involved in the measure whatever course we might deem expedient on the future stages of these proposals, so now we reserve to ourselves a similar right. This is a course perfectly Parliamentary, although I should not be astonished to find that a member of the Government may hereafter rise in his place and pronounce it to be unconstitutional, inasmuch as we heard the Chancellor of the Exchequer declare that, when Resolutions affecting a duty passed, the House of Commons was precluded from considering the propriety of those Resolutions on subsequent occasions. Notwithstanding that declaration, however, we shall avail ourselves of our constitutional right, and when the proper opportunity offers we shall hold ourselves free to take into consideration the policy involved in this Bill, which we believe to be a policy dangerous to the country. I make this statement because the noble Lord at the head of the Government the other night, in one of those gay assumptions in which he so happy, proved to his own satisfaction, that we had given in our adhesion to every portion of the scheme of the Chancellor of the Exchequer. I do not wish the noble Lord to remain any longer under that delusion. We at first agreed to the passing of the Resolutions, in order that the Bill founded upon them might be brought in, reserving to ourselves the right—upon the occasion which might seem to us proper and fitting, and in the manner which we might deem the most judicious, the most conducive to the public interest, and the best calculated to attain the end which we desired—to challenge a policy which, speaking generally, we entirely disapprove, and which we believe finds each day less favour among the people of England.

Bill read 2°, and *committed* for Monday, 27th May.

Question, "That the Bill be now read a second time."

Put, and *agreed to.*

EXCISE AND STAMPS BILL.

SECOND READING.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER moved the second reading of this Bill.

Mr. HENNESSY said, the Bill would give rise to some discussion. The Resolutions upon which it was founded passed the Committee almost without discussion, and he hoped the second reading would not be pressed at that hour.

The CHANCELLOR of the EXCHEQUER said, the Resolutions had received full discussion, and he trusted that there would be no opposition to the Bill passing the present stage.

Bill read 2°, and *committed* for *Monday*, 27th May.

House adjourned at a quarter before One o'clock.

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HOUSE OF LORDS,

Friday, *May* 17, 1861.

Minutes.] Public Bills.—1ª Combination of Parishes Dissolution (Scotland).
2ª Offences in Territories near Sierra Leone Prevention.
3ª Smoke Nuisance (Scotland) Act Amendment.
Royal Assent.—Princess Alice's Annuity; Charitable Uses; Admiralty Court Jurisdiction; Law of Foreign Countries; Queen's Prison, &c.; Post Office Savings Banks; Marriages Validity.

INDIAN PRIZE MONEY.

OBSERVATIONS.

Lord BERNERS called the attention of the Under Secretary for India to the delay which had taken place in the distribution of the Delhi and Lucknow Prize Money. It was now three years and a half since Delhi was captured, and unless some decided action were taken by the Government of India the prize money would not be distributed for years to come. He wished to know whether the Government have taken or would take any efficient means to enforce early payment of the Indian prize money?

Earl DE GREY and RIPON said, that the warrants for distribution were issued at the end of last year. Some delay had arisen in consequence of the difficulty of making up the rolls of claimants; for until these were completed it was impossible to ascertain the shares payable to each, and some of the regiments engaged in the operations at Delhi and Lucknow had subsequently left India. The Government were making every effort to obtain the rolls, and as soon as these were complete the prize money would be distributed.

OFFENCES IN TERRITORIES NEAR SIERRA LEONE PREVENTION BILL.

SECOND READING.

Order of the Day for Second Reading read.

Lord BROUGHAM said, that we were bound by every tie of duty, principle, and interest, to see that offences committed in the neighbourhood of Sierra Leone should be punished. He regretted that, notwithstanding all the treasure lavished on Spain to induce it to abolish the slave traffic, that country still maintained it without the slightest diminution.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Monday* the 27th *instant*.

THE STADE DUES.

QUESTION.

The Earl of HARDWICKE rose to put a question to the Under Secretary for Foreign Affairs on a matter of some importance. He must first tender an apology to the noble Lord for not having given him notice, but as the matter was one of fact, the noble Lord would have no difficulty in saying Yes or No. As the Question related to finance, and might affect the surplus which the Chancellor of the Exchequer expected to have at the end of the financial year, it was important to know whether what he was about to state was true or not. The noble Lord, of course, would exercise his discretion in replying to the question; but if the noble Lord should decline to answer it, he would conclude that what he was about to state was true. Their Lordships were aware of the existence of what were called the Stade Dues, which involved a question of great importance between this country and Hanover, the settlement of which had been continually deferred. He was informed that the affair of the Stade Dues had been settled within the last 48 hours, and that England had engaged to pay a considerable sum of money almost immediately. What he wished to know was, Whether the information he had received was correct?

Earl GRANVILLE asked the noble Earl why he had departed from the rule which required that public or private notice should be given of a Question, whether it related to fact or theory?

The Earl of HARDWICKE said, he knew he owed an apology for putting a Question without notice, and he had apologized.

Earl GRANVILLE: The reason?

The Earl of HARDWICKE: I have heard the matter stated only since I came into the House, and I had no opportunity of giving notice.

Lord WODEHOUSE:—I decline to answer the question, and, at the same time, I protest against any conclusion being drawn from my silence as to the accuracy or inaccuracy of the statement made by the noble Earl. It is obvious that it would be improper on my part to undertake to answer questions relating to that Department without previous communication with my noble Friend the Secretary of State for Foreign Affairs.

House adjourned at a quarter-past Five o'clock, to Monday, the 27th instant, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, May 17, 1861.

Minutes.]—New Writ Issued.—For Flint County *v.* the hon. Thomas Edward Mostyn Lloyd Mostyn, deceased.

Public Bill.—1° Salmon and Trout Fisheries.

THE GALWAY POSTAL CONTRACT.

QUESTION.

Mr. GREGORY said, he wished to give notice that as soon as the papers were laid upon the Table connected with the annulling of the Galway Contract, he should submit a Resolution upon the subject, and should take the sense of the House upon it. He would now beg to ask Mr. Chancellor of the Exchequer, Whether, inasmuch as the Directors of the Atlantic Company are about immediately to reply to the Letter of the Postmaster General annulling the Galway Contract, this reply will be printed, together with other Papers on that subject, to be laid before the House?

The CHANCELLOR of the EXCHEQUER said, that, of course, such reply when received would be laid before the House.

BRITISH SHIPPING IN AMERICA.

QUESTION.

Mr. J. C. EWART said, in the absence of his hon. Colleague (Mr. Horsfall), he would beg to ask the First Lord of the Treasury, Whether, if Merchant Ships seeking freight at New York were chartered by the Federal Government of the United States previous to the arrival in America of Her Majesty's Proclamation, the owners of such ships would be liable to the penalties therein stated?

Viscount PALMERSTON said, the question was one which involved a good deal of legal difficulty. He had communicated with his hon. and learned Friend the Attorney General, and he expected that he would have been present to answer it in a formal and more authoritative manner. Being absent, the hon. Member had better postpone the question for a short time.

MILITARY FORCE IN CANADA.

QUESTION.

Lord JOHN MANNERS said, he wished to ask, Whether Troops have been moved from Montreal to the Cornwall and Beauharnois Canals, and whether the locks on the St. Lawrence Canals are guarded by the Military? Also whether it is true that the Commander-in-Chief in Canada has made a requisition for a large addition to the force now in Canada, and, if so, with what result?

Mr. T. G. BARING said, the Secretary for War had received no official information as to the removal of troops from Montreal; but he had received private information that about 100 men had been moved from that place. With respect to the question as to whether any requisition had been made by the Commander-in-Chief of Her Majesty's Forces in Canada for a larger body of men, he had to say that representations were made some time ago for a larger force, it not being so large as it had been formerly. In point of fact, two years ago the force was reduced to only one regiment of the Line and the Canadian Rifles. In consequence of information recently received, the Secretary for War intended to send out one battalion to Canada, thereby restoring the number of the troops to what it had previously been.

CHANCERY FUNDS (IRELAND).

QUESTION.

Mr. HUME said, he wished to ask the Chief Secretary for Ireland, Whether any general Rules have been promulgated by the Lord Lieutenant of Ireland for the regulation of investments of money under the control of the Irish Court of Chancery, pursuant to the provisions of 23 and 24 Vic. cap. 38.

Mr. CARDWELL said, no such regulations had yet been promulgated, but, he believed, some were in contemplation.

Moved—That the House at its rising do adjourn till *Thursday* next.

IRISH EQUITY JUDGES.—QUESTION.

Mr. WHITESIDE said, he wished to ask the Chief Secretary for Ireland, Whether it is in contemplation of the Irish Government to increase the number of Superior Equity Judges to ten; or whether it is contemplated to confer the jurisdiction of a Court of Chancery upon the Court for the Sale of Landed Estates in Ireland? He had been surprised to find it stated that there were ten Equity Judges in Ireland, for he had been under the impression that there were but two — the Lord Chancellor and the Master of the Rolls. There were also the Masters in Chancery, formerly five in number, but now reduced to four, and one of them was a Receiver Master, with about 1,000 estates to look after. When the Landed Estates Court was established the Government of the Earl of Derby proposed to appoint two Judges; but hon. Gentlemen opposite insisted upon having three. He did not know whether these learned functionaries were to be called Equity Judges.

Mr. CARDWELL said, there was no intention of making any such change as was referred to by the right hon. and learned Member, nor did he know how it had been ascertained that there were ten Equity Judges in Ireland.

THE BISHOP OF RIPON AND THE DOCTRINE OF PURGATORY.

OBSERVATIONS.

Mr. HENNESSY said, that he wished to call the attention of the House to a matter of some importance, and to put a question to the Government upon it. He called at the Home Office that day for the purpose of calling the attention of the right hon. Gentleman the Home Secretary to the matter. He saw the hon. Under Secretary for the Home Department, who was in his place, and acquainted him with the course which he intended to take. The circumstance he referred to was mentioned in the *Ripon and Richmond Journal*, and was to the following effect:—

> "Removal of a Tombstone by Order of the Bishop of Ripon.—An event forming a general topic of discussion, and creating a high degree of feeling in certain quarters of the town, has transpired since our last issue, by the enforced removal of a tombstone placed at the grave of the late Mr. W. Priestman, in the parish churchyard. The stone, which is of a tasteful character, consists of an ornamental cross, with a crown of thorns encircling the sacred monogram 'I.H.S.' The stem of the cross divides the front of the stone into two compartments, on the left side of which is the following inscription:—'Of your charity pray for the repose of the soul of William Priestman, who departed this life September 6th, 1860, aged 62 years. R.I.P. Eternal rest give to him, O Lord.' Running down the stem of the cross are the following words:—'*Miserere me, Deus.*' We need scarcely remark that the interference has arisen in consequence of the purgatorial doctrine implied in the inscription, which is contrary to the Articles of the Church of England. After the stone had been up for about a week, we are informed, an order was received from the Bishop of Ripon, addressed to the rector or his representative, that it should be at once removed. This having been notified to the family of Mr. Priestman, they declined to comply with the Bishop's order. On the communication of the refusal the church authorities directed the immediate removal of the stone, which was carried out on Saturday last."

He understood that the tombstone had been removed against the wishes of the family, at the desire, and by the order of the Bishop of Ripon. He was also informed that the person to whom the Bishop of Ripon directed the order could not find a single labouring man who would perform the duty. However, other labourers were got, the tombstone was forcibly removed, and the grave desecrated. He believed the right rev. Prelate recently distinguished himself at a meeting at St. James's Hall, by denouncing the intolerant conduct of the Government of Spain; but if the right rev. Prelate could have pointed out such an instance of intolerance on the part of the Spanish Government towards foreigners would he not have done so? He believed that the removal of the stone was an illegal act, and if the Bishop of Ripon had jurisdiction in this diocese, and should carry out his idea, he must destroy most of the monuments in Westminster Abbey and many in Her Majesty's Chapel at Windsor. He asked, If the attention of the Government had been called to the subject, and what steps had been taken with regard to it?

PROTESTANT WORSHIP IN SPAIN.

QUESTION.

Sir ROBERT PEEL: Before the noble Lord answers the Question of the hon. Gentleman, I wish to know if any steps have been taken in reference to an address that has been presented to the noble Lord bearing on a case of persecution of British Protestants in Spain. But, first, let me say I quite agree with the hon. Member for the King's County that it was very indiscreet in the Bishop of Ripon—if the facts are truly reported—to remove the tombstone, and, although the right rev. Prelate has lately spoken out manfully against the persecutions in Spain, I should be sorry to support him in the removal of a stone of that character. Perhaps the House will permit me to allude to a case bearing on the same subject, information of which has reached me this morning. And I must apologize to the House for again alluding to the question of religious persecution in Spain; but the noble Lord at the head of the Foreign Department has shown so much reluctance and indifference in dealing with the subject that it is necessary it should be more vigorously handled by the noble Viscount at the head of Her Majesty's Government. The question I have to put is not in reference to the treatment of natives of Spain by the Spanish Government; it is more important. At the request of British merchants residing at Zerez de la Frontera and Port St. Mary, in the south of Spain, I have to bring under the notice of Parliament some circumstances that have just occurred there of the most oppressive nature it is possible to conceive. The British merchants have been in the habit of having the service of the Established Church performed on Sundays alternately at Zerez and Port St. Mary, in the houses of the vice consuls at those places. But at Zerez the service has recently been performed in the house of a private person, the vice-consul at Zerez, Mr. Gordon, having refused to allow the use of a room in his house for the purpose. I must say it is a scandal and disgrace to the consular service that a British vice-consul should not allow the service of the Church of England to be performed under the protection of the British flag. It would appear that the clergyman who has acted in those two localities has recently left and a fresh clergyman has been appointed. I have received the following letter, stating the circumstances:—

> "Zerez de la Frontera, May 8.
>
> "We have for the past two years had the benefit of the services of our Church, the duties of the clergyman being divided between Port St. Mary and Zerez de la Frontera. The service in Port St. Mary is held in the house of the Vice-Consul Campbell, that of Zerez was up to this time held in my house, owing to our vice-consul being a Roman Catholic, and refusing to allow us the use of a room in his house, though we cited cases in which other consuls who hold his faith had in the most liberal manner done so. Up to the present time all has gone on well, but on the 2nd ult. I received, through our Vice-Consul Gordon, an order from the Alcalde to close my chapel (copy of which order I enclose), and threatening me with a criminal prosecution in case of refusal, according to their Penal Code, Article 139. At a meeting of English held here we again respectfully asked our consul for a room under the protection of our flag, which he has again refused. May I ask your kind interference in our interests? As one of the many British merchants settled here with their families, the service is to ourselves a most vital point."

The punishment threatened under the 139th Article of the Spanish Code is, as is well known to many hon. Members, eleven years' penal servitude in the gallies. These men offered to pay the salary of the clergyman out of their own pockets; they in no way interfered with the religious feelings of their neighbours, and they had a right to have the services of their Church performed freely and without interference. The noble Foreign Secretary on a former evening said that though the Spanish Government might interfere in the case of native Protestants, it was prepared to treat English subjects with all the liberality compatible with the law. I think the performance of the Church service in their own houses ought to be compatible with the law of any civilized country. But I have received another letter from a Mr. Joseph Bentley, residing at Little Bolton, who states that he has a daughter living at Gijon, in Spain; this daughter had a child who died there on the 21st of January. The authorities of the place would not allow the body to be buried because the parents were not Roman Catholics, and it was kept above ground for some weeks before they could send it to England for burial. Really, I think the conduct of the Spanish Government—for which I feel as much contempt as my noble Friend—in this matter is the most outrageous that can be conceived, and if it thinks it can treat such things with indifference, I believe it is very much deceived. Spain finds it more agreeable to send out buccaneering expeditions, and to promote slavery, but I am sure the noble Lord has his eye on those proceedings, and will remind the Government of what is due to the principles of justice and humanity. I wish to ask, Whether any steps have been taken to induce the Spanish Government to treat—not Spanish Protestants—but British subjects in the manner that the country would wish to see British merchants treated?

Mr. COLLINS said, he very much regretted that the hon. Gentleman behind him (Mr. Hennessy) had called the attention of the House to the conduct of a Member of the other House without giving previous notice of his intention to do so. He (Mr. Collins) could hardly think that the facts had been properly reported. He thought there must be some misrepresentation, and that the Bishop ought to have had some fair opportunity of replying to this statement.

Viscount PALMERSTON: — Sir, in answer to the Question of the hon. and gallant Member for Portsmouth (Sir James Elphinstone), I must state that, on account of the urgency of the public service, I cannot postpone the Estimates beyond Thursday next. Before that day hon. Gentlemen will have full opportunity to prepare themselves to discuss them.

With regard to the Question of the hon. Member for the King's County (Mr. Hennessy) I am not at all prepared to give any answer. My right hon. Friend the Secretary for the Home Department is unable to be present, being detained by duty elsewhere; but I am quite sure, when his attention is directed to the subject, he will be able to give an answer.

With regard to the Question of the hon. Member for Tamworth (Sir Robert Peel), I have to state that I did receive the memorial he alluded to, and it has been duly placed before Her Majesty's Government. I have also to state that steps have been taken in the matter. Instructions have been already given by my noble Friend at the head of the Foreign Department to Her Majesty's Minister at Madrid to make urgent representations to the Spanish Government, not only with regard to its proceedings towards British subjects, but in reference to the generally intolerant principles of its administration. My hon. Friend, who knows Spain better than I do, must be well aware that the Spaniards are a people peculiarly sensitive of any foreign interference with their internal affairs, and, therefore, any representations by the agents of foreign Governments, to be usefully made, must be made with considerable discretion. As far as regards concessions made to British subjects, however, there can be no difficulty and there need be no hesitation; and I am glad to say that the Spanish Government have evinced every disposition to extend to British subjects the privileges which we ask for them—namely, freedom to perform their religious services according to the rites of the Protestant service in their private houses, and the establishment of schools where their children may be educated in accordance with the Protestant faith. If, therefore, any instance has occurred in which that general understanding has been departed from, I am quite sure that on a proper representation to the Spanish Government ample redress will be afforded if it lies within their legal power to set the matter right. With regard to the general question, everybody knows that Spain was in former times governed upon the most intolerant religious principles, and the country was the scene of lamentable executions on account of religious opinions. Great improvement has since taken place in this state of things, and these punishments have been moderated, but still Spain in this respect is far behind any civilized, and, I will almost say, any uncivilized nation. At the same time "the evil that men do lives after them," and the misconduct of former generations still weighs upon Spain in the prejudices which still linger in the public mind there. But Spain now enjoys the advantage of a free constitution, of a representative assembly, and, to a certain extent, of a free press. I cannot doubt, therefore, that discussion will enlighten the mind of the nation, and when that shall have been accomplished the Government of Spain, which is far more advanced than the nation at large, will be able to carry into effect those liberal opinions which I can assure my hon. Friend are entertained by those who at present have the direction of affairs in Spain. All I can say is that Her Majesty's Government will lose no opportunity of which, in their opinion, they can usefully avail themselves, for promoting those principles which everybody in this country is so anxious to see established; and I can assure the House that the unofficial and confidential communications which have passed between our Minister at Madrid and the Spanish Executive give us good reason to hope that there will be no difficulty, as far as they are concerned, in doing that which for the interest of Spain herself ought to be done as speedily as possible.

SIR ROBERT PEEL said, the noble Lord had not alluded to the conduct of the Vice-Consul Gordon, who, being a Roman Catholic, was intolerant enough to decline allowing the service of the Church of England to be performed under the British flag, and who was the means of inducing the Alcalde to withdraw permission for the celebration of the Protestant service. This person replied in the Spanish language to the communication addressed to him by his fellow-countrymen; and, considering all the circumstances, the Government would surely send out orders at once revoking his appointment. [An hon. MEMBER:—Read his letter.]

VISCOUNT PALMERSTON said, he was quite sure that if the circumstances were as they had been represented and were laid before his noble Friend (Lord John Russell) right would be done.

SIR ROBERT PEEL said, the Vice-Consul's letter was in Spanish, or he should have been glad to read it.

Motion *agreed to.*

House at rising to adjourn till *Thursday* next.

THE REGENT'S PARK.—QUESTION.

Order for Committee read.

Account of Exchequer Bills raised or authorized to be raised [presented 16th May] *referred.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD ROBERT CECIL said, a piece of land in the Regent's Park had for some time been cut off from the Park and let to the Toxopholite Society, and he hoped the right hon. Gentleman (Mr. Peel) would give an assurance that when the term expired that ground would be reserved for the public. The Parks of London were not a bit too large for the population, and anybody who went into the Regent's Park on a Sunday would see that it was highly expedient that the public and not any private society should have the benefit of that piece of land.

MR. PEEL said, that no application had been made by the Toxopholite Society for the renewal of their lease, which did not, however, expire until the end of 1863. Some time ago the Society were anxious to surrender their unexpired term, but they still remained in possession of the land. He understood, however, that the rent was considerably under the present value of the land; and, therefore, supposing application were made for the renewal of the lease, the Society would, at all events, have to pay a much higher rent than at present. As to throwing open this piece of land, it had never formed part of the Regent's Park or been open to the public, so that there was no question of withdrawing from the public that which they had in time past enjoyed. When three or four years ago the proposal was made to surrender the lease a question arose what was to become of the property, and after a correspondence between the Treasury and the Office of Works it was agreed, with the consent of the latter office, that the property should be appropriated for the building of villa residences. However, the surrender of the lease not having been actually made the proposal was not persevered with, and the question of what would be done with the land when it became available was still open. The noble Lord, however, might rest assured that nothing would be done without full consideration.

NATIONAL EDUCATION IN IRELAND.

RESOLUTIONS.

MR. WHITESIDE said, he rose to move the Resolutions on the subject of National Education in Ireland which stood in his name. At first the Legislature took no notice of Irish education; and, therefore, there were no schools in Ireland save those supported by voluntary contributions, and those sustained by the parochial clergy, which had existed since the Reformation. A Committee which sat on the subject in 1812 reported that the wants of the country were not supplied by the parochial schools, and then a body of gentlemen, animated by Christian principles, united for the purpose of carrying on the work of education more effectually than it could be conducted by the parochial clergy. The society which they established in 1811 was called "The Society for Promoting the Education of the Poor in Ireland," and its first meeting was attended by the late Mr. O'Connell, who approved the principles on which it was conducted.

In 1825 a Commission was appointed to inquire into the subject; and in the Report Sir Frankland Lewis and his brother Commissioners' printed letters from no fewer than fifty-seven leaders of the Irish Roman Catholic Church who approved the principles of the Kildare Place Society, those principles being to educate by voluntary contributions all who wished to be educated, without reference to religion, only taking care that the Holy Scriptures were read in the schools. Even Roman Catholic children were educated in them, retaining the right of using their own—the Douay version. That society attracted the notice of Parliament, which voted to it a small sum of money. At the time when that society was suppressed its grant was £25,000 per annum, and the number of children educated was 100,000. At that rate £100,000 ought to educate 400,000 children. The Parliamentary grant under the present system amounted in 1852 to £164,577; in 1853, to £182,073; in 1854, to £193,040; in 1855, to £215,200; in 1856, to £227,641; in 1857, to £213,271; in 1858, to £228,000; in 1859, to £249,000; in 1860, to £270,722; and this year the amount was £285,377, including buildings, architecture, and agriculture. Altogether Parliament had granted to these schools nearly £3,000,000 of money; and Protestants were excluded from all participation in the grants. It had been asserted that in 1812 the Commissioners recommended a school system like the present. No such thing. They recommended that the existing parochial schools should be supported, and good books provided, and that supplementary schools should be provided in places where they might be required, admitting persons of all religious persuasions. The Commissioners recommended that the books should not only inculcate moral principles, but that there should be extracts from the Scriptures themselves, an early acquaintance with which they believed to be indispensable to forming the mind on sound principles. They reported that there were about 2,400 parishes and unions, and that if each parish school educated fifty children, that would give a total of 120,000. They also reported that the children would be taught without difficulty as to school superintendence and control, in consequence of having the advantage of the clergy. The Commission of 1825, to which Sir Frankland Lewis gave the benefit of his services, also reported strongly in favour of the system of the Kildare Place Society; but they were of opinion also, that another principle might be acted upon which would include a larger mass of the people. Shortly afterwards the Earl of Derby—who had had the singular good fortune to propose one measure which struck off the shackles from the slave, and another which released a nation from the bondage of ignorance—became Secretary to the Lord Lieutenant. In a curious book written by Lord Cloncurry a description was given of a dinner which took place about this time at the Castle.

> "The Secretary was sent for (he said), and we sat up till two o'clock in the morning discussing the question of National Education. When it was proposed to Mr. Stanley that the system should be one from which religious education was to be excluded, he at once answered that the Protestant mind of England would never stand that."

It was hardly fair, perhaps, to report conversations which took place at that hour of the morning, but subsequent events showed how sensible the observation was. Mr. Stanley wrote a letter, and an amended letter, and the last proposed that there should be a certain portion of combined religious education in the schools. Archbishop Whately refused to be a party to any system of education from which religious instruction was excluded; in fact, he distinctly laid it down that there could be no education without religious instruction—a proposition which he illustrated in his usual happy manner—

> "Suppose a boy (he said) asks his master which is the true God—Jupiter or Christ—are you to forbid the master to instruct him at some portion of the day on that point?"

But the principles on which a system of education should be established had been admirably explained by the noble Lord the Foreign Secretary, whom he regretted not to see in his place. In a book published by the British and Foreign Bible Society he found a speech of the noble Lord's reported, in which he said—

> "Innumerable difficulties have been raised as to whether you can have education conducted without any regard to religion. I could not help being very much struck with the answer given by a boy in the course of his examination to-day. When he was asked for what purpose the Holy Scriptures were given to mankind, he said, 'To be the guide of our conduct in life.' What an imperfect and lame system must that be which, either by State assistance or voluntary effort, proposed to educate the great body of the people of this country, and yet to leave out that which is to be the guide of their conduct in life! Can any proposition be more unwise or more fatal?"

The noble Lord further said—

> "I have always contended that this matter of religious instruction is secular as well as religious; that it belongs to us all; that it pervades all the business of life; that it is one of those things which we ought to recommend among the common things of which every household ought to partake."

He might be out-voted, but, fortified by that authority, he could not be out-argued. There were three kinds of religious instruction originally intended by those who formed the National Board, among whom was the Earl of Derby—one that *might* be given, another that *could* be given, and a third which *was* to be given in the model schools and the schools vested in the Board, where religious extracts, religious poetry, and *The Evidences of Christianity* were to be used—the latter book being written by Archbishop Whately, with all the clearness and force of Paley. The Board was founded on those principles. His argument was that the original plan had been subverted, that they had overthrown it, and that, having overthrown it, they now insisted, not in truth, but in argument, upon maintaining the national system. Archbishop Whately, the founder of the Board, quitted it because the principles upon which it was founded were subverted. He discovered that his book, *The Evidences of Christianity*, after it had been approved by the late excellent and esteemed Roman Catholic Archbishop Murray, was not read in the model school. Archbishop Whately maintained that a model school should be the pattern of all other schools, and while the patrons of other schools might reject certain books, all the books for combined religious instruction should be used in the model school. It was said that in a school of ninety-nine Protestant children and one Catholic child, the one Catholic child, though only of five or six years of age, might pronounce against a book written by that eminent, divine and able scholar Dr. Whately, and prevent its being read in the school. That never could be the right interpretation of the 8th rule, but the Board held that it was, and Archbishop Whately, when he found that practical absurdity maintained, determined to quit the Board. In giving his reasons for that step, Dr. Whately said—

> "I, however, as I think any man of common sense would, perceived that there could no longer be any security against any amount of innovation; that those who had broken faith with the public could never enjoy or deserve any further public confidence; and that I could not, consistently with any principles of honour, consent to be a party to proceedings which amounted to the abandonment of all fixed principles, and to the consequent subversion of the existing system and the misapplication of the Parliamentary grant. I not only approve the original system as decidedly as ever, and am as ready as ever to carry it on, but it is because I will not be a party to its subversion that I have ceased to be a member of the Board."

Again, he said—

> "It would be unfair for me to deceive Parliament and the public by pretending to carry on a system which is, in truth, essentially changed."

That secession led to the departure of the Lord Justice Blackburn, and of one who was an irreparable loss to the Irish Bench—Baron Wilson Green. Now what were the rules of the system? They were simple and intelligible. He would read one or two. The first was—that religious instruction should be so arranged that each school should be open to the children of all communions. He would show that that rule had been entirely departed from. Other rules were that due regard should be paid to parental rights, and, accordingly, that no child should be compelled to receive, or be present at, any religious instruction which its parents or its guardians disapproved, the time for religious instruction being so arranged that no child should be excluded, directly or indirectly, from the advantage of the schools. The Roman Catholics complain, with much reason, of the use of this word indirectly. If a landlord, for instance, insisted on the children of his tenantry attending the school of which he was a patron, did this word protect the children or the landlord? It was introduced, he believed, for a purpose which it had certainly amply fulfilled, of leading to endless confusion, bickering, and quarrel. Another rule was that public notification of the time for religious instruction should be made, and of the general nature of the instruction to be given. The way in which that rule practically worked was that when the clergy of the Established Church or the clergy of the Roman Catholic Church were about to make any allusion to Christianity, a placard on a pole was hoisted to warn the children of a different communion off the premises, lest they should hear a word of truth respecting the Christian religion. No rule had given more offence to the clergy of the Established Church, and it was indignantly rejected by the whole Presbyterian body in Ireland, for though the right hon. Gentleman opposite contradicted him on that point last year, yet he had since made inquiries, and he found that it was as he then stated. In the Presbyterian schools they would not put up the placard, and yet they remained under the Board, whose rules were flexible in some cases and inflexible in others. Another rule was that religious instruction should be given either before the school began or after it was over, and the result was that instead of 400 or 500 pleased and attentive listeners to the work of the Archbishop, when it was part of the school teaching, there were, perhaps, only twenty, when the children were required to come at half-past eight instead of nine for the purpose. It was an ingenious plan to warn the children from obtaining any religious instruction whatever. There was, also, another rule which was very offensive. Suppose that at half-past eight in the morning a chapter in the New Testament was read by a Protestant clergyman, or in the Douay version—which, in his opinion, was a very good version—by a Roman Catholic clergyman, what was to be done with the book for the rest of the day? Why, the rule declared that it should be kept under lock and key, for fear it should be seen in school hours, till the hour of reading it, came round again on the following morning. Now, though the Irish clergymen were not generally in favour of using the Bible as a school-book, they did not like that the children should be told the Bible was to be locked up from them. Another rule was that no clergyman or person in religious orders should be a teacher in these schools. But no sooner was that rule made than for a very good reason they proceeded to incorporate the conventual and monastic schools into the system. He thought it right to mention here that it was a mistake to suppose that all religious orders were prohibited in the country; there were certain confraternities against whom no law existed. If, now, any Gentlemen were to ask him what was the difference between the national schools and the Scripture schools, he would tell them that in the Scripture schools the walls were decorated with texts of Scripture, such as "Thou shalt not steal," "Thou shalt do no murder," the Lord's Prayer, and others; and in the case of the infant schools, for instance, the letters were so big that they might learn from them the first principles of Christianity while they were sitting in their seats, and doing little else, perhaps, than staring on the opposite wall. But if a national inspector entered one of those schools, the first thing he would require would be to take down all those texts. This the clergymen invariably refused to do. However they might be sneered at as old-fashioned, they thought them better than the staring pictures of those monstrous animals that existed before the flood, which the inspectors offered them in their place, and which, in his opinion, were better calculated to frighten the children than to instruct them. But then, it was said, look what an enormous amount of good is done under this system. He did not forget the speech which the right hon. Gentleman opposite made last year, that there was no country in Europe where such educational progress had been made as in Ireland under the national system. The right hon. Gentleman told them then that before that day twelvemonth the opposition to those schools would vanish, charmed by his seductive eloquence; that the Protestant clergy would change their opinions, because a pamphlet had been written by a learned friend which had had precisely the opposite effect, and because a letter had been written by the Primate which would bring all the clergy over to his views. Now, he would inform the House what the effect had been. A large meeting, composed of representatives of every class of the community, had pronounced strongly in favour of the views he was now advocating, and the subscriptions to carry them out were about £5,000 more than last year. He had been told on good authority that a person who had been in the employment of the National Board had said that that system could not survive the disclosure of the numbers of pupils of different religious persuasions in actual attendance at the schools. It should be remembered that the great object which Mr. Stanley had in view was to establish a system of education that would include all religious denominations; and his hope was that there would be applications for schools in each district from both of the leading sects. That, however, was done in only a small number of cases, and the schools thus established gave infinite trouble to the Board. There remained, however, the great principle of mixed education, which the right hon. Gentleman boasted had proved such a great success. Two returns had been issued on that subject, one of which was a myth and the other a reality. The former gave the names of all the children who had shown their faces in school, and had not been absent for more than ten or twelve weeks at a time. The latter return was a return of the classes, and that return, he believed, was accurately and correctly kept. Now, what was the return? The right hon. Gentleman produced the numbers of 263,000 children as a great and triumphant result; 263,000 children educated at an expense of £320,000, while the old society educated 100,000 children on a grant of £25,000. But even these numbers required to be analyzed. The right hon. Gentleman told them last year, that if the system was not acceptable to the Protestants the Roman Catholics were enchanted with it. But let him inform the House what was the real state of the facts. The right hon. Gentleman said there were 93,000 Protestant children in the schools. That was to say, there were 50,000 of the Presbyterians, 20,000 of the Church of England, and 20,000 of the other denominations. No doubt that was the nominal return. The rule, he believed, differed in the schools of England and Ireland. He had been informed that day that if there were 500 names on the roll in an English school you might expect 400 to be in attendance. But in Ireland, if there were 105 on the roll you might expect 49 in the school. One of the Commissioners of Endowed Schools, who had examined every school in three counties, never found present on any occasion half the number of pupils on the roll. But even these numbers of 263,000 he found were obtained by reckoning in the children in prison. Attendance at school was generally reckoned a voluntary act, but they could hardly reckon the children in prison voluntary scholars. Then there were the model schools, in which great advantages were offered, and in which a considerable number of persons were educated. And, lastly, there were the agricultural schools for instructing children in farming knowledge. These schools certainly could not be registered as national schools. The number of parish schools did not exceed 150,000, and he found the nun schools exceedingly popular, and for this reason. The argument was, that if they allowed religion to interfere with school knowledge and teaching, the result would be a bad kind of secular education. Now that argument had been proved to be utterly fallacious. All the reports of the national school inspectors had proved the falsehood of that position; and although he disapproved of monastic institutions, yet of all classes of monastic institutions those were the best in which the ladies were engaged on the education of the people. The reports of the inspectors proved that these schools were the best ventilated and the best managed; and although they taught religion he did not think the worse of them because they violated the rules of the Board; for they were bound to teach religion and did do so. But the people, strange to say, had not the option of choosing between convent and national schools. There were 50,000 children in the convent schools, which was a proof of the fallacious ground on which the principle of the rule of exclusion rested. The evidence of the parish priest of Dundalk (Mr. Keirnan) showed that the best thing which could have happened for the national system was the adoption of the convent schools; for if they had made no provision for the religious principle which was asserted by those schools the whole national system would have been held in doubt and suspicion. The nun schools were taken into the national system by an exception which had been made in their favour. They were an exception to the rule, and, therefore, the rev. gentleman said he felt a confidence in the Board which he had not previously entertained. It was in vain, therefore, to attempt to assert a principle in Ireland which could not be asserted in this country. He knew he should be asked, "What are your numbers? You admit, at all events, that of the 150,000 children in the national schools there are 50,000 in convents, and among them a full share of Protestants." What, then, was the result of the voluntary principle, because it was admitted that the two principles were opposed to each other? The House might be disposed to ask, "What can you show? What is done in respect to Scriptural education? What are your numbers?—if it be a question not of principles but of numbers." It was very interesting to look into that question. He had obtained the number of the children at the Scriptural schools, which were called Church Education Schools, and found it to be 73,497, of which number 10,000 were Roman Catholics. So far as the Roman Catholic children were concerned, the conductors of the schools took care not to offend the religious prejudices of their parents, and they always had the Douay version of the Bible. In the Robertsonian Endowed Schools there were 1,315 children; in the Erasmus Smith's Schools, 5,948; in the

Incorporated Society's schools, 871; in the Irish Church Mission schools, 2,000; in the Irish Society's schools, 600; in the Island and Coast Society's schools, 1,200. And then came the Sunday schools, the number of children attending which was 230,676. All these schools asserted the principle of religious education, and he maintained that in Ireland a greater number of pupils were taught by voluntary contributions than in this country, at the expenditure of nearly £300,000. Religious instruction was the main object aimed at in these schools, but many of the pupils were unable to read, and were also instructed in that art. Of the 230,676 children who were instructed in those schools, of course a considerable number also received instruction on a week day, but 130,000 attended no other school. All the children whose parents kept them at work, or who were employed in factories all the week, flocked to these schools. No document was more interesting than that which contained the result of the operations of the British and Foreign Bible Society, and from the Report of that Society he found that they had supplied to the Sunday school secretary no less than 10,500 Bibles, and 13,000 Testaments. No copy was given to any person who could not read. It was said that the revival in certain northern counties in Ireland had led to a great demand for the Scriptures, but he was glad to say that now, when the excitement had subsided, the appetite for the Scriptures still remained. He would further state how the rest of the work of education was carried on. There were issued last year 629,025 spelling-books, and 893,670 alphabets, besides a number of other books, all of which had been supplied by voluntary contributions. On what ground, therefore, was it that out of the repertory of knowledge in Marlborough Street, which was paid for by the public at the rate of £300,000 a year, a single spelling-book could not be given to such a society as that? On what ground was a grant of books refused to such a society? They asked for no salaries for schoolmasters; they asked for no money for the purpose of building schools. How was the system pursued calculated to improve the moral and intellectual condition of the people of Ireland? The returns to which he had referred did not include the ragged schools, the pupils in which amounted to 376, or the reformatory, a Protestant school, containing 40 children. The parochial and other poor schools, on the principle of the Church Education Society, contained about 20,000 children. The number of Protestant children attending the National Board schools was 91,000. The total number of children in all these schools was not less than 327,523. In addition, he might mention that the Belfast Ragged School contained 460 children. Deducting the 91,000 Protestants attending the national schools, the number of scholars educated by voluntary contribution was 236,893. He contended that all who subscribed to the public money came within his first and second Resolution, and ought to be included within the Parliamentary grant; and if either Resolution should be adopted, it would apply to a great number of his fellow-countrymen. He was lately much struck with the iniquity of the present system. He was at a Church at Belfast when it was announced that the body of the church would be required for a special service at half past 4 o'clock. The number of children in connection with the school was from 800 to 1,000, and he happened to ask whether it was under the National Board — a question which very much irritated the lady to whom he was obliged to apologize as best he could for supposing that there was anything of the kind in connection with the school. Now, would any person answer him—not out of blue books, for he did not believe one-tenth part of what they contained, but with any solid argument showing why that respect should not be accorded to the conscientious opinions of the Protestants of Ireland which was extended even to the humblest sect in this country? He had received a letter from a member of the bar, who was one of the committee for managing Archdeacon Gregg's schools, giving details with regard to a school of 300 children, with a constant attendance of 200, situated close to the National Board; not a Roman Catholic was in the school, and in six others in the neighbourhood which were visited at the instance of this gentleman the proportion of Roman Catholics was very small, but they were all excluded from the benefit of the grant, or from any assistance from the public funds. From time immemorial it had been their practice to teach the Scriptures. The hon. and learned Gentleman the Member for Youghal (Mr. Butt) had procured a return, to which he should invite the attention of the House as a curiosity, because it showed how impossible it was for a statesman, by any notions of his own, to alter the convictions, the opinions, or, it might be, the prejudices of men. A political emetic must be administered to some of those red-tapists to compel them to disgorge the hoards of red tape that disordered their stomachs and obscured their understandings. It appeared by the return in question that there were 5,496 so called—though miscalled—National Schools, of which no less than 2,598 did not make even a pretence of imparting mixed education, leaving a residue in which it was asserted that the mixed education principle was carried out by 2,898 schools. Of this residue there were 478 schools in which the *maximum* attendance of Protestants claimed was one in each; and this the House should understand was not by any means a Protestant in the flesh, but a phantom Protestant, introduced to perpetuate the delusion of a combined education. There were 385 schools in which the minority of Protestants or Catholics, as the case might be, consisted of two; 281 schools in which there were three Protestants; 210 schools in which there were four; and in 164 schools the magnificent number of five! Thus, 1,518 additional schools were made up, in which it was plain, from the figures he had given, that not even a pretence existed for saying that there was any mixed education. Deducting that number from the residue of 2,898 schools, only 1,380 would remain. But from that reduced number there were others that must be deducted. It could not be said, for instance, that mixed education was carried out according to the fundamental rule of the society in prisons. There were seven such schools as those. Of workhouse schools there were 139; model schools, 14; minor model schools, 40; and agricultural schools, 14; in all 218. Leaving these out of the calculation, as he was bound to do in fairness, the voluntary schools in which the mixed system of education was carried out were reduced from 5,496 to 1,162—or about one-fifth of the number. Descending into particulars the results were even more remarkable. In the province of Munster there were 1,382 National Schools; but of these there were 483 in each of which the pupils of a different creed from the majority on the roll amounted only to one. Subtracting from the total number those schools in which the minority upon the roll did not amount to nine scholors, there were exactly 35 schools in the province of Munster in which the principle of united education was really carried out. In Leinster there were 1,315 National Schools, but, instead of the handsome percentage of 47 per cent in which it was alleged the combined system of education had been successfully carried out, there were but 97 schools in the entire province where the numbers belonging to the religious denomination of the minority exceeded five. In Connaught, where there were 814 National Schools, 242 out of the 354 mixed schools had less than five pupils belonging to the minority, 295 had less than 10, and the remainder, having more than 10, was exactly 59 schools throughout the entire province. In Clare county, with 179 National and 54 mixed schools, in not one of them was there a *maximum* of 10 children out of the average number of 105 who belonged to a different religion. He would give the House the facts with regard to two counties. It was not fair to select those which were either exclusively Catholic or exclusively Protestant; but he would take the counties of Carlow and Wicklow, which, being happily circumstanced as to the proportions of the different religions, would afford a good illustration of the state of things existing under the present system. He had spoken to an hon. Member representing one of those counties, and he told him that the return obtained by the hon. and learned Member for Youghal was perfectly accurate as far as it went, but it took no account whatever of the schools supported by voluntary contribution, almost side by side with the others. And that was the case with all the blue-books—they gave but one portion of the truth; and half a century hence some unfortunate man—Mr. Buckle, for instance—who might attempt to write history, and who relied for his information on the contents of blue books, would find himself in possession of but half the real facts. [The right hon. Gentleman read the list of attendances at the different National Schools in the county of Carlow, as given in the official return, which exhibited the attendances of Protestants of all denominations, as varying from one in a school of 117 to six in a school of 187, the vast majority of the children being in every instance Roman Catholics.] Could the House regard that as a return of mixed education? He had felt at some loss to understand how Protestants were educated in that county till he procured from his friends a return exhibiting the true state of the matter. From the Government return it appeared that 99 Protestants and 2,715 Catholics—

2,814 in all—were educated in the National Schools of the county of Carlow; whereas, strangely enough, in the schools supported by voluntary subscriptions on Scriptural principles the proportions approximated more closely, for they contained 168 Catholics to 1,538 Protestants—making a total of 1,706. These were the results obtained on one side by the weight and favour of the State directed to the establishment of a particular system, and on the other by the efforts of a respectable body of persons who could not tolerate the exclusion of the Scriptures, nor give their adhesion to rules laid down to fetter their judgments and consciences. He should be really astonished if the noble Viscount at the head of the Government, who always displayed such excellent sense, and still more his noble Colleague who made such admirable speeches on the question of education, refused to vote with him on the present occasion. To look at the returns for the county of Wicklow one would think that there were no Protestants whatever living there, and that he must dive into the earth to find those who had received a Protestant education in that county. An eminent Roman Catholic contractor had opened up that county to all who wished to see its splendid scenery, and as the journey from Dublin to Bray was but a short one, there was little difficulty in obtaining information as regarded education in Wicklow. Those who supported the National system as it was now carried on would tell the House that a religious instruction would interfere with secular education in schools for the people, and that if the Catholic child went to the school of the Catholic priest—to which it was natural for him to go—and if the Protestant child went to the school of the Protestant clergyman—to which it was just as natural for him to go—these children would be found quarrelling all the rest of their lives. The criminal statistics of the county of Wicklow falsified that assertion. It was exactly thirty years since there had been an execution in that county. When he was Attorney General he received official accounts of the number of prisoners for trial in each of the Irish counties, and from those returns it appeared that two prisoners were the average number for trial at the Wicklow Assizes. The Sittings of the Criminal Court occupied about twenty minutes each assizes. In short, he believed there was not in the world a population more deserving of admiration than the population—Catholic and Protestant—of the county of Wicklow. They were as moral, courteous, peaceable, and religious as any people on the face of the earth. Well, how many Protestant children were returned as attending the National School in the town of Bray? One; while the number of Roman Catholics was 176! He would just give the House a notion of the truth on this point; not that he impugned the official return; he believed that it was prepared with the greatest fidelity. The question was how to overtake this little urchin; because he might run over the whole county, and escape over the border and into the county of Dublin, before he finally settled down in a particular school. It was his opinion that this little Protestant of whom mention was made in the return, being an active little fellow, might outrun the inspector and escape to the next school before that functionary arrived. There was this suspicious circumstance about him—that those who visited the particular school never saw him. He might, in fact, be described as "the Phantom Protestant." He happened to be at Bray, and was asked to attend a school; and to do that which was greatly against his inclination, make a speech. However, he submitted; attended the meeting of school children; he made a speech, and, if he might judge by the rattling of the teacups, did very well. Well, at that gathering he saw with his own eyes—and they need not quote blue books to him as against what he saw with those eyes, for he always believed the evidence of his own senses—nearly 200 Protestant children. The clergyman of the place was Archdeacon Whately—a son of the Archbishop; he was the vicar of Bray. He could assure the House that in no place did the people live on better terms with each other than in the county of Wicklow, where these 200 Protestant children were attending a Scriptural school, and where the Catholics attended schools in which they received religious instruction according to their own faith. It was, therefore, absurd to support the National system on the grounds put forward by its advocates. He did not blame the right hon. Gentleman the Chief Secretary for Ireland personally for that system. The right hon. Gentleman had not invented, he had only spoiled it. In the county of Wicklow there was a Protestant Orphan Society for orphans of whom both the parents had been Protestants. In that school there were 410 children. There was also an orphan school for the children of mixed marriages, and the number of children in it was 170 to which it was proposed to add 20. The children in those schools must all be forthcoming. The child was the receipt for the money paid for his support; and children seldom or never died in that county. In all there appeared to be 800 children attending various schools in which Scriptural Education was given. The number appearing in the returns of the National Schools was three, and some people went the length of saying, that if you went into the National Schools in Wicklow you would not find a Protestant child there at all. The Catholics were very happy. The priests were the patrons of about 2,000 of those National Schools. The Catholics had confidence in them, and it was natural that they should send their children to the schools of which those rev. gentlemen were the patrons. The principle of the Roman Catholic clergy might be to exclude the Scriptures from the schools. He did not assert that they did; he did not say how that fact was; nor did he want to force the Scriptures on any one; but he did want that the fact of the Scriptures being taught in a school should not render that school inelegible for any participation in the educational grant. They heard a great deal in that House, and he was quite sick of it—of efforts for evangelizing Spain, Protestantizing Italy, converting the Hindoos, and disturbing the whole world, when only across the Channel they denied the Scriptures to their own fellow-subjects, who read them before they had anything to do with them, and would still read them when they were all gone. According to the return of the county of Cork, there were many schools with less than five Protestants in each, and being in the county lately, he asked the secretaries of some of them whether their subscriptions were falling off, and the answer was, "No, we have got more money this year than ever we got before." Much had been said about the opinions of the bishops, who were supposed to have favoured the National system. With all respect, he would observe that the opinion of a Bishop did not conclude a question. The opinion of a Bishop was to be respected, but, at the same time, it was to be considered. The name of the Primate of Ireland had been mentioned. There was no better man; and it was a mistake to suppose that his Grace was not in favour of religious instruction in schools; for he subscribed £500 for that object. The Primate and other Bishops of the Irish Church addressed the Chief Secretary for Ireland to make some concessions in respect of the National system. The right hon. Gentleman replied that he could not; and it was when this refusal was conveyed to the most rev. and right rev. Prelates, that the Primate, in a letter to his clergy, told them that if they found they could not carry on schools conducted on the Scriptural system, they were at liberty to join the National, rather than allow their children to be without education. That statement had been extracted from the Primate by the refusal of the right hon. Gentleman. His Grace was coerced by what he conceived to be his duty—though as to the wisdom of the course taken by him there was a difference of opinion—to issue that letter to his clergy; and it was not fair for the right hon. Gentleman to cite him as an authority against the vote which these Resolutions were intended to establish. Let them now turn to Ulster for an illustration of the operation of the mixed system of education, where, according to the right hon. Gentleman, it had always presented itself in a favourable aspect. [The right hon. and learned Gentleman referred to the figures of several of the schools in the County of Antrim, in each of which there was only one Protestant to a large number of Roman Catholics.] In the Townsend Street School, in Belfast, there was but one Catholic to 374 Protestants; and he asked what chance the Catholics would stand among so many Protestants? So much for the Protestant county of Antrim, and so much for a system which compelled people to do what they did not wish to do, and to yield to a principle of which they could not approve. In Armagh and Carvan the same rule held good, there being at the rate of one Protestant to hundreds of Catholics in each school. In the model schools in Dublin, where the Board had carried out more rigorously the rule to give a mixed education, the attendance of Protestants was greater than elsewhere, being in one case 112 Protestants to 499 Catholics; in another, 89 Protestants to 367 Catholics; and in another, 64 Protestants to 366 Catholics; but in other schools in that city the proportion was 1 Protestant to 138 Catholics; 1 Protestant to 114 Catholics; 1 Protestant to 241 Catholics, and so on. He asked whether any man of ordinary sense and fairness could, in the face of such facts, persevere in say ing that that was a mixed system of education? There was another most extraordinary part of the case, and that was the convent schools. In those schools, which were held within the convent walls, ladies were the teachers, and the people liked them because the teachers were ladies. They were very familiar with the children, and were accustomed to spend the money which they received as salary from the State in purchasing food and clothing for the children. He was unwilling to say anything derogatory of these schools, but he would put it to the Roman Catholic gentlemen present whether they believed in their hearts that such schools were intended for Protestants. When Mr. Cross, the Secretary to the Board, was examined before the Lords' Committee, he said with great frankness, speaking of the convent schools, "They are not schools into which any Protestant should suffer his child to enter." When Mr. Sullivan, who wrote many of the books for the National system, was asked by the same Committee why the convent schools had been introduced by the Board, his answer was, "You must ask that question of the Board." The right hon. Gentleman had told them that monks were not to be employed any more in teaching. He was sorry for the poor monks, though he was bound to say that their being so employed was contrary to law. But with regard to these convent schools, the intention of the Board no doubt was that these secular books should be read there. Were they so read? It was of no use to say that the rules of the Board were to that effect. The truth was, that these ladies never thought of obeying the Board, but only the superioress under whom they were placed. The rules of the Board were violated, and the schools made accessible to Catholics, and were, indeed, intended for them; but it was a false pretence to say that they were intended for Protestants. The secular books of the Board were given to these convent schools with the intention that they should be read there. Why was the same assistance not extended to the Protestant schools whose case he advocated? He had no quarrel with the books of the Board; they were excellent, and so, indeed, were all their school requisites, for large sums were expended year by year in providing the most improved school apparatus that could be found. Then why did they not confer these benefits upon the schools where the Scriptures were also taught? They asked no assistance for buildings, an assertion which he was ready to repeat, though the right hon. Gentleman (Mr. Cardwell) shook his head when he made it. It was a singular fact that as the grants for the National Schools increased the number of pupils diminished. He held in his hand a table showing the amount of the annual grants from 1854 to 1858, and also the number of pupils; and he found that in 1859 the Board received £236,026, being an average for each school of £43 odd. The expenditure in 1859 was £174,050, leaving a balance unaccounted for of £61,950, which was all spent on model and agricultural schools and official establishments, but was sufficient to support additional schools; and it was strange rather, that while those schools had increased in number in six years to the extent of 318, there was a nominal decrease of pupils amounting to 31,935, the actual decrease being much greater. The House had been often told that the books used in the National Schools were the very best that could be got. He was ready to admit that the books were good, but they were by no means the best that might be provided. A criticism in one of the education reports affirmed that these books were deficient in picturesqueness and interest. He would admit, however, that the Irish school books were good, and he was willing to receive them. But the House would not let the Protestants have them unless they bought them, and the punishment for reading the New Testament in their schools was as expensive a system of secular education as possible. It did not appear that the more advanced books of the series were in great demand, for it appeared by the report for 1860 that of the total number of scholars on the roll — 519,000 — the real number being 363,000; there were 214,709 who read in the first book, the primer; 249,999 who read in the second book, the sequel to the primer; 79,929 read in the third book; and 32,919 in the fourth, so that the vast proportion were receiving the most elementary kind of education. Of all the fallacies extant, indeed, the greatest was that an improvement was taking place in the secular education given in these schools. He admitted that if one went into a model school one found proficiency; but a clergyman, a friend of his, let him into the secret. He told him to go into any school in a country parish and remark the contrast. The reason was the total want of local sympathy which characterized the Irish, as compared with the English system. The average salary of the schoolmasters under the Irish Board was £26 11*s*. 4*d*., which was to be increased by £10. The original plan was that school fees and local contributions were to come to the aid of the teachers; but the plan had been departed from, and it appeared that local assistance had diminished in some cases as the Parliamentary grant had increased. In one of the most flourishing districts in Ireland the contributions from local sources were six shillings. It was not to be expected that the Protestants would subscribe when they raised £300,000 for the support of their own schools, besides paying in taxes for the maintenance of a system from the benefits of which they were rigidly excluded. One of the main causes of the want of local sympathy and the declining efficiency of the schools was that the rules had alienated the support of the landed gentry and clergy. One of the Inspectors, Mr. Fitzgerald, declared that a generation was now growing up in Ireland in a state of comparative, if not in total ignorance. The teachers, it was also stated, were dissatisfied with their present position and remuneration, and were organizing an association for obtaining an increase of pay. In his first Resolution he asked the House to affirm that aid ought not to be refused to any school in which the Word of God was read. He would admit the right of the State to inspect schools to which aid was given, but he would take from the Board the right to refuse aid on the ground that religious instruction was imparted. The House would soon be obliged to consider both for England and Ireland the best mode of National education. In Ireland the difficulty was that there were 210,000 Roman Catholic children in schools receiving aid from the State, while the Protestants of Ireland were educating a greater number without receiving 6*d*. of public money. In the House of Lords' Committee a Resolution had been proposed by the Earl of Derby to the effect that the Board should grant aid to schools, whatsoever the religious education might be, the patrons of which were willing to receive the visits of Government inspectors. The great principle that religious education ought to be given in schools required no advocacy in a House of Commons representing a people whose laws and institutions were interwoven with the Christian religion. The Bishop of Ossory, an eminent authority and advocate of Scriptural education, had written a pamphlet on the subject in which he propounded a plan, in which he (Mr. Whiteside) very much agreed. He said—

> "The plan, then, to which I refer is this; that that the State should prescribe a system of secular education, the best that it can devise, considering the wants and all the circumstances of the country, and that it should enforce this system in all the schools in which it gives aid, and ascertain that it is carried out *bonâ fide* in all such schools by means of periodical inspections, half-yearly or quarterly inspections, as may seem best, making the allowance from the State to the schoolmaster depend, either altogether or in part, on the progress of pupils in the prescribed system, giving a capitation allowance for all who made a defined progress in the interval between two inspections, or adopting any other way which may seem better fitted to secure the effective carrying out of the system. But having done this it should make no other absolute requirements that no school should be excluded from connection with the State on account of its rules as regards religious education; but that every school should be admissible to such connection on making an engagement to carry out the prescribed system, and should be kept in connection so long as it faithfully adhered to this engagement."

That suggestion was disputed by some; but a more modest and tolerant proposal could not be made. The Government, under such a system, would see to the secular education, and leave to the clergy of the Established Church the right to read the Scriptures in their schools. Dr. Cooke, an eminent Christian divine and eloquent preacher, stated that the objection of the Presbyterians to the proposal of the Board was that in order to obtain the support of the Board it was required that they should unite with others to whose religious principles they were opposed, and also that the Scriptures should be excluded during school hours; the Presbyterians holding, on the other hand, that the Scriptures constituted an essential basis of education, and should form part of the instruction during school hours. Dr. Cooke added that he would not put up the notice warning people off when the Scriptures were read for all the bishops and archbishops in the country, and as that rule was made since the Presbyterians formed their arrangement with the Government they stood upon their arrangement. It appeared, however, that the Presbyterians were tolerant and just, for Dr. Cooke said that such of the children as chose might leave the school while the Scriptures were read; but the Presbyterians made no arrangement for them to go to any other place. The result was that the Scriptures were read every day in the week in the Presbyterian schools, while the Church Educational Schools, having no special contract with the Government, were excluded from the advantage enjoyed by the Presbyterian schools. There was a very interesting body of persons in Ireland called the Christian Brothers. They were not monks, and they existed at the time when Sir Frankland Lewis examined into the state of education in Ireland, who represented them not as a religious order, but as a congregation devoted to educational purposes. The upshot, however, was that they would not teach without teaching religion, and it was reported by the inspectors that the secular education given by them was better than that given in the National Schools. He thought that the House would do well to affirm the second Resolution which he should propose, and which would include the schools of that body of men as well as the 1,700 Church Education Schools, irrespective of those of that glorious Society—the Sunday School Society—which effected more good than all the other schools put together. The third Resolution he should propose related to the reconstruction of the National Board. The original Board in Ireland consisted of seven members; it was then brought up to fifteen, and afterwards to twenty. [The right hon. and learned Gentleman here quoted from the evidence given before a Committee of the House of Lords, for the purpose of showing the various inconveniences arising from so numerous a Board, the result being that the resident Commissioner became absolute master of the situation.] What, he would ask, had the right hon. Gentleman the Secretary for Ireland done in order to cure these evils? He had constructed a Board consisting of twenty members, some of whom resided at so great a distance from Dublin that they were rarely able to attend in their places, and the great majority of whom, including the Lord Chief Justice of the Common Pleas, the Chief Justice of the Queen's Bench, the Attorney General for Ireland, &c., were the paid officials of the country. To a Board so constituted he, for one, objected as ill-conceived for the purpose of performing the duties which it was called upon to discharge. It had, he might add, been reported that the right hon. Gentleman had actually placed on the Board the Provincial of the Jesuits, but upon looking in the *Roman Catholic Directory* for the present year, he found that it was not that gentleman but his brother, upon whom the appointment had been conferred. Now, for his own part, he would never consent to attack a man for opinions which he might have held twenty years ago; but he could not, at the same time, help saying that a more unfortunate selection, so far as the Protestants of Ireland were concerned, than that which he had just mentioned, could not, in his opinion, well be made. If the members of the Jesuit body wished to live quietly in this country they might do so, but he would never be a party to committing the education of its youth to such hands. He objected to the ten Roman Catholic Members of the Board being all, with the exception of the hon. Member for Tipperary (Mr. Waldron), connected with the Government of the day. He also objected to having the law officers of the Crown, or those who aspired to that position, placed upon the Board, and what he sought by means of his third Resolution to effect was to do away with that Board as it at present existed, to substitute for it two paid Commissioners; the one to be a Roman Catholic, who would enjoy the confidence of the members of that persuasion, the other a Protestant; and if to these were united the right hon. Gentleman opposite, or whoever the person might be who held his office, they might hope to possess that which did not at present exist, the means of administering effectively the system of National Education in Ireland. He hoped, therefore, the House would consent to do away with a Board which had given to the Protestants of Ireland the deepest dissatisfaction, and by agreeing to his second Resolution would enable Sunday School Societies, and other institutions of the same character, to obtain for their schools those moderate advantages which they required. By taking that course the House would, he felt assured, be conferring a boon both upon Protestants and Roman Catholics, because then they would have succeeded in rendering just and impartial a system which at present was not so, and which never could be so while its present harsh and exclusive rules were in operation.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the advantages afforded by Parliamentary Grant for the purpose of Education in Ireland ought not to be denied to any School upon the ground that the Holy Scriptures are daily read therein,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE O'CONOR DON: Sir, in rising to make a few remarks on the Resolutions now submitted to us, I do so relying principally on that kind indulgence which, I believe, is seldom refused by the House, to one who, for the first time, addresses it. I have listened with great attention to the speech of the right hon. Gentleman, and he must pardon me, should I find myself obliged to vote, not upon that speech, but on the Resolutions which he has placed on the paper. In many of the statements which he has made I fully concur, but I must confess that I do not believe that the opinions expressed in his speech are borne out in the Resolutions. These Resolutions I consider to be unfair and partial in their character, and, however eloquently he may proclaim his desire of obtaining for the members of all religions equal advantages; yet, in giving our vote on this occasion, we cannot overlook the true meaning of the Resolutions submitted to us. Now, Sir, what are these Resolutions and what is their true nature? By the first Resolution Protestant denominational schools obtain all the advantages which they could seek. They are to have an unrestricted freedom in the reading of the Scriptures—in other words, their religious teaching is distinctly recognized. But this Resolution holds out no such advantage to the Roman Catholics. The second Resolution, the right hon. Gentleman tells us, will assist the Roman Catholics—but in what manner? Under it Christian Brothers' Schools, and others of a similar nature, may receive aid to procure books and school requisites; but is this an advantage equal to that given to the members of the Established Church by the first Resolution? Even this trifling concession, however, is bound round with restrictions, for books and school requisites are to be given only at the discretion of the Commissioners. And here I may remark that the Resolutions of the right hon. Gentleman do not appear to me quite consistent in themselves, for it seems rather strange—first, to propose to give more enlarged discretionary powers to a certain body, and then to declare that in that body you have no confidence. Yet, this is what is done in the Resolutions before us. The right hon. Gentleman tells us that the present Board is composed chiefly of officials, and that in it no confidence can be placed; yet he proposes to invest that Board with still greater powers than it at present enjoys. But, whilst differing in opinion with the right hon. Gentleman respecting his proposals, I am quite ready to agree with him in stating that I do not consider the present system of education satisfactory. I fully believe that it has not attained the ends for which it was originally designed; but the evils existing at present would certainly not be terminated by the remedy proposed by the right hon. Gentleman. He has dwelt very much on the justice of the demand for a free reading of the Bible, and as I believe that, unless this were accompanied by an equal freedom for all other religious teaching, it would be a violation of religious liberty, I may be pardoned for asking the attention of the right hon. Gentleman to an opinion expressed by one whose authority I do not think he will call in question. In the year 1833, Lord Derby, then Lord Stanley, in reply to a demand of the Presbyterian Synod of Ulster, similar in its nature to that now made by the right hon. Gentleman, gave expression to the following remarkable statement:—"The proposition that any child, at any hour, and in the midst of any other employment, should be permitted to read the Bible, is a proposal so perfectly novel and unheard of, and so totally impossible, as it appears to me, to be reduced into practice, that I should not have noticed it but that such appears to be the express sense of proposal number two, and seemed to be sanctioned by the Synod." And again, he says—"To introduce the reading or hearing of any such book during the ordinary school hours, namely, those during which children of all religious denominations are expected to attend, would be a palpable violation of religious liberty." Now, Sir, I fully agree with Lord Derby in this statement, were not freedom for all religious teaching equally granted; and I hardly think it is reconcileable with the proposals before us. As I stated before, we Roman Catholics are not quite satisfied with the way in which education is at present carried on. We may differ as to the changes which ought to be made, but we all, I think, agree that some changes are necessary. I am fully aware, Sir, that I may differ with many of my hon. Friends on this subject—I am fully aware that there are many Roman Catholics in this House, and many in Ireland, who would see with regret any change infringing on the vital principle of the system. Agreeing with many of my hon. Friends as to the unsatisfactory state of the question at present, I find myself obliged to differ from them as to the possibility, or at least probability, of any really important change for the better, without a radical alteration of the system. The chief objections which we Roman Catholics have to the system as now carried on, are set forth in a letter addressed to the Chief Secretary of Ireland, and which has been in the hands of hon. Members for some time. This letter was signed by the majority of the Roman Catholic Members of this House, and the objections specified in it were very fully entered into, and ably discussed by the hon. Member for Dungarvan during last Session. I may here, Sir, recapitulate a few of them. We object to the changes which have taken place in the system since its first establishment; we object also to the books, and in many instances to the constitution of the administrative departments. The principal changes introduced, and to which we object, are, in the first place—that separate religious instruction, distinctly recognized in Lord Stanley's letter, and in the first rules of the Board, has been in many schools abandoned, and might, I believe, without any breach of rule, be forbidden in all the non-vested schools. Secondly, that the superintendence of the clergy over this separate religious instruction, also recognized in Lord Stanley's letter, is no longer permitted; and in many instances the claim of the clergy to exercise this superintendence has been considered almost impertinent. If we refer to those blue books which the right hon. Gentleman holds in such contempt, although he did not abstain from quoting them, we shall there find that this authority or right of the clergy to superintend the religious teaching of the children of their flocks has been continually denied, and even more than this, parental authority has been rejected, when it was discovered that the parents were advised or received some direction from their pastors. But, in addition to these changes, there is a still more important one, on which I should wish to make a few remarks. I refer to the alteration of the rule which compelled managers of schools to exclude children from religious instruction not approved of by their parents. I know that this rule has been called in question, and that the present rule, which obliges the teacher merely not to compel the attendance of children at such instruction, is represented as the true interpretation of the original rule. Last Session my right hon. Friend the Chief Secretary for Ireland quoted many authorities to show that the present rule is the correct interpretation of the previous one, whilst, on the other hand, my hon. Friend the Member for Dungarvan quoted authorities to show the impossibility of such a view being correct. On looking over these authorities and quotations, it struck me that the authorities quoted by the right hon. Gentleman were perfectly consistent with both views of the question, and although they were consistent with the argument held by himself, they were not inconsistent with that of the hon. Member; whereas, the authorities brought forward by the hon. Member were wholly inconsistent with the view taken by the right hon. Gentleman. But, Sir, it appears to me to be almost trifling with the question to dispute whether there was merely an interpretation or a new rule, as the consequences in both cases are alike; and, if it be an interpretation, I can only say that it is an interpretation contrary to the principle laid down in Lord Stanley's letter, contrary to the express declaration of the First Secretary to the Board, and contrary to the view entertained by the Roman Catholics when they first joined the system. The results of this alteration have been unfortunately very pernicious, for under it children are now receiving religious instruction not approved of by their parents. I do not mean to say that the teachers compel them to remain during such instruction, but we can easily understand how children may be induced to remain with their companions until all the instruction is terminated. But, Sir, we hear reasons adduced why we should continue to support the present system. It has been said that under it no proselytism has taken place. But, Sir, is there nothing worse than proselytism? I freely admit that I am not aware of any instance of proselytism having taken place in the schools, but this is but a bad argument in favour of the system. For although there may be no outward change of religious profession, religious indifference may be the result; and, instead of becoming good Protestants, children become bad Catholics, or, perhaps, indifferent to all religion. Now, this is the natural result which I should expect from the system. It certainly would surprise me to see an actual change in religious profession take place, unless such change were induced by other circumstances; for when a child receives one sort of religious instruction from his pastor on Sundays, and on week days receives contrary or conflicting instruction in the schools, the probable effect will be that he will pay very little attention to either. It is not likely that he will outwardly change from the religion of his parents, unless some particular inducement is held out to him for so doing. But, then, it is said this mixed education will put an end to all religious contention in Ireland. Does experience justify this statement? The mixed system of education has been in existence for more than a quarter of a century, and has religious contention diminished during that period? I am happy to believe that it has; but that diminution has taken place everywhere except in the model province of mixed education. To keep that province tranquil each year more stringent laws have to be made, and are made apparently only to be broken. Is there anything extraordinary in this result? I think there is not. For, Sir, I believe that no Christian religion teaches hatred or inculcates hostility. On the contrary, I believe that all Christian religions teach peace and love of our neighbour; and consequently it is not to the profession of any particular faith, or belief in any particular dogma, that the unhappy contentions existing in the North of Ireland are chiefly due. When you weaken religious convictions you weaken the restraints imposed by a fear of religious responsibility, and you thereby incur the danger of party conflicts and animosities. The man who is most negligent in obeying the commands of his religion, and attending to his duties, is just the man most likely to fall out with his neighbour on account of a difference in religious profession. So that both theory and experience would not justify us in expecting such wonderfully salutary effects from mixed education. But I have heard it said that we, Roman Catholics, ought not to object to the system, because it would be unreasonable in us to expect that this Protestant House of Commons would grant to us aid for schools in which Roman Catholic doctrines were taught. I confess I do not see anything unreasonable in this; for aid is granted for such purposes to the Catholics of England and of the colonies, and surely we, Irish Roman Catholics, ought not to be treated more harshly than any others. I would now, Sir, refer to a statement which, I believe, has often been made in this House, and which was slightly touched on by the right hon. Gentleman. It has often been stated that the members of the Established Church in Ireland are treated with greater injustice, in the distribution of the funds for educational purposes, than the members of any other body; and it has been said that whilst the rules of the system are accommodated to the religious convictions of Roman Catholics and Dissenters, they are rigid and unaccommodating towards the Church by law established. Now, Sir, from this opinion I beg respectfully to differ. The Church Education Society and the members of the Established Church may have conscientious objections to joining the National System; but I do maintain that those objections arise not from any peculiar severity of the rules in their regard, but rather from the superior advantages which they in other ways possess. They say they are not treated fairly because the indiscriminate reading of the Scriptures—a Protestant religious practice—is forbidden; but does the rule which forbids this Protestant religious practice sanction any Roman Catholic one, or is there any other rule modifying this prohibition for the Roman Catholics? If there be not, if Roman Catholic religious works and practices be equally forbidden, where is the peculiar injustice done to the Protestants? I do not at all admit that we Roman Catholics place less importance on the combination of religious with secular instruction than the members of the Established Church do; on the contrary, I believe we place far more importance on it. I would ask, Sir, what is the nature of this conscientious objection on the part of the members of the Established Church. It is not one against the intrinsic principle of the separation of religious from secular instruction, for we find that the parties urging this objection are quite willing to accept in the vested schools that same separation. Further than this, in the very University which the right hon. Gentleman so ably represents, we find a like separation of secular and religious instruction, which could not take place were it wrong, on the part of the Protestants, under any circumstances to sanction it. But when we contrast the relative positions of the Roman Catholics and Protestants we may then discover the true origin of this objection. The Roman Catholic has no school to which he can send his children except the Protestant school, in which he believes they may receive erroneous religious instruction.

The Protestant, on the other hand, has his own schools, in which religious and secular instruction is carried on just as he pleases. To those two parties the State offers aid on the same conditions; one of the conditions being that religious and secular instruction must be separated. The Catholic accepts the aid, the Protestant refuses it. But why? Not because the condition offered to both is not the same, but because the previous advantages possessed by the Protestant renders him in a position to be able to refuse it. He may have a conscientious objection to accept it, but that objection arises from the fact of his being asked to relinquish something he possesses, which possession, of course, was a previous advantage. But, surely, Sir, it would be a strange argument to say that the State should give aid in proportion to the advantages, and not in proportion to the wants of the people. I should imagine that if the State were to be more lenient towards any party, it ought to be so towards the poor and those in difficulties, than towards the rich and comfortable. In the present case, however, the nominal rule, to which the members of the Church Education Society object, is the same for all, and holds out no peculiar advantage for any party. As I have stated before, I agree in many of the statements made by the right hon. Gentleman in his speech, but I do not believe that the interpretation which he there gave of his Resolutions is the interpretation which they would receive in Ireland. The result of their being carried would be, I fear, that the minority of the people—the minority which possessed the greatest wealth and power—would obtain everything they wished. If the right of reading the Scriptures at any hour of the day were granted to them, they would then have obtained full and free liberty for religious instruction. But that liberty would not be obtained by the Roman Catholics from the same concession, as they did not regard the Scriptures as their sole authority in religious teaching, nor did they make the reading of the Douay version the basis of religious instruction, especially for young children. I have now, Sir, to thank the House for the very kind attention it has shown to me, an attention which, as it was undeserved, must be ever gratefully remembered.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at half after Eight o'clock, till Thursday next.

[APPENDIX.

APPENDIX.

Speech of the Right Hon. THE CHANCELLOR OF THE EXCHEQUER *on the Second Reading of the "Customs and Inland Revenue Bill," May* 16.

[A BETTER REPORT.]

HOUSE OF COMMONS,

Thursday, May 16, 1861.

CUSTOMS AND INLAND REVENUE BILL.

SECOND READING.

Order read for resuming Adjourned Debate on Question [13th May], "That the Bill be now read the Second time."

Question again proposed.

Debate *resumed.*

Mr. HENNESSY, Mr. DU CANE, Sir WILLIAM HEATHCOTE, and General PEEL, having addressed the House:—

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have listened with great satisfaction to some of the statements of my right hon. and gallant Friend. My right hon. and gallant Friend commenced by saying that the surplus—that is, the prospective estimate of a surplus, must, as a matter of fact, for the guidance of the proceedings of this House, be assumed to exist. He has, likewise, given his assent to the principle which it has been my duty to lay down, and which, although it has been received by some hon. Gentlemen as though it were an unheard-of novelty, is really little more than a financial truism—that it is the duty of the Chancellor of the Exchequer to make provision during the year for the charges likely to become payable during the year, and that it is likewise his duty to make provision for no more than those charges, with the usual and reasonable margin of estimated surplus. And my right hon. and gallant Friend also said, with candour and fairness, that he does not dispute the application of the surplus, because he considers that that matter has been settled by the vote of the House. Then he proceeded to ask me certain questions as to military charges, which I will notice in detail. My right hon. and gallant Friend says, and I agree with him, that it is a great evil that we should have from time to time to deal with unclosed accounts involving very large sums between the Indian and the British Governments. He knows well from his own experience that the reformation of a system of this kind is a matter that cannot be effected in a day or even a year; nor will I undertake to say when the accounts between the two Governments for operations, which have been or may be carried on at a distance of 15,000 miles, will be brought into such a state as shall be thoroughly satisfactory with respect to promptitude and clearness. All I have to observe in mitigation of his apprehensions upon the subject is, that when I say that vast sums of money are involved in these accounts I do not say that all these sums are in the nature of unsettled charges; on the contrary, the balances of accounts that may be brought out may be comparatively small, although the accounts themselves may be very large. Moreover, I ventured to say, and I repeat now, that, as far as I am able to give information, there never was or rarely has been a time when the state of those accounts has been more favourable to the British as compared with the Indian Government than at present. Now, as to the particular questions of my right hon. Friend, I find, from reference to the accounts of the revenue, that no further claims have been paid to the Indian Government since April 1, nor has any payment been made within that period under the head of the Vote of Credit for China. Therefore, as far as I can say, without reference to any one for precise and late information, my impression is that the payments to the Indian Government stand where they did at the time when I stated them at between £1,100,000 and £1,200,000. That statement included payments which had been ordered at the time, but which, as I have been informed, although they were not actually made for a day or two after, are, nevertheless, included in it. My right hon. and gallant Friend also asked me whether any payments have been made on account of claims of the East Indian Government previous to the late China war? Yes, Sir; if I remember rightly, about £400,000, speaking in round numbers, was a claim provided for under the Vote of Credit in July last—a charge which my right hon. and gallant Friend says I must have been aware of in February, but which, as far as I can judge, I had no means of being aware of at that time, it being dependent upon a settlement of our accounts with others which were then, I imagine, dragging their slow length along, in a correspondence between India and Great Britain, and I had no means of knowing when that correspondence would reach such a point as to leave it clear that the sum was due. I am not aware of any other payments, still I will not say absolutely that none have been made. Again, my right hon. and gallant Friend challenges me as to the provision made for an excess upon the army Votes, and states that, in his opinion, upon certain Votes there will be a great excess. I must leave the explanations upon those points to my hon. Friend the Under Secretary for War, but I shall take the liberty to make one remark. My right hon. and gallant Friend feels great apprehensions that the provision we have made for the public expenditure is very unsatisfactory, and will make a considerable inroad upon the surplus, and yet, strange to say, he gave his authority, and the weight of his name and example, in conjunction with 280 other Gentlemen, to a vote which would have taken away from our surplus £285,000 more than we proposed. I think that last criticism requires some explanation from my right hon. and gallant Friend when he next addresses us upon this subject.

I do not propose to enter now into any of the personal matters which have occurred in the course of this debate. Some of them, relating to myself, I think I shall do best to pass by both now and also hereafter, if they are repeated, in absolute silence. There are others—such as the impeachment by the right hon. Gentleman the Member for Buckinghamshire of what I said upon the subject of the public expenditure, and his citation of former declarations by me as to duties upon tea and sugar—which I place in quite a different category. I think those are fair matters of attack and controversy, and it is only my respect for the House, and my unwillingness to occupy its time in personal explanations that prevents me at the present moment from entering at large into those matters; but I will venture to state my conviction that I could well prove to the House, by simply recalling facts, that the declarations I made in 1857 on the subject of the tea and sugar duties are in entire accordance with the language I have used and the proposals I have made upon every subsequent occasion. I pass that by for the present, however, as a matter of personal controversy, which, on such an occasion is not worthy the attention of the House.

I now come to what is indeed the proper or at least the principal subject of the present discussion; and I shall make no apology for proceeding to notice at some length what is called the constitutional principle, because I cannot but feel that I have some especial responsibility as the Finance Minister, both for the plan of the Government now before the House, and for the particular mode of arrangement that has been adopted in presenting that plan. At the same time, I do not touch upon this question because any further argument is needed upon it, for let the House recollect how the weight of argument and authority thus far has run. My hon. Friend and colleague (Sir William Heathcote) having voted with hon. Gentlemen opposite upon the subject of the Budget, as a financial plan, has told us to-night, and has supported his opinion by reasoning, that he thinks the mode of presenting the financial scheme as a single measure, which we have adopted, is a sound and constitutional mode of proceeding. He has, likewise, authoritatively informed us that he gives that opinion not only in his own name, but in that of his and my right hon. Friend the Member for Cambridge University (Mr. Walpole), whose deliberate judgment and calm mind must have the greatest weight in this case, because he was last year the Chairman of the Committee appointed by the House to consider the subject, to which he applied himself with the greatest diligence. My right hon. Friend the Member for Carlisle (Sir James Graham), who last year took a view of the rejection of the Paper Duty Bill by the Lords rather similar to that of Gentlemen opposite, cordially approved and has powerfully supported in argument the plan of the Government. And, lastly, I am bound to say that we are acting upon the direct invitation and under the direct authority of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). I do not desire to quote nor to speak of anything except of that which is history, and I have not heard the right hon. Gentleman opposite forswear the opinions which he largely and deliberately expressed last year in the debates on the Resolutions proposed by my noble Friend the First Minister, and unanimously adopted by the House. I am not surprised that the issue has not been raised upon the other side; because if it had been so raised, and if the course pursued by the Government were challenged, I should claim, and shall claim the vote of the right hon. Gentleman the Member for Buckinghamshire. Nevertheless, I think it will be well to take more particular notice than has yet been taken of the propositions which were so clearly and so ingeniously laid down by the hon. and learned Gentleman the Member for Sligo (Mr. Macdonogh). I must say, with the opinion I entertain of the poverty and barrenness of materials which the hon. and learned Gentleman had at his command, I can the more conscientiously pay him a very sincere compliment for the manner in which he has handled these scanty materials. I have no doubt he recollects, as, indeed, we all recollect, with what inimitable skill, when the Master of Ravenswood was in distress at the town of Wolf's Crag, Caleb Balderstone, having no provisions of any kind in the house, nevertheless did undertake to serve without notice a first-rate banquet; and I do not think Caleb Balderstone himself could, either in diligence, in hearty goodwill, or in success, have surpassed the operation of the hon. and learned Gentleman. Now, as he has dealt so fairly with the case, and has laid down his opinions in distinct propositions, I will endeavour to meet him with distinct propositions also. I concede to him, as has been done by my right hon. Friend the Member for Carlisle (Sir James Graham), his first proposition, that there is no instance upon record of a financial Bill once rejected by the Lords, and afterwards sent to them from this House, and passed by them in a Bill of Supply. I make that concession freely and without reserve, but I call upon the hon. and learned Member for a reciprocal concession, that not only is there no instance. but there could not possibly be such an instance, because there never has been a case of rejection by the House of Lords of a financial Bill at all resembling in its essential characteristics the rejection of the Bill for the Repeal of the Paper Duty. Passing from that, I do not think I need detain the House by discussing at length the question of tacking, which is now well understood. In the early history of this country "tacking" was a common practice. When the House of Commons were weak, when their privileges were ill-established, they made use of it as a weapon, and perhaps in some sense and in those times as a legitimate weapon, of self-defence. Possibly it may be observed with truth that we retain a very faint relic of that state of things in the rule which still prevails, that when it is proposed to grant Supply to Her Majesty, or when the Motion is made to go into Committee of Ways and Means, any discussion, however apparently irrelevant, may legitimately and conformably to rule be raised by any Member of the House. On the general subject of "tacking" I think we entirely understand one another, and I make this concession to the hon. and learned Gentleman, that when Her Majesty's Government shall come down to the House and shall attach and append to a financial Bill some proposition with which it has but a slight and casual conformity, I admit he ought to be, and I hope he will be found in his place to expose so monstrous an attempt; and, no doubt, with the excellent case which he will then have in his hands, he will in any such contingency gain over us a very conspicuous triumph. But the proposition, as it has been justly stated by my hon. and learned Friend who lately spoke, is, whether the question of joining proposals essentially homogeneous can, by any amount of ingenuity, or any amount of prejudice, be counfounded with that which is essentially distinct, but which is the very point assumed by the hon. and learned Gentleman who opened the debate —I mean the case in which the proposals joined together are such as have no natural cohesion. Let me look at the cases cited by the hon. and learned Gentleman, because, although he has taken great pains, I do not think he has taken all the trouble necessary to obtain a full mastery of the subject. It was not likely, I am afraid, that the hon. and learned Gentleman would have done me the honour to consult me on the best mode of ascertaining what had been the practice of the House of Commons with regard to the combination of financial subjects in a single Bill; but had he done so I should have been obliged to advise him to go through precisely the same process which I myself have undergone—namely, to look over the titles of all the statutes passed since the Restoration, and then, selecting from the mass those which have reference to finance, to observe for himself, from year to year, the component parts of those statutes. Though that operation is not an agreeable one, I am quite certain that the hon. and learned Gentleman, if he had performed it, would not, and could not have made the speech which we have heard from him.

I will now take his main propositions founded on the particular cases which he advanced. He quoted I think first a case of 1676, where the effect of a vote of the House of Commons—before the Revolution—undoubtedly was to decide against the combination of a grant of money with an Appropriation Bill; and the first point which he laid down was that no such combination could properly be made. But I hold in my hand a list of no less than eighteen Acts of Parliament—the titles of which are at the service of the hon. and learned Gentleman if he likes to peruse them—all of which are in the eighteenth century, since the Revolution, and every one of these combines grants of money with the appropriation of the Supplies of the year. So completely was the hon. and learned Gentleman misled by having—as he thought luckily, but as I think for his purpose very unluckily—hit upon an old case in which a Vote was passed contrary to the well-established practice of later times and of more matured constitutional principle—that he has overlooked the crowd of cases from periods of greater authority, which I do not doubt might be greatly enlarged, all of them going directly in the teeth of his own first fundamental proposition. I will give but a single example. The 10th of *Anne*, cap. 36, begins by granting an augmentation of duties; goes on to grant new duties; then enacts various matters for the regulation of trade; and ends by appropriating the whole of the monies granted in that Session of Parliament. That disposes, I think, of the case of 1676, and the principle founded upon it.

Then the hon. and learned Gentleman dwelt largely on another case, which I venture to think he had not sufficiently examined, and with respect to which he was evidently misled by the first aspect of the words which he read: I mean the case of 1807. In connection with this case, I find another of the hon. and learned Gentleman's propositions was, that you could not combine a grant of money in a taxing Bill with provisions relating to Exchequer Bills. The hon. and learned Gentleman found operations connected with Exchequer bills referred to, and naturally jumped to the conclusion that they were financial operations; he saw also that they were in the course of the proceedings, disconnected from the other portions of the measure, and that the Bill was reintroduced in a different shape, and he, accordingly, laid down that to combine operations in regard to Exchequer bills with taxes was a "tack" and could not be admitted. Here, again, I can only say the hon. and learned Gentleman is in the most distinct contradiction to the established practice of Parliament as shown by many Acts, with a list of whose titles I can supply him—the Act of the 8th of *George the First* is one of them—in which the granting of taxes is combined in the Act itself with full authority to levy Exchequer bills—that is to say, to contract debt on the part of the country. Now what is the true explanation of the case? In the very interesting case of 1807, of which the hon. and learned Gentleman, if he will allow me to say so, has entirely mistaken the purport, a constitutional question of considerable magnitude was involved; namely, the attempt to combine certain provisions of a purely financial character with other provisions for removing doubts with reference to the legality of certain Exchequer bonds. There are those in this country—there certainly is at least one noble Lord, with whom no small part of the merit and virtue of the British Constitution consists in those provisions of the law under which an independent authority at the head of the office of the Exchequer is established by way of check on the financial proceedings of the Treasury. Be that important in the highest degree, or be it unimportant, it is no doubt capable of argument that such is in principle a very important control, and that, being established by law, any alteration of the law is not a financial matter, but is one on which the House of Lords is entitled to as full and as free a judgment as the House of

Commons. Now, the case which had arisen was this. Lord Grenville, being invested on the part of the Exchequer, as holding the office of Auditor, with that responsible duty of checking the Treasury, happened himself to become head of the Board of Treasury, and great doubt arose how far he, or any person authorized by him, could be permitted to sign Exchequer bills, which were issued from the Exchequer under the authority of the Treasury. The question raised was evidently one of law, nay, perhaps of constitutional law; and it was as distinct from finance, although it happened to touch on Exchequer bills as an accidental subject matter, as if some man had been on his trial in a court of justice for forging Exchequer bills, which certainly would not have been a matter of finance. That is the true interpretation of the case of 1807.

But the hon. and learned Gentleman laid down another and a third principle, namely this, that we could not combine in one and the same Act of Supply the grant and repeal of taxes. There I meet him, in the first instance, by referring to the declaration made by the hon. and learned Gentleman (Mr. Rolt) who followed him on his own side of the House and of the debate, and who stated that he examined the statutes for the first twenty years of the present century. Why the hon. and learned Member limited himself to so short a range I do not know, but I am satisfied with the result of his inquiry; for he discussed this question of the grant and repeal of taxes, and said that in the course of those twenty years he found eighteen or twenty cases in which taxes had been granted and repealed by the same Act. If the hon. and learned Gentleman, the Member for Sligo, wishes for particular cases they are very easily found.

In point of fact, everything that is done by this Bill in the way of combination is entirely supported by precedent. But much more also is supported by precedent than is done in the way of combination by this Bill. I will give, first of all, to the hon. and learned Gentleman, certain cases where the granting and repealing taxes has been combined together in a Supply Bill. In 1695 there was a repeal of duties on coal, culm, and tonnage; other duties were granted in the same Act. In 1777 there was a grant of duties on servants and on glass, and there was a simultaneous repeal of another set of duties on glass and of duties on certain persons and bodies corporate. In 1798 the great case occurred where Mr. Pitt repealed the assessed taxes and, in the same Bill, granted the income tax. In 1807 there was a repeal of duty, in Ireland, on beer and ale, together with a grant of various duties, showing a combination of the grant and repeal of taxes; and instances, I believe, might be multiplied almost without number. Let us, however, to make short work of it, look at two cases separated by 100 years to show the immense range over which this power of combination extends; and I must say I think there is great force in the doctrine of my hon. Friend the Member for the University of Oxford (Sir William Heathcote), who says no precedent, with respect to the powers of the two Houses in matters of finance, can possibly surpass in importance those drawn from the reign of Anne, following the reign of William, when the great contest as to the Irish forfeited estates had raged between the two Houses, and when the House of Lords, with a view to the legitimate defence of their privileges, had found it convenient to adopt a Standing Order to prevent the practice of "tacking." At no time can you find a more exact criterion to determine what is and what is not objectionable in the combination of different provisions in a financial measure, as demonstrated by the proceedings of both Houses. Here, then, is a Bill of Supply of the 7th of *Anne*, c. 8. The Bill begins by continuing—that is by granting —duties of a very important character on wine, tobacco, and other articles; having done which, it goes on to repeal duties on the export of copper and brass wire; i next authorizes the issue of Exchequer bonds to the extent of £612,000; and, having thus dealt with the unfunded debt, it next touches the funded debt by authorizing a loan of £645,000 to be contracted; it then enacts various clauses of regulation into the details of which I need not enter; and it ends with appropriating all the monies given in that Session of Parliament. There is no one form of financial operation material either to revenue, to expenditure, or to the contraction of debt, which is not compressed within the limit of that Act of Parliament, passed when the minds of men were still warm and fresh with the remembrance of conferences between the two Houses on the subject of "tacking," and on their respective jurisdictions in matters of finance. Well then, Sir, there is the other case, and it is the only other case with which I shall trouble the House. It is that to which reference was made by my right hon. Friend the Member for Carlisle (Sir James Graham). It is most material to remember that we are not now going to the extreme of our powers at all; we are doing what is required by the circumstances of the case, and we are not only not going beyond, but we are stopping much within the precedents of the good times of the Constitution. In 1808 an Act was passed that begins by granting certain duties on malt, sugar, tobacco, and snuff. It repeals certain taxes on offices and pensions, and it regrants for the year certain of the duties that it had just before repealed. The Act, therefore, combines granting, repealing, and granting anew. And that is not all. It combines fiscal subjects which belong respectively to different departments; it combines the duty on sugar (a great duty of Customs) with the duties on malt and tobacco, which were great duties of Excise—tobacco being at that period a duty of Excise. It combines the indirect taxation of Customs' duties with the indirect taxation of Excise duties, and both with the direct taxes on pensions and offices. The precedent, then, is positive and clear on every point, as it includes a combination of subjects larger than ours, and proves that we might have introduced other points in entire consistency with former practice. I admit that it would have been a serious matter to lay down any precedent in this case that might hereafter be found to wear the character of innovation. At the same time, while I think the proof from precedent is complete and absolute—and I do not allow that there is a single case mentioned by the hon. and learned Gentleman which amounts to more than this, which no one disputes, that this course of combination has been variously pursued, according to the varying circumstances of the times—while we speak so much of precedent, yet we must not shrink from a consideration of the principles involved in the measure. A respect for precedent is idle and unimportant, unless some rational object be kept in view.

I think the remark of the right hon. Member for Bucks last year was wise and irrefragably sound when he said that the method of presenting the different propositions of the financial plan to the House at the same time was distinctly for the advantage of the House of Commons. It is impossible to conceive a closer tie than that which unites these various items, for they are nothing but items in the same sum, and the constituent members of one account, some standing on one side and others on the other; nor can the merit or demerit of each be understood unless it is viewed in connection with the rest. Further, I say the advantage of the course we have now pursued has been shown first of all in the fact that last year it was found necessary to combine in one Motion things that were separate according to the proposals of the Government—I allude to the Motion of the hon. Member for Somersetshire (Sir William Miles)—and, secondly, by the fact that this year it has been open to any Gentleman opposite to make his choice from the series of Resolutions which are submitted to the House—a privilege to which all are entitled—and to select the point on which he will make his attack. It is only right that the Opposition should have that advantage, and I believe that the mode pursued by the Government is the best calculated to secure it, as the right hon. Gentleman the Member for Buckinghamshire most properly urged last year that it would be. But undoubtedly there is more in the case than this. I am not about to enter into any discussion as to the nature of the proceedings taken in the House of Lords last year. I have already heard several hon. Gentlemen on the other side of the House express their gratitude to the House of Lords for the course they adopted, and really I must say that in this bad and imperfect world gratitude thus disinterested is a sentiment at once so ennobling and so rare that I should be exceedingly loath—nay, I could not find it in my heart in any manner to interfere with or obstruct its expression. So then I can excuse myself on that ground and on other grounds for not referring to the conduct of the House of Lords. I do nothing at the present moment except that I discuss, not the privileges merely, but as associated with the privileges, the duties of the House of Commons. Let me state in a few words the whole question. It is really this, and it arises out of the Resolutions passed by the House last year. Because the first Resolution proposed by my noble Friend at the head of the Government was, "That the right of the granting aids and Supplies is in the Commons alone, as an essential part of their constitution." It is not only inherent in them, but it inheres in them in such a manner that they cannot part with it except at the expense of their vitality itself, "and the limitation of all such grants as to matter, manner, measure, and time is only in them." Now, let us pay due attention to the words, "as to time is only in them." Public convenience, and considerations of expediency connected with trade and commerce of the country, have led by degrees to the practice of passing permanent Acts for the collection of taxes; and the doctrine laid down by some is this, that when once the House of Commons has committed itself by passing a permanent Act, it has entirely foregone and surrendered that power of limitation which it unanimously asserted last year—its power of limitation of aids and Supplies to the Crown in respect of time. We are told that it has then made a grant for ever, that it has alienated the privilege which by a prior part of that Resolution we declare to inhere in us as an essential part of our constitution. Then, if that be so, it is quite clear that the House of Commons stands seriously maimed; and the question arises whether it will not be for the House of Commons to resume those powers which they have declared to belong to them—to resume—of course, in a regular and constitutional manner—the exercise of powers which they still possess, and which they declare to belong to them, in such a manner as to be in their nature entire and inalienable. If you look at the matter practically, what is it? The question at issue—if, indeed, any issue is to be raised, a point as to which as yet we have not been informed—the question is, whether it is to remain in the hands of the House of Commons alone to adjust, in the regular annual course, the income and charge of the year? Now, Sir, the doctrine upon which all our financial proceedings, until last year, have been founded, has been this:—That this has been the exclusive right, and not the exclusive right only, but the exclusive duty and exclusive burden of the House of Commons. Is this charge capable of being divided between the two Houses of Legislature? Is such a course practicable? Can it lead to anything but mischief or confusion? I consent for the moment to look at it merely in the utilitarian point of view, and I make no appeal to the spirit of the House of Commons and its sense of the high duty of preserving the privileges it has inherited. But is it practicable that you can bring two separate, distinct, and individual bodies, each of them to exercise separate judgments on the separate parts of the financial scheme of the year, and yet not lead to utter confusion and to every absurdity as the result? One consequence of it would be, that whereas heretofore the finance of this country has upon the whole been creditably distinguished from that of other countries, and consequently the credit of the country has been raised to a height never known in other countries, so, on the contrary, hereafter all this benefit would be lost, and we should be compelled by utter extremity of difficulty, in consequence of the surrender of our rights and the abandonment of our duties—to return to the ancient system which (I am supposing) we so rashly have given up.

I proceed to another point which, I think, is well worthy of the consideration of the House. It is said on all hands that the House of Lords do not claim the power of amendment. That is commonly stated, but is not literally true. The House of Lords has never given up the power of amendment—and I must say I think they are perfectly right in declining to record against themselves this or any such limitation of their privileges. Because cases might arise in which, from the illegitimate incorporation of elements not financial into financial measures, it might be wise and just for the Lords to fall back on an assertion of the whole breadth of their privileges according to the largest view that they have taken of them. I believe I am strictly correct in saying that the House of Lords have never abandoned, by any corporate and formal act of their own, the right of making Amendments in a financial measure, sent to them from this House. But though the House of Lords have not abandoned it, speakers in the House of Lords, the highest individual authorities in the House of Lords, who may in some sense be called the representatives of it, have abandoned it; and they have admitted that the power of amending the financial measures of the House of Commons is a power which they do not hold. And here, Sir, what I have to say is this: In my opinion the House of Commons would be very much safer if the House of Lords did claim and exercise the power of amendment than it would be if, without recognizing that power of amendment, we should continue to send up our financial measures piecemeal. Why, what is the case? Suppose the House of Lords made an Amendment in this or that Bill for imposing duties at any rate, it comes back to us, and we have when it comes back the power of taking our own course. But if, on the contrary, we strip the Bill into shreds and patches, and send it to the other House in so many pieces, how do we stand? Not only does the House of Lords revise our legislation—that it could do by its power of amendment—but it revises without appeal, and it is not simply that our finance is not passed into law, but something else, some finance which is not ours, is passed into law, and we remain, so far as the Bills are concerned, without any obvious means of remedy or redress. Therefore, it seems to me this is a matter of very grave consequence, and one on which there ought to be no misunderstanding and no shadow of doubt in the House. Do we or do we not claim the right and duty of granting aids and Supplies to the Crown, or, in modern language, of adjusting income and charge as a right pertaining to us and to us exclusively? If we do claim it, I must say it seems to me that the course now adopted by the Government, the presentation of its plans for consideration and for decision as a connected whole, besides being by far the most convenient for freedom of discussion in the House of Commons, is likewise the most advantageous, and let me add, the most respectful and considerate mode we can adopt with regard to the House of Lords. But if we do not claim any such power of exclusively regulating the income and charge of the country, then I hope some hon. Gentleman will move to rescind the Resolution that we passed last year. Either of those courses is perfectly legitimate and intelligible—I will not say as to one of them that it is consistent with our past proceedings, but it is in itself logical. And as the hon. and learned Member for Sligo was not a Member of the House which passed that Resolution, it is perfectly fair even in point of consistency for him to give notice of a Motion to remove that Resolution from the journals, and to substitute something of an opposite character. But what I hope will not be done is this, to flinch from declaring plainly what is meant, and to take small objections to the plan of the Government, and to speak in vague and general terms of the valued privileges of the other House of Parliament, which I admit are as sacred and, I believe, as important to the balance of the Constitution as are our own. I can draw no distinction between them in point of importance. The powers of this House must remain greater on the whole than those of the House of Lords; but I believe the infringement of the privileges of the House of Lords or to cripple their functions would be as fatal to the balance of the Constitution as would be the loss of the privileges of this House itself. But do not let us resort to mere vague declamation on this subject. Let us know what we are about. As I understand this Bill it is one which, without being intended in any manner to rouse even the recollection of any irritating question, is intended, and is also calculated, to give the House of Commons security in the possession of those powers which are and which we last year declared to be absolutely necessary for the discharge of one of its primary duties. That, I think, is a fair description—at least so far as I am concerned—of what I take to be the meaning and object of this Bill. That is the description given by us the authors of it; do let us have a similar description of what is intended by those who object to it. Do let us know what you mean, and tell us whether you hold that there is no distinction between matters of general legislation and finance, and that it is as much the duty of the House of Lords to revise and alter the financial legislation of the House of Commons as it is for them to revise and alter any common legislative measure in its progress through Parliament? Such plain speaking as I have described would be a mode of proceeding which would enable us to know what we are about. Because, I must observe, that, except my right hon. Friend the Member for Stroud (Mr. Horsman)—who certainly excited, I believe, great sentiments of satisfaction in those who entertained the same opinions, but who had not the courage to speak them—except my right hon. Friend the Member for Stroud, there was not a man in the House of Commons who, during the discussions of last year, laid down that doctrine, or who questioned that it was the exclusive duty of the House of Commons to regulate the income and charges of the country. They contended, and so far as mere words go they contended with truth, that the House of Lords exercised a right which the Constitution has, beyond all doubt, placed in their hands. But the right hon. Gentleman the Member for Stroud says of this Budget, as he has said of many other things, that it finds no favour in his eyes, and, in addition to its other demerits, he says it gives a mortal stab to the Constitution. I want to know to what Constitution does it give a mortal stab? In my opinion it gives no mortal stab, and no stab at all to any Constitution that we are bound to care for. But, on the contrary, so far as it alters anything in the most recent course of practice, it alters in the direction of restoring that good old Constitution which took its root in Saxon times, which grew under the Plantagenets, which endured the iron repression of the Tudors, which resisted the aggressions of the Stuarts, and which has come to its full maturity under the rule of the House of Brunswick. I think that is the Constitution, if I may presume to say so, which it is our duty to guard, and which—if indeed the proceedings of this year can be said to affect it at all—will be all the better for the operation. But the Constitution which my right hon. Friend worships is a very different affair. The Constitution laid down by my right hon. Friend began with this—"There is to be no vital division of function and office"—if I understood him rightly, and if not he will correct me—"between the House of Commons and the House of Lords, with regard to fixing the income and charge of the country from year to year, both being equally responsible," which simply means that neither will be responsible at all. Now, so far as that Constitution is concerned, with great respect for the abilities and candour and ingenuity of my right hon. Friend, I at once confess my strong conviction that the sooner it receives a mortal stab the better. I say, then, that, in point of form, the Bill which has been presented by the Government to the House is perfectly correct; and I cannot conclude without expressing my full conviction that, both in numbers and authority, it will be found to have the very general assent and approval of the House. I am convinced, likewise, that it is not less likely to receive the approval of the country. Nor do I speak of a merely temporary and passing favour, for I believe it will be approved by its deliberate judgment as being conducive to the best and permanent interests of the nation, and as being a proposal and a plan conceived in the very spirit which the Constitution itself recommends.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CLXII.

SECOND VOLUME OF SESSION 1861.

EXPLANATION OF THE ABBREVIATIONS.

1*R*. 2*R*. 3*R*. First, Second, or Third Reading.—*Amend*., Amendment.—*Res*., Resolution.—*Com*. Committee.—*Re-Com*., Re-committal.—*Rep*., Report.—*Adj*., Adjourned.—*cl*., Clause.—*add. cl*., Additional Clause.—*neg*., Negatived.—*l*., Lords.—*c*., Commons.—*m. q*., Main Question.—*o. q*., Original Question.—*o. m*., Original Motion.—*p. q*., Previous Question.—*r. p*., Report Progress.—*A*., Ayes.—*N*., Noes.—*M*., Majority.—*1st Div*., *2nd Div*., First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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